

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 30, 2012

The Senate met at 2 p.m.

Hon. Curren Price, of the 26th 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, Gaines, Hancock, Harman, Hernandez, Huff, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Yee—37.

Quorum present.

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



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Margaret Deland, an American novelist from the turn of the 20th century, observed that “faith . . . is not the holding of certain dogmas; it is simply [the] openness and readiness of heart to believe any truth which God may show.”

The purpose of faith is to open us up to the wonderful myriad of possibilities that our souls and minds might show us, not to close us off from all but what our eyes can see for themselves. With faith, the world becomes larger, and the possibilities—limitless.

May the Holy One allow us to be open to a vast world of ideas and may we be so blessed to be open to experience God’s truths in its numerous manifestations. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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 983: By Senator Strickland—An act to amend Section 11194.5 of the Penal Code, relating to county jails.

Senate Bill 984: By Senators Simitian, Steinberg, and Strickland—An act to amend Section 21167.6 of, and to add Section 21167.6.2 to, the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

Senate Bill 985: By Senator La Malfa (Principal coauthor: Senator Dutton) (Principal coauthors: Assembly Members Grove, Harkey, and Nielsen) (Coauthors: Senators Anderson, Blakeslee, Emmerson, Gaines, Harman, Huff, Strickland, Walters, and Wyland) (Coauthors: Assembly Members Achadjian, Bill Berryhill, Conway, Cook, Donnelly, Beth Gaines, Garrick, Hagman, Jeffries, Jones, Knight, Logue, Mansoor, Morrell, Norby, Olsen, Valadao, and Wagner)—An act to add Sections 2704.045 and 2704.096 to the Streets and Highways Code, relating to transportation bonds, and declaring the urgency thereof, to take effect immediately.

Senate Resolution 24: By Senators Price and Wright—Relative to 2012 Black History Month.

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

Senate Bill 890—An act to add Title 1.6C.5 (commencing with Section 1788.50) to Part 4 of Division 3 of the Civil Code, and to amend Sections 700.010, 706.103, 706.104, 706.108, and 706.122 of, and to add Sections 581.5 to, the Code of Civil Procedure, relating to debt buyers.

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



SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1313—An act to amend Section 554 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10(c), **AB 1313** was re-referred to the Committee on Rules.

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

Senate Bill 874—An act to amend Section 50079 of the Government Code, relating to taxation.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Simitian Presiding

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 third time and presented by Senator Pavley.

Roll Call

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

AYES (21)—Senators Alquist, Cannella, Correa, De León, DeSaulnier, Fuller, Hernandez, Huff, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, and Wright.

NOES (3)—Senators Anderson, Gaines, and Yee.

Bill ordered transmitted to the Assembly.

Senate Bill 924—An act to amend Sections 2406 and 2690 of, and to add Sections 2406.5, 2620.1, and 2694.5 to, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to healing arts.

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 (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Huff, 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 764—An act to add Section 4686.21 to the Welfare and Institutions Code, relating to developmental services.

Bill read third time and presented by Senator Steinberg.

Roll Call

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

AYES (24)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, 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.

REQUEST TO BE ADDED TO ROLL CALL

January 30, 2012

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:

SB 764—No

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 Senators were granted leaves of absence for the day due to illness: Senators Kehoe and Runner.

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

At 3:10 p.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 Tuesday, January 31, 2012.

Motion carried.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Larry L. Huck of Fresno.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of George Costa and Hulet Hornbeck of Martinez.

Senator Evans requested that when the Senate adjourns this day it do so in memory of Judge Rex Sater of Santa Rosa.

Senator La Malfa requested that when the Senate adjourns this day it do so in memory of Betty Harris of Richvale.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Lily Dykstra of Davis and Randy Houston of Vacaville.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Tuesday, January 31, 2012.

PAULA K. ROSSETTO, Minute Clerk

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