

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, February 9, 2012

The Senate met at 9 a.m.

Hon. Curren Price, of the 26th 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, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Lowenthal, Negrete McLeod, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—35.

Quorum present.

*(NOTE: Senators Liu and Padilla will be excused this day on personal business and Senators Dutton, Pavley, and Runner will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

*O Creator of us all*, You judge us both by how we meet life's challenges as well as by life's opportunities. It is at these times that our true values are illuminated and our character is laid bare before You.

For some, life's difficult moments can create a personal crisis where we discover a gap between how we perceive ourselves and how we truly are. And for others, it is a moment of affirmation, when we behave according to our highest ideals, and respond to life with integrity and honor.

Oh Source of Strength, enable us to meet even our most difficult tasks with grace and with sincerity, and may You always judge us with favor and with compassion. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Negrete McLeod led the Senate in the pledge of allegiance to the Flag.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 62** was withdrawn from Committee and placed on today's Special Consent Calendar.

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

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

HOWARD L. SCHWARTZ, Deputy Director, Personnel Administration Department.

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 (29)—Senators Alquist, Anderson, Berryhill, Calderon, Cannella, Corbett, Correa, DeSaulnier, Emmerson, Evans, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Lowenthal, Negrete McLeod, Price, Rubio, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.



**Consideration of Governor's Appointments**

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

CARL W. ROBERTSON JR., Member, Hastings College of the Law, Board of Directors.

CHRISTOPHER L. CABALDON, Member, Western Interstate Commission for Higher Education.

DIANNE HARRISON PH.D., Member, Western Interstate Commission for Higher Education.

JEAN-PIERRE WOLFF PH.D., Member, Water Quality Control Board, Central Coast Region.

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 (31)—Senators Alquist, Anderson, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Price, Rubio, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**Senator Kehoe Presiding****THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution 61**—Relative to Cervical Cancer Awareness Month.

Resolution read third time and presented by Senator Evans.

**Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (31)—Senators Alquist, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Anderson.

Resolution ordered transmitted to the Assembly.

**Senate Resolution 24**—Relative to 2012 Black History Month.

Resolution read and adopted by voice vote on motion of Senator Price.



**SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 62**—Relative to Spay/Neuter Awareness Month.

Resolution read, adopted and ordered transmitted to the Assembly.

**Consent Calendar Roll Call**

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

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

NOES (0)—None.

**LEAVES OF ABSENCE FOR THE DAY**

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

The following Senators were granted leaves of absence for the day due to illness: Senators Dutton, Pavley, and Runner.

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

At 9:35 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, February 13, 2012.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Public Safety**

Date of Hearing, February 9, 2012

Madam President: The Committee on Public Safety, to which was referred:

AB 324

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

HANCOCK, Chair

Above measure re-referred to the Committee on Appropriations.



**Committee on Appropriations**

Senate Chamber, February 9, 2012

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

AB 1280

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 1280**—An act to amend, repeal, and add Section 11100 of, and to add and repeal Section 11100.02 of, the Health and Safety Code, relating to controlled substances.

Bill read second time.

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

**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 1054:** By Senator Pavley—An act to add Section 3227.7 to the Public Resources Code, relating to oil and gas.

**Senate Bill 1055:** By Senator Lieu—An act to add Section 1947.2 to the Civil Code, relating to landlord and tenant.

**Senate Bill 1056:** By Senator Hancock—An act to amend Sections 34167 and 34171 of the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

**Senate Concurrent Resolution 63:** By Senator Gaines—Relative to Prostate Cancer Awareness Month.

**Senate Joint Resolution 16:** By Senator Vargas—Relative to the Calexico West Port of Entry.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 666** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules.

**REQUEST FOR UNANIMOUS CONSENT (AB 1275)**

Senator Padilla asked for, and was granted, unanimous consent that AB 1275 be taken from the inactive file and taken up at this time.

**Consideration of Assembly Bill 1275**

**Assembly Bill 1275**—An act to amend Sections 33121.5 and 33125 of, and to add Section 33137 to, the Health and Safety Code, relating to redevelopment.

Bill read second time.



**Motion to Amend**

Amendments to AB 1275 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.

**SENATE COMMITTEE ROLL CALLS****Committee on Public Safety**

**AB 324**—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Anderson, Calderon, Hancock, Harman, Price, and Steinberg.

NOES (0)—None.

Date of Hearing: 2/9/2012

Hancock (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Anderson requested that when the Senate adjourns this day it do so in memory of Anna Dewey of El Cajon.

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Helen Richardson of Visalia and Alexander Hildebrand of Manteca.

Senator Lowenthal requested that when the Senate adjourns this day it do so in memory of Phyllis Solomon of Long Beach.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Marion Witwer of Lancaster.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of James M. Claffey of Fairfield and William A. “Bill” Rutter of Encino.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators’ requests until 2 p.m., Monday, February 13, 2012.

PAULA K. ROSSETTO, Minute Clerk

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