

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 26, 2012

The Senate met at 9 a.m.
Hon. Christine Kehoe, of the 39th District, presiding.
Chief Assistant Secretary, Bernadette McNulty 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, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee—38.
Quorum present.

(NOTE: Senator Wyland will be excused this day due to illness (waiving per diem) and Senator Runner will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

William James, a pioneer of American psychology and a respected philosopher, taught that “the great use of a life is to spend it for something that outlasts it.”

Each day we are given the opportunity to affect the world around us, to truly spend our lives in a way where we can create a legacy of meaning. This is the ultimate inheritance we will leave to future generations. While it might lack the tangibility of property or possession left in a will, it gives us a chance to allow our short time here to be felt throughout eternity.

May the Holy One view our work with favor and grant us the blessing of living a life rich in meaning and filled with purpose. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill 730—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 455—An act to amend Section 4604 of, and to add Article 7.6 (commencing with Section 4595) to Chapter 8 of Part 2 of Division 4 of, the Public Resources Code, relating to forestry.

Bill read second time, ordered engrossed, and to third reading.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AJR 23** was withdrawn from Committee and placed on today’s Special Consent Calendar.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Walters:

Senate Chamber, January 26, 2012

Madam Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(b)(2) in order that SB 924 may be reported by the Committee on Appropriations after the deadline.

SENATOR WALTERS

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

STEINBERG, Chair

JOINT RULES DISPENSED WITH

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(b)(2) was dispensed with as requested.



MEASURE GIVEN A SECOND READING

Without objection, SB 924 will be given its second reading upon being reported.

MOTION TO TAKE MEASURES FROM THE INACTIVE FILE

Senator Leno moved that **SB 890** be taken from the inactive file and placed on the second reading file.

Senator Simitian moved that **AB 1313** be taken from the inactive file and placed on the second reading file.

Motions carried.

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

Senate Bill 777—An act to amend Section 90.3 of the Labor Code, relating to workers' compensation.

Bill read third time and presented by Senator Lieu.

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, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Bill ordered transmitted to the Assembly.

Senate Bill 323—An act to amend Sections 9653.6, 17900, and 23405.2 of the Business and Professions Code, to amend Section 708.310 of the Code of Civil Procedure, to amend Sections 171.03, 171.3, 1113, 1152, 1157, 2113, 6019.1, 8019.1, 12540.1, 15911.03, 15911.08, 16903, 16908, 16911, and 25005.1 of, to add Section 17657 to, and to add Title 2.6 (commencing with Section 17701.01) to, the Corporations Code, to amend Section 12262 of the Government Code, to amend Section 1192.95 of the Insurance Code, to amend Sections 19141 and 23332 of the Revenue and Taxation Code, and to amend Section 1116 of the Unemployment Insurance Code, relating to limited liability companies.

Bill read third time and presented by Senator Vargas.

Roll Call

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley,



Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 383—An act to repeal Sections 19850.5 and 19850.6 of the Business and Professions Code, and to amend Sections 326.3 and 326.5 of the Penal Code, relating to bingo, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Wolk.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 661—An act to add Section 594.37 to the Penal Code, relating to picketing.

Bill read third time and presented by Senator Lieu.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



Senate Bill 31—An act to amend Section 87406.3 of the Government Code, relating to the Political Reform Act of 1974.

Bill read third time and presented by Senator Correa.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 114—An act to add Section 87483.7 to the Education Code, relating to community colleges.

Bill read third time and presented by Senator Yee.

Roll Call

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

AYES (25)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (12)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, and Strickland.

Bill ordered transmitted to the Assembly.

Senate Bill 122—An act to amend Sections 2709, 2786, and 2798 of, and to add Sections 2786.2 and 2786.5 to, the Business and Professions Code, relating to nursing, and making an appropriation therefor.

Bill read third time and presented by Senator Price.

Roll Call

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

AYES (30)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (6)—Senators Anderson, Dutton, Gaines, Huff, La Malfa, and Strickland.

Bill ordered transmitted to the Assembly.



Senate Bill 210—An act to amend Section 3417 of the Penal Code, relating to prisoners.

Bill read third time and presented by Senator Hancock.

Roll Call

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

AYES (32)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, and Yee.

NOES (5)—Senators Dutton, Fuller, Gaines, La Malfa, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 259—An act to amend Section 3562 of the Government Code, relating to higher education employees.

Bill read third time and presented by Senator Hancock.

Roll Call

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

AYES (25)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (12)—Senators Anderson, Berryhill, Blakeslee, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Strickland, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 289—An act to amend Section 14105.28 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time and presented by Senator Hernandez.

Roll Call

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, and Yee.

NOES (2)—Senators Dutton and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 352—An act to add Sections 1006 and 1007 to the Business and Professions Code, relating to chiropractors.

Bill read third time and presented by Senator Huff.



Roll Call

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

AYES (34)—Senators Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (1)—Senator Hernandez.

Bill ordered transmitted to the Assembly.

Senate Bill 359—An act to amend Sections 113818, 113953.3, 113973, 114047, and 114325 of, and to add Section 113975 to, the Health and Safety Code, relating to food facilities.

Bill read third time and presented by Senator Hernandez.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 677—An act to add Sections 14005.43 and 14005.44 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time and presented by Senator Hernandez.

Roll Call

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

AYES (24)—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, Wright, and Yee.

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

Bill ordered transmitted to the Assembly.

Senate Bill 690—An act to add Section 1373.15 to the Health and Safety Code, and to add Section 10177.15 to the Insurance Code, relating to health care coverage.

Bill read third time and presented by Senator Hernandez.



Roll Call

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

AYES (31)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Fuller, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, and Yee.

NOES (7)—Senators Cannella, Dutton, Emmerson, Gaines, Huff, La Malfa, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 789—An act to add Section 52052.61 to the Education Code, relating to school accountability.

Bill read third time and presented by Senator Price.

Roll Call

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

AYES (25)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Bill ordered transmitted to the Assembly.

Senate Bill 803—An act to add and repeal Article 4.5 (commencing with Section 18736) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to add Chapter 4 (commencing with Section 2200) to Division 2.5 of the Welfare and Institutions Code, relating to youth services.

Bill read third time and presented by Senator DeSaulnier.

Roll Call

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

AYES (27)—Senators Alquist, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (11)—Senators Anderson, Berryhill, Blakeslee, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, Strickland, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 878—An act to add Section 66536.3 to the Government Code, relating to regional planning.

Bill read third time and presented by Senator DeSaulnier.



Roll Call

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

AYES (27)—Senators Alquist, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (10)—Senators Anderson, Berryhill, Blakeslee, Dutton, Emmerson, Fuller, Harman, La Malfa, Strickland, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 135—An act to amend Sections 1250, 1250.1, 1266, 1746, and 128755 of, and to add Sections 1749.1 and 1749.3 to, the Health and Safety Code, relating to hospice care.

Bill read third time and presented by Senator Hernandez.

Roll Call

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

AYES (31)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Lieu, Negrete McLeod, Padilla, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, and Wright.

NOES (2)—Senators Lowenthal and Yee.

Bill ordered transmitted to the Assembly.

Senate Bill 810—An act to add Division 115.5 (commencing with Section 140000) to the Health and Safety Code, relating to health care coverage.

Bill read third time and presented by Senator Leno.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 807—An act to amend Section 20636 of the Government Code, relating to retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Correa.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 200—An act to amend Sections 12986 and 12987.5 of the Water Code, relating to water projects.

Bill read third time and presented by Senator Wolk.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 663—An act to add Section 89.5 to the Military and Veterans Code, relating to veterans.

Bill read third time and presented by Senator Correa.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



Senate Bill 632—An act to amend Section 4980.42 of the Business and Professions Code, relating to marriage and family therapists, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Emmerson.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 592—An act to amend Sections 57402, 57403, 57405, 57406, and 57413 of the Food and Agricultural Code, relating to dairy cattle supply liens.

Bill read third time and presented by Senator Harman.

Roll Call

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

AYES (38)—Senators 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, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 694—An act to add Section 104766 to, to add Article 2.5 (commencing with Section 104767) to Chapter 3 of Part 3 of Division 103 of, and to repeal Section 104767.1 of, the Health and Safety Code, relating to dental care.

Bill read third time and presented by Senator Padilla.



Roll Call

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

AYES (34)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Walters, Wolk, and Wright.

NOES (2)—Senators Anderson and Yee.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 810)**

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

Roll Call

The names of the absentees were called and SB 810 was refused passage by the following vote:

AYES (19)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Simitian, Steinberg, Wolk, and Yee.

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

Motion to Reconsider

Senator Leno moved to reconsider the vote whereby SB 810 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (37)—Senators 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, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered returned to third reading.



UNFINISHED BUSINESS**Consideration of Governor's Appointments**

Senator Steinberg placed the following Governor's appointments before the Senate:

JAMES N. EARP, Member, California Transportation Commission.

CARL T. GUARDINO, Member, California Transportation Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (37)—Senators 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, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

SPECIAL CONSENT CALENDAR

Assembly Joint Resolution 23—Relative to economic development. Resolution read.

Special Consent Calendar Roll Call

The roll was called and the above measure on the Special Consent Calendar adopted by the following vote:

AYES (37)—Senators 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, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Governor's Appointment**

Senator Steinberg placed the following Governor's appointment before the Senate:

CARLA J. PETERMAN, Member, State Energy Resources Conservation and Development Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"



Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (31)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, De León, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Hancock, Harman, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Padilla, Price, Rubio, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

REQUEST TO BE ADDED TO ROLL CALL

January 26, 2012

Madam 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:

SB 690—Aye SB 789—Aye SB 803—Aye
SB 878—Aye SB 135—Aye

DARRELL STEINBERG, President pro Tempore

January 26, 2012

Madam 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:

SB 677—No SB 690—No SB 789—No
SB 803—No SB 135—Aye

BOB HUFF, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness (waiving per diem): Senator Wyland.

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 11:25 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 30, 2012.

Motion carried.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 26, 2012

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 53	AB 812	AB 1166	AB 658
AB 70	AB 819	AB 1191	AB 737
AB 137	AB 838	AB 1270	AB 843
AB 154	AB 890	AB 1345	AB 1157
AB 171	AB 904	AB 1432	AB 1224
AB 317	AB 969	AB 232	AB 1289
AB 369	AB 1000	AB 318	AB 1325
AB 441	AB 1054	AB 367	AB 1359
AB 526	AB 1124	AB 495	
AB 761	AB 1145	AB 510	

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 53—An act to add Article 10.2 (commencing with Section 927) to Chapter 1 of Part 2 of Division 1 of the Insurance Code, relating to insurers.

Assembly Bill 70—An act to add Chapter 4.5 (commencing with Section 104250) to Part 1 of Division 103 of the Health and Safety Code, relating to public health.

Assembly Bill 137—An act to amend Section 1367.65 of, and to add Section 1367.651 to, the Health and Safety Code, and to amend Section 10123.81 of, and to add Section 10123.815 to, the Insurance Code, relating to health care coverage.

Assembly Bill 154—An act to add Section 22856 to the Government Code, to add Section 1374.76 to the Health and Safety Code, and to add Section 10144.8 to the Insurance Code, relating to health care coverage.

Assembly Bill 171—An act to add Section 1374.745 to the Health and Safety Code, and to add Section 10144.53 to the Insurance Code, relating to health care coverage.

Assembly Bill 317—An act to amend Sections 798.21 and 798.74.5 of the Civil Code, relating to mobilehomes.

Assembly Bill 369—An act to add Section 1367.243 to the Health and Safety Code, and to add Section 10123.192 to the Insurance Code, relating to health care coverage.

Assembly Bill 441—An act to add Sections 14522.3 and 14522.4 to the Government Code, relating to state planning.



Assembly Bill 526—An act to amend Section 6027 of the Penal Code, relating to crime prevention.

Assembly Bill 761—An act to amend Sections 1206.5, 1209, and 3041 of the Business and Professions Code, relating to optometrists.

Assembly Bill 812—An act to add Section 42704 to the Public Resources Code, relating to solid waste.

Assembly Bill 819—An act to amend Sections 890.6 and 890.8 of the Streets and Highways Code, relating to bikeways.

Assembly Bill 838—An act to amend Section 308 of the Public Utilities Code, relating to the Public Utilities Commission.

Assembly Bill 890—An act to add and repeal Section 21080.37 of the Public Resources Code, relating to the environment.

Assembly Bill 904—An act to add Section 381.3 to the Public Utilities Code, relating to energy.

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

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

Assembly Bill 1054—An act to amend Section 6804.1 of the Public Resources Code, relating to public lands.

Assembly Bill 1124—An act to amend Section 381.2 of the Public Utilities Code, relating to energy.

Assembly Bill 1145—An act to amend Sections 4658.5 and 4658.6 of, and to add Section 4658.7 to, the Labor Code, relating to workers' compensation.

Assembly Bill 1166—An act to add Section 49074.5 to the Education Code, relating to pupils.

Assembly Bill 1191—An act to amend Sections 97.68 and 97.70 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1270—An act to add Section 6357 to the Penal Code, relating to prisons.

Assembly Bill 1345—An act to amend Section 12410.5 of, and to add Section 12410.6 to, the Government Code, relating to audits.

Assembly Bill 1432—An act to add Section 273j to the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.



Assembly Bill 232—An act to amend Section 50832 of the Health and Safety Code, relating to economic development.

Assembly Bill 318—An act to add Section 18410 to the Revenue and Taxation Code, relating to taxation.

Assembly Bill 367—An act to amend, repeal, and add Section 683 of the Business and Professions Code, relating to healing arts.

Assembly Bill 495—An act relating to state property.

Assembly Bill 510—An act to amend Sections 115111, 115112, and 115113 of the Health and Safety Code, relating to public health.

Assembly Bill 658—An act to amend Sections 30459.15, 50156.18, and 55332.5 of the Revenue and Taxation Code, relating to taxation.

Assembly Bill 737—An act to repeal Part 7.5 (commencing with Section 36100) of Division 24 of the Health and Safety Code, relating to state government.

Assembly Bill 843—An act to amend Section 6355 of the Revenue and Taxation Code, relating to taxation.

Assembly Bill 1157—An act to amend Section 965 of the Government Code, relating to public entity liability.

Assembly Bill 1224—An act to amend Section 10205 of the Unemployment Insurance Code, relating to the employment training panel.

Assembly Bill 1289—An act to amend Section 70377 of the Government Code, relating to court facilities.

Assembly Bill 1325—An act to amend Sections 17913 and 17916 of the Business and Professions Code, relating to business filings.

Assembly Bill 1359—An act to amend Sections 14528.1, 14539, 14549.5, 14550, 14551, 14560.5, 14573.51, 14575, 14575.1, 14585.5, 19510, and 19511 of, and to repeal Sections 14523.5 and 19512 of, the Public Resources Code, relating to solid waste.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, January 26, 2012

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

SB 924

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.



SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill 924—An act to amend Section 2660 of, and to add Section 2620.1 to, the Business and Professions Code, relating to physical therapists.

Bill read second time.

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Ana Carrasco of Montebello.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Roy Dronkers of Pleasanton.

Senator Emmerson requested that when the Senate adjourns this day it do so in memory of Ernest Salgado, Sr. of the Soboba Indian Reservation.

Senator Gaines requested that when the Senate adjourns this day it do so in memory of Steven Ebert of Pollock Pines, George Kenneth Potter of Fair Oaks, and Margaret Ruth Stigers of Penryn.

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Octavia Bazile of San Pablo.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Frances McCarthy of San Francisco.

Senator Lowenthal requested that when the Senate adjourns this day it do so in memory of Steven Nicholas Saggiani of San Pedro.

Senator Runner requested that when the Senate adjourns this day it do so in memory of CMSgt. Luther Jefferson, Sr. (Ret.) of Victorville.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Thomas Jack Lyall.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Dana Cowell of Stockton and Alex Hildebrand of Manteca.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 30, 2012.

PAULA K. ROSSETTO, Minute Clerk

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