

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

FIFTH LEGISLATIVE DAY

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## IN SENATE

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### MUSICAL PRELUDE

A musical prelude was performed by the Cornell University Glee Club.

Senate Chamber, Sacramento  
Thursday, January 6, 2011

The Senate met at 9 a.m.

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

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE 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, Hernandez, Huff, Kehoe, Leno, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee—32.

Quorum present.

*(NOTE: Senators Harman and Liu will be excused this day on legislative business, Senators La Malfa and Wyland will be excused this day on personal business, and Senator Hancock will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

We call out to you, O Source of Life, on this beautiful morning, for inspiration and for guidance. As we begin this day, let us be ever mindful of the many blessings in our lives, and our daily opportunities to help others.

Grant us the ability to approach our work with open minds and open hearts so that we might come together in finding solutions to whatever problems might face us.

Let us not waste our gifts, our energy or our time, but rather we ask You to show us how we might use these blessings wisely and for the betterment of our State.

May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**OATH OF OFFICE ADMINISTERED  
SENATOR—FIRST SENATE DISTRICT**

Pursuant to Article IV, Section 5 of the State Constitution and the semi-official results as reported by the Secretary of State in the Special Election on January 4, 2011, at 9a.m., Senator-elect Ted Gaines appeared at the bar of the Senate and took and subscribed to the oath of office administered by Senator Darrell Steinberg, President pro Tempore of the Senate.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
January 5, 2011

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective close of business January 5, 2011, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Brendan L. Huffman                      Member, Boating and Waterways  
Commission

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Harman and Liu.

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



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

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE  
SENATE DISPENSED WITH**

At 9:40 a.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, January 10, 2011.

Motion carried.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 65:** By Senator Strickland—An act to add Section 49423.3 to the Education Code, relating to pupil health.

**Senate Bill 66:** By Senator Vargas—An act to amend Section 26802.5 of the Government Code, relating to local government officials, and declaring the urgency thereof, to take effect immediately.

**Senate Constitutional Amendment 6:** By Senator Emmerson (Coauthor: Assembly Member Nestande)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3, 8, 10, 11, and 12 of Article IV thereof, relating to legislative sessions.

**Senate Concurrent Resolution 3:** By Senators Price and Wright (Coauthors: Assembly Members Bradford, Carter, Davis, Hall, Mitchell, and Swanson)—Relative to Martin Luther King, Jr. Day.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Jose Rodriguez of Culver City.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Michelle Yu of Venice.

Senator Rubio requested that when the Senate adjourns this day it do so in memory of Cpt. John Lovett of Sanger and Bishop John T. Steinbock of Fresno.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Ellen “Muffie” Meier of San Francisco and Rochelle “Shelly” Mason of Frazier Park.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Greg Bunker of Sacramento.



Senator Strickland requested that when the Senate adjourns this day it do so in memory of Norma Raley Downing of Thousand Oaks.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2:30 p.m., Monday, January 10, 2011.

PAULA K. ROSSETTO, Minute Clerk

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