

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED THIRTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 8, 2012

The Senate met at 9 a.m.

Hon. Noreen Evans, of the 2nd District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee—37.

Quorum present.

(NOTE: Senators Strickland and Wyland will be excused this day on personal business and Senator Runner will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
August 8, 2012

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business August 8, 2012, the nomination of the following appointee



heretofore submitted and now before your honorable body for confirmation:

Kathy Radtkey Gaither Chief Deputy Director,
Department of Mental Health

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, August 7, 2012

The Committee on Rules has re-referred the following measures to committee:

Governance and Finance—AB 17.

State Capitol, August 7, 2012

Madam President: The Senate Rules Committee has authorized the following appointments:

Appointed Senators Dutton and Hancock as members to Select Committee on Charity Care and Non-Profit Hospitals to fill all existing vacancies.

Appointed Senator Price as a member to the Select Committee on California Mexico Cooperation to fill the existing vacancy.

STEINBERG, Chair

Date of Hearing, August 7, 2012

Madam President: The Committee on Rules, to which was referred:

AB 1652

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

STEINBERG, Chair

Above measure re-referred to the Committee on Appropriations.

Senate Chamber, August 8, 2012

Madam President: The Chair of the Committee on Rules, to which was referred:

AJR 39

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Joint Resolution 39—Relative to California seafood.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.



Committee on Appropriations

Senate Chamber, August 8, 2012

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 18

AB 2179

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 18—An act to add and repeal Chapter 5 (commencing with Section 33625) of Part 20 of Division 2 of Title 2 of the Education Code, relating to education finance.

Bill read second time.

Assembly Bill 2179—An act to amend Section 309 of, to repeal Sections 500, 2580, and 2584 of, and to repeal and add Sections 2582 and 2583 of, the Fish and Game Code, relating to fish and game.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Senate Chamber, August 8, 2012

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 1225

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

KEHOE, Chair

Above measure ordered to second reading.

Date of Hearing, August 6, 2012

Madam President: The Committee on Appropriations, to which was referred:

AB 1404

Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measure ordered to second reading.

Committee on Governance and Finance

Senate Chamber, August 8, 2012

Madam President: The Chair of the Committee on Governance and Finance, to which was referred:

AB 1050



Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

WOLK, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1050—An act to add Section 316 to the Public Utilities Code, and to add Part 21 (commencing with Section 42000) to Division 2 of the Revenue and Taxation Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, August 8, 2012

Madam President: The Committee on Governance and Finance, to which was referred:

SB 475

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

WOLK, Chair

Above measure ordered to unfinished business.

Committee on Energy, Utilities and Communications

Senate Chamber, August 8, 2012

Madam President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 723

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PADILLA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 723—An act to amend Section 399.8 of the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, August 8, 2012

Madam President: The Chair of the Committee on Rules, to which was referred:

SCR 102



Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 102—Relative to the Ranger Patricia M. Scully Memorial Highway.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Sylvia Torres-Guillen, General Counsel, Agricultural Labor Relations Board (4–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Juney Lee, Chief Deputy Director, Rehabilitation Department (4–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Jane Dolan, Member, Central Valley Flood Protection Board (4–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

William H. Edgar, Member, Central Valley Flood Protection Board (4–0)

Timothy M. Ramirez, Member, Central Valley Flood Protection Board (4–0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.



State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Rosalind Wyman, Member, California Arts Council (3-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Damian Capozzola, Member, California Law Revision Commission (4-0)

Xochitl Carrion, Member, California Law Revision Commission (4-0)

Patricia A. Cowett, Member, California Law Revision Commission (4-0)

Victor I. King, Member, California Law Revision Commission (4-0)

Crystal L. Miller-O'Brien, Member, California Law Revision Commission (4-0)

Michael L. Bishop, M.D., Member, Medical Board of California (4-0)

Dev A. GnanaDev, M.D., Member, Medical Board of California (4-0)

Juan F. Herrera, California Poet Laureate (4-0)

Michele Siqueiros, Member, California Student Aid Commission (4-0)

Johnny G. Vasquez, Member, California Student Aid Commission (4-0)

Bruce C. Delgado, Member, Water Quality Control Board, Central Coast Region (4-0)

Michael A. Johnston, Member, Water Quality Control Board, Central Coast Region (4-0)

Michael J. Jordan, Member, Water Quality Control Board, Central Coast Region (4-0)

Jennifer L. Moffitt, Member, Water Quality Control Board, Central Valley Region (4-0)

L. Carmen Ramirez, Member, Water Quality Control Board, Central Valley Region (4-0)

Robert H. Schneider, Member, Water Quality Control Board, Central Valley Region (4-0)

Peter C. Pumphrey, Member, Water Quality Control Board, Lahontan Region (4-0)

Maria L. Camacho, Member, Water Quality Control Board, Los Angeles Region (4-0)

Maria Mehranian, Member, Water Quality Control Board, Los Angeles Region (4-0)



Irma R. Munoz, Member, Water Quality Control Board, Los Angeles Region (4-0)

Lawrence K. Yee, Member, Water Quality Control Board, Los Angeles Region (4-0)

William R. Massey, Member, Water Quality Control Board, North Coast Region (4-0)

Irene R. Tynes, Member, Water Quality Control Board, North Coast Region (4-0)

Henry D. Abarbanel, Ph.D., Member, Water Quality Control Board, San Diego Region (4-0)

Eric T. Anderson, Member, Water Quality Control Board, San Diego Region (4-0)

Tomas Morales, Member, Water Quality Control Board, San Diego Region (4-0)

William A. Ruh, Member, Water Quality Control Board, Santa Ana Region (4-0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Jamillah Moore, Ed.D., Member, California Student Aid Commission (4-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Ishan M. Shah, Member, California Student Aid Commission (4-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Jon M. Costantino, Member, Water Quality Control Board, Central Valley Region (4-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, August 7, 2012

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

John W. Corbett, Member, Water Quality Control Board, North Coast Region (4-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 45—An act to amend Section 5384.5 of, to add Section 5355.5 to, and to repeal and add Section 5384.1 of, the Public Utilities Code, and to amend Section 23229.1 of, and to add Section 40000.20 to, the Vehicle Code, relating to charter-party carriers of passengers.

Bill read second time and ordered to third reading.

Assembly Bill 907—An act to amend Sections 55523.3, 55525.75, 55527.6, 55862.7, and 55922 of the Food and Agricultural Code, relating to processors of farm products, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 969—An act to add Section 14105.221 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

Assembly Bill 970—An act to add Article 3.7 (commencing with Section 66028) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

Bill read second time and ordered to third reading.

Assembly Bill 1000—An act to add Section 1367.655 to the Health and Safety Code, and to add Section 10123.205 to the Insurance Code, relating to health care coverage.

Bill read second time and ordered to third reading.

Assembly Bill 1101—An act to amend, repeal, and add Section 22200 of the Education Code, relating to the Teachers' Retirement Board.

Bill read second time and ordered to third reading.

Assembly Bill 1447—An act to add Sections 1795.51 and 2983.35 to the Civil Code, and to add Sections 241 and 241.1 to the Vehicle Code, relating to automobile sales.

Bill read second time and ordered to third reading.

Assembly Bill 1454—An act to amend Sections 139.2 and 3209.3 of the Labor Code, relating to workers' compensation.

Bill read second time and ordered to third reading.



Assembly Bill 1527—An act to amend Sections 7574.14 and 7582.2 of the Business and Professions Code, and to amend Sections 626.92, 16520, 16750, 16850, and 17295 of, to add Sections 16505, 26366.5, 26390, and 26391 to, and to add Chapter 7 (commencing with Section 26400) to Division 5 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Assembly Bill 1625—An act to add Chapter 10.1 (commencing with Section 46100) to Division 17 of the Food and Agricultural Code, relating to organic foods.

Bill read second time and ordered to third reading.

Assembly Bill 1658—An act to add Section 5004.3 to the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1672—An act to amend Sections 50700, 50701, 50702, 50703, and 50704 of the Health and Safety Code, relating to housing.

Bill read second time and ordered to third reading.

Assembly Bill 1733—An act to amend Sections 2028.5, 3041, and 4999.90 of, and to add Section 686 to, the Business and Professions Code, to amend Sections 78910.10 and 101041 of the Education Code, to amend Sections 1367, 1374.13, 1375.1, 123149.5, and 127620 of the Health and Safety Code, to amend Sections 10123.13 and 10123.147 of the Insurance Code, and to amend Sections 14132.725 and 14132.73 of, and to add Section 14594 to, the Welfare and Institutions Code, relating to health.

Bill read second time and ordered to third reading.

Assembly Bill 1797—An act to amend Sections 50783, 50784, and 50786 of the Health and Safety Code, relating to housing.

Bill read second time and ordered to third reading.

Assembly Bill 1799—An act to amend Section 49068 of the Education Code, relating to pupil records.

Bill read second time and ordered to third reading.

Assembly Bill 1846—An act to add Article 11.1 (commencing with Section 1399.80) to Chapter 2.2 of Division 2 of the Health and Safety Code, and to add Chapter 9.8 (commencing with Section 10961) to Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

Bill read second time and ordered to third reading.

Assembly Bill 2029—An act to add Article 5.5 (commencing with Section 1299) to Chapter 1 of Title 10 of Part 2 of the Penal Code, relating to bail.

Bill read second time and ordered to third reading.



Assembly Bill 2062—An act to add Section 87500.2 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 2084—An act to amend Sections 10270, 10270.2, and 10270.3 of, and to add Section 10270.2.5 to, the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 2109—An act to amend Section 120365 of the Health and Safety Code, relating to communicable disease.

Bill read second time and ordered to third reading.

Assembly Bill 2118—An act to amend Sections 5109, 5133, 5139, 5142, 5143, 5311, 5314.5, 5315, and 5322 of, and to add Sections 5110.7, 5144, and 5314.7 to, the Public Utilities Code, relating to household goods carriers.

Bill read second time and ordered to third reading.

Assembly Bill 2138—An act to amend Sections 1872.85 and 1872.87 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 2184—An act to add and repeal Section 25502.2 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

Assembly Bill 2200—An act to add and repeal Section 21655.10 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 2206—An act to amend Section 14132.275 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

Assembly Bill 2238—An act to add Section 116760.85 to the Health and Safety Code, relating to public water systems.

Bill read second time and ordered to third reading.

Assembly Bill 2252—An act to amend Section 1375.7 of the Health and Safety Code, and to amend Section 10133.65 of the Insurance Code, relating to health care service plans.

Bill read second time and ordered to third reading.

Assembly Bill 2271—An act to add Section 19846.5 to the Government Code, relating to employment.

Bill read second time and ordered to third reading.



Assembly Bill 2296—An act to amend Sections 94897, 94909, 94910, 94911, 94928, 94929.5, and 94929.7 of, and to add Section 94913 to, the Education Code, relating to private postsecondary education.

Bill read second time and ordered to third reading.

Assembly Bill 2364—An act to amend Sections 482.070, 488.455, 488.460, 488.600, 488.610, 684.110, 700.140, 700.150, 700.160, 701.030, and 703.570 of, and to add Section 684.115 to, the Code of Civil Procedure, to amend Sections 1450 and 1620 of the Financial Code, and to amend Sections 1755 and 1755.1 of the Unemployment Insurance Code, relating to civil procedure.

Bill read second time and ordered to third reading.

Assembly Bill 2393—An act to amend, repeal, and add Section 4055 of the Family Code, relating to child support.

Bill read second time and ordered to third reading.

Assembly Bill 2491—An act to amend Section 52203 of the Education Code, relating to pupil instruction.

Bill read second time and ordered to third reading.

Assembly Bill 2514—An act to amend Section 2827.8 of, and to add and repeal Section 2827.1 of, the Public Utilities Code, relating to electricity.

Bill read second time and ordered to third reading.

Assembly Bill 2580—An act to amend Sections 20919, 20919.1, 20919.3, 20919.4, 20919.5, 20919.6, 20919.9, 20919.12, and 20919.15 of the Public Contract Code, relating to public contracts, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 2608—An act to amend Sections 14115.8 and 14132.06 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

Assembly Bill 2616—An act to amend Sections 48260 and 48264.5 of the Education Code, relating to school districts.

Bill read second time and ordered to third reading.

Assembly Bill 2663—An act to amend Sections 22119.2, 22220, 22324, 22352, 22455, 22461, 22717, 22718, 23007, 23854, 24109, 24214, 24214.5, 24604, 25018, 25114, and 26812 of, and to repeal Sections 22218.5 and 24400 of, the Education Code, and to amend Section 6217.5 of the Public Resources Code, relating to teachers' retirement.

Bill read second time and ordered to third reading.



Assembly Bill 2676—An act to add Section 388 to the Penal Code, relating to agricultural employee safety.

Bill read second time and ordered to third reading.

Assembly Bill 1956—An act to amend Sections 1915 and 1916 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 2031—An act to amend Sections 1230, 1230.1, and 6025 of the Penal Code, relating to probation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 2466—An act to add Section 236.6 to the Penal Code, relating to human trafficking.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 2060—An act to amend Sections 319, 361, and 726 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time and ordered to third reading.

Assembly Bill 2363—An act to amend Sections 8103, 8276.2, 8276.5, 8280.3, and 13103 of, and to add and repeal Section 9002.5 of, the Fish and Game Code, relating to commercial fishing, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1098—An act to amend Section 790.03 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 145** and **AB 787** were withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 98**, **SCR 100**, **SCR 101**, and **ACR 155** were withdrawn from Committee and placed on third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 890**, **AB 2245**, and **AB 838** were re-referred to the Committee on Appropriations.



RE-REFER TO COMMITTEE

Without objection, **AB 2473** was re-referred to the Committee on Rules; and

AB 2263 was re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 2242—An act to amend Section 48900 of, and to repeal and add Section 48900.4 of, the Education Code, relating to pupils.

Bill read third time.

Amendments Adopted

Amendments to AB 2242 proposed by Senator Steinberg were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF SENATE BILLS

Senate Joint Resolution 12—Relative to fatherhood.

Resolution read third time.

Amendments Adopted

Amendments to SJR 12 proposed by Senator Rubio were read and adopted and the measure ordered printed, engrossed, and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2512—An act to repeal and add Section 19135 of the Revenue and Taxation Code, relating to taxation.

Bill read third time.

Amendments Adopted

Amendments to AB 2512 proposed by Senator Hancock were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 2610—An act to amend and repeal Section 2924.8 of the Civil Code, and to amend Section 415.46 of, and to amend and repeal Sections 1161b and 1161c of, the Code of Civil Procedure, relating to tenants.

Bill read third time.

Amendments Adopted

Amendments to AB 2610 proposed by Senator Hancock were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1165—An act to amend Section 1203.097 of the Penal Code, relating to domestic violence.

Bill read third time.

Amendments Adopted

Amendments to AB 1165 proposed by Senator Harman were read and adopted and the measure ordered printed and to second reading.



LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to personal business: Senators Strickland and Wyland.

The following Senator was granted leave of absence for the day due to illness: Senator Runner.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, August 9, 2012.

PAULA K. ROSSETTO, Minute Clerk

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