

CALIFORNIA LEGISLATURE  
2011–12 FIRST EXTRAORDINARY SESSION

---

---

# SENATE DAILY JOURNAL

SEVENTY-THIRD LEGISLATIVE DAY

---

## IN SENATE

---

Senate Chamber, Sacramento  
Wednesday, September 7, 2011

The Senate met at 10:53 a.m.

Hon. S. Joseph Simitian, of the 11th 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, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee—39.

Quorum present.

*(NOTE: Senator Walters will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The Great American philosopher, and former California resident, Mark Twain wrote these wise words: "Always do right. This will gratify some people and astonish the rest."

May our hearts always be open to know what is right and good, and may we always have the strength and moral courage to act on that knowledge. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Berryhill led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, September 6, 2011

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 30

E. DOTSON WILSON, Chief Clerk of the Assembly

**REPORTS OF STANDING COMMITTEES****Committee on Budget and Fiscal Review**

Date of Hearing, September 7, 2011

Mr. President: The Committee on Budget and Fiscal Review, to which was referred:

AB 20

Reports the same back with the recommendation: Do pass.

LENO, Chair

Above bill ordered to second reading.

Senate Chamber, September 7, 2011

Mr. President: The Chair of the Committee on Budget and Fiscal Review, to which was referred:

AB 25

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

LENO, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 25**—An act to amend Sections 33334.2, 33690, 33690.5, 34162, 34163, 34165, 34167, 34171, 34176, 34177, 34179, 34181, 34182, 34183, 34185, 34187, 34194, 34194.4, and 34195 of, and to add Section 34194.25 to, the Health and Safety Code, relating to



redevelopment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

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

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

**Assembly Bill 17**—An act to amend Sections 26605 and 30025 of the Government Code, to amend Sections 11355 and 11382 of the Health and Safety Code, to amend Sections 17, 18, 273d, 667.5, 800, 1170, 1170.1, 2933, 3000.08, 3000.09, 3001, 3003, 3056, 3057, 3060.7, 3067, 3073.1, 3450, 3453, 3454, 3455, 3456, 4000, 4019, 4501.1, 4530, 12021.5, and 12025 of, to add Sections 1233.15, 3460, 3465, 4019.2, and 4115.56 to, and to repeal and add Section 2932 of, the Penal Code, to amend Section 9 of Chapter 136 of the Statutes of 2011, and to amend Item 5225-007-0001 of Section 2.00 of the Budget Act of 2011 (Chapter 33 of the Statutes of 2011), relating to criminal justice realignment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

The amendments proposed by the Committee on Budget and Fiscal Review were read and adopted and the measure ordered printed and to -

**Assembly Bill 32**—An act to amend Sections 41210, 76300, and 84321.6 of, to add Section 42285.5 to, and to add and repeal Section 84321.8 of, the Education Code, and to amend Item 6110-488 of Section 2.00 of the Budget Act of 2011, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

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

**Assembly Bill 16**—An act to amend Sections 30025, 30027, 30028.5, and 30061 of, and to add Sections 30029.3 and 30029.4 to, the Government Code, to amend Section 13821 of the Penal Code, to amend Sections 1954, 10823, 17600, 17600.10, 17601.20, and 18220.1 of the Welfare and Institutions Code, and to amend Section 14 of Chapter 40 of the Statutes of 2011, relating to local government finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time and ordered to third reading.



**Assembly Bill 31**—An act to add Sections 34164.25 and 34194.75 to the Health and Safety Code, relating to redevelopment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time and ordered to third reading.

**REQUEST FOR UNANIMOUS CONSENT (AB 16)**

Senator Leno asked for, and was granted, unanimous consent to take up AB 16 at this time.

**Consideration of Assembly Bill 16**

**Assembly Bill 16**—An act to amend Sections 30025, 30027, 30028.5, and 30061 of, and to add Sections 30029.3 and 30029.4 to, the Government Code, to amend Section 13821 of the Penal Code, to amend Sections 1954, 10823, 17600, 17600.10, 17601.20, and 18220.1 of the Welfare and Institutions Code, and to amend Section 14 of Chapter 40 of the Statutes of 2011, relating to local government finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read third time and presented by Senator Leno.

**Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (23)**—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, and Yee.

**NOES (15)**—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, and Wyland.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (AB 17)**

Senator Leno asked for, and was granted, unanimous consent to take up AB 17 at this time.

**Consideration of Assembly Bill 17**

**Assembly Bill 17**—An act to amend Sections 26605 and 30025 of the Government Code, to amend Sections 11355 and 11382 of the Health and Safety Code, to amend Sections 17, 18, 273d, 667.5, 800, 1170, 1170.1, 2933, 3000.08, 3000.09, 3001, 3003, 3056, 3057, 3060.7, 3067, 3073.1, 3450, 3453, 3454, 3455, 3456, 4000, 4019, 4501.1, 4530, 12021.5, and 12025 of, to add Sections 1233.15, 3460, 3465, 4019.2, and 4115.56 to, and to repeal and add Section 2932 of, the Penal Code, to amend Section 9 of Chapter 136 of the Statutes of 2011, and to amend Item 5225-007-0001 of Section 2.00 of the Budget Act of 2011 (Chapter 33 of the Statutes of 2011), relating to criminal justice realignment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read third time and presented by Senator Leno.



**Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (23)**—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, and Yee.

**NOES (14)**—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, and Wyland.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (AB 31)**

Senator Leno asked for, and was granted, unanimous consent to take up AB 31 at this time.

**Consideration of Assembly Bill 31**

**Assembly Bill 31**—An act to add Sections 34164.25 and 34194.75 to the Health and Safety Code, relating to redevelopment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read third time and presented by Senator Calderon.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Calderon moved a call of the Senate.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (AB 32)**

Senator Leno asked for, and was granted, unanimous consent to take up AB 32 at this time.

**Consideration of Assembly Bill 32**

**Assembly Bill 32**—An act to amend Sections 41210, 76300, and 84321.6 of, to add Section 42285.5 to, and to add and repeal Section 84321.8 of, the Education Code, and to amend Item 6110-488 of Section 2.00 of the Budget Act of 2011, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read third time and presented by Senator Leno.

**Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (22)**—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu,



Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, Wolk, and Yee.

NOES (13)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Gaines, Harman, Huff, La Malfa, Runner, Strickland, and Wyland.

Bill ordered transmitted to the Assembly.

### **RECESS**

At 12:25 p.m., the Senate recessed in order to convene in regular session.

### **REASSEMBLED**

At 12:31 p.m., the Senate reconvened.

Hon. S. Joseph Simitian, of the 11th District, presiding.

### **CONSIDERATION OF DAILY FILE (RESUMED) FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 31)**

On motion of Senator Calderon, further proceedings under the call of the Senate were dispensed with.

### **Roll Call**

The names of the absentees were called and AB 31 was passed by the following vote:

AYES (21)—Senators Alquist, Anderson, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Huff, La Malfa, Leno, Lieu, Negrete McLeod, Padilla, Price, Simitian, Steinberg, Strickland, Vargas, and Wyland.

NOES (14)—Senators Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Harman, Kehoe, Liu, Lowenthal, Runner, Wolk, and Yee.

Above bill ordered transmitted to the Assembly.

### **REQUEST TO BE ADDED TO ROLL CALL**

September 7, 2011

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

AB 17—Aye

AB 32—Aye

AB 16—Aye

DARRELL STEINBERG, President pro Tempore

### **SENATE COMMITTEE ROLL CALLS Committee on Budget and Fiscal Review**

**AB 20**—Do pass

AYES (9)—Senators Alquist, DeSaulnier, Evans, Hancock, Leno, Liu, Lowenthal, Rubio, and Wolk.

NOES (5)—Senators Anderson, Emmerson, Fuller, Huff, and La Malfa.

Date of Hearing: 9/7/2011

Leno (Chair)



**LEAVES OF ABSENCE FOR THE DAY**

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

**ADJOURNMENT**

At 5:44 p.m., the President declared the Senate adjourned on call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

O

