

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Thursday, December 18, 2008

The Senate met at 9 a.m.  
Hon. Dean Florez, of the 16th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary David Valverde 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:  
Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa (waives per diem), Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee—38.

Quorum present.

*(NOTE: Senator Wyland will be excused this day on personal business.)*

**PRAYER**

Upon invitation of the President, the following prayer was offered by Senator Alan Lowenthal:

The great Olympic athlete, Jesse Owens was a man who understood what it meant to have great dreams, but he also understood that dreams and aspirations are not enough. He said: “We all have dreams. But in order to



make dreams come into reality, it takes an awful lot of determination, dedication, self-discipline and effort.”

May the Holy One find our dreams and aspirations of serving our community to be worthy of blessing, and endow us with the determination, dedication, and self-discipline to make not only our dreams, but also our efforts, become a reality.

May this be God’s will.—AMEN.

#### **PLEDGE OF ALLEGIANCE TO THE FLAG**

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

#### **MESSAGES FROM THE GOVERNOR**

Governor’s Office, State Capitol  
December 18, 2008

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

MARY ANN LUTZ, owner and president, Lutz and Company, Incorporated since 1997; has served on the Monrovia City Council since 2003; has served on the Los Angeles Regional Water Quality Control Board since 2004; member, San Gabriel Valley Council of Governments Board, Los Angeles County Division of the California League of California Cities Board and the Los Angeles County Integrated Waste Management Task Force. Reappointed 11/25/08. Effective 12/09/08.

Member, California Regional Water Quality Control Board, Los Angeles Region, term ending 09/30/12.

RAMESHWAR SINGH, PH.D., has served San Jose State University as an associate professor since 1967, and as professor of water resource engineering since 1977; has served on the San Francisco Bay Regional Water Quality Control Board since January 2008; holds a Doctor of Philosophy in Civil Engineering from Stanford University and a Master of Science degree and Bachelor of Science degree in Civil Engineering from Auburn University. Reappointed 11/13/08. Effective 12/17/08.

Member, California Regional Water Quality Control Board, San Francisco Region, term ending 09/30/12.

BETTY H. OLSON, PH.D., has served at the University of California, Irvine (UCI) for over 30 years; currently is professor of civil and environmental engineering at UCI’s Henri Samueli school of Engineering since 2006; founding director, the Urban Water Research Center, where she has served as associate director since 2006, and was



interim director from 2001 to 2003; elected to the Santa Margarita Water District board of directors in 1994, reelected in 2008, where she served as treasurer. Appointed 11/20/08. Effective 12/15/08.

Member, Western States Water Council, vice, David G. Kelley, resigned, term ending at the Pleasure of the Governor.

PATRICIA C. PEREZ, ESQ., president and chief executive officer, Puente Consulting since 2001; worked as in-house employment counsel and human resources manager, Skaaden, Arps, Slate, Meagher & Flom in Washington D.C. from 2000 to 2001; was an associate at Barnhorst, Schreiner & Goonan from 1996 to 1998 and Balestreri, Pendleton & Potocki from 1993 to 1996; member and vice chair, the executive committee of the California State Bar Association's Labor & Employment Law Section. Appointed 11/24/08. Effective 12/08/08.

Member, Fair Employment and Housing Commission, vice, Carlos Bustamante, resigned, term ending 09/18/11.

DAVE CAROTHERS, managing partner, Carlton, DiSante & Freudenberg since 2000; a partner at Chapin, Shea and Carter from 1997 to 2000; a partner at McInnis, Fitzgerald, Rees, Sharkey & McIntyre from 1985 to 1997; a veteran of the U.S. Navy; and earned a Juris Doctorate degree from the University of Southern California School of Law. Appointed 11/24/08. Effective 12/08/08.

Member, Fair Employment and Housing Commission, vice, Tamiza A. Hockenhull, term expired, term ending 09/18/12.

ELLEN MARGARET WAY, owner, Sanders Way Ranch; a partner in Prime Time Produce, a Coachella-based farming company since 1990; has served on the Colorado River Basin Regional Water Quality Control Board since 2004; was previously an agricultural specialist for Assemblymember James Battin from 1996 to 2000; was marketing director, California Apple Commission from 1995 to 1996; graduate of the California Agriculture Leadership Program; and member and past president, California Women for Agriculture. Reappointed 11/13/08. Effective 12/18/08.

Member, California Regional Water Quality Control Board, Colorado River Basin Region, term ending 09/30/12.

Above appointments referred to the Committee on Rules.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Rules**

Senate Chamber, December 18, 2008

Mr. President: The Chair of the Committee on Rules, to which was referred:

SR 7

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

STEINBERG, Chair



**Second Reading of Bills—Author's Amendments****Senate Resolution 7**—Relative to same-sex marriage.

Resolution 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 36:** By Senator Calderon (Principal coauthor: Assembly Member Nava)—An act to amend Sections 10140.6, 10150, 10235.5, and 10236.4 of, to add Article 2.1 (commencing with Section 10166.01) to Chapter 2 of Division 4 of, and to repeal Section 10131.8 of, the Business and Professions Code, relating to mortgages.

**Senate Bill 37:** By Senator Strickland—An act to amend Section 12480 of the Government Code, relating to public employees.

**RECESS**

At 9:01 a.m., the Senate recessed in order to convene in regular session.

**REASSEMBLED**

At 3:31 p.m., the Senate reconvened.

Hon. Dean Florez, of the 16th District, presiding.

**MOTION TO PRINT IN JOURNAL**

Senator Correa moved that the following letter be printed in the Journal.  
Motion carried.

December 17, 2008

*The Honorable Darrell Steinberg*  
*Chair, Senate Rules Committee*

Dear Senator Steinberg,

Please accept this letter as my request to have the following message printed in the Senate Daily Journal.

Earlier this month I erroneously received payment for per diem relating to the Senate session held on November 25, 2008. This automatic deposit was made in error to me, as I declined per diem for the days that the Senate is in session or conducting check in beyond the regularly established legislative session.

This letter is to reconfirm my earlier request, and continued request, to waive per diem for days that the Senate is in session or conducting check in beyond the regularly scheduled session.



In connection with my ongoing request, I have submitted a personal check for the sum of one hundred and seventy dollars, payable to Senate Rules committee, as repayment of the inadvertent per diem check.

Sincerely,

LOU CORREA  
State Senator, 32nd District

CC: Senate Daily Journal

**MOMENT OF SILENCE**

On request of Senator Benoit, the Senate observed a moment of silence in honor of California Highway Patrol Officer Joseph P. Sanders.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day due to personal business: Senator Wyland.

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

At 3:31 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 3:31 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:31 p.m., the Senate will adjourn until Monday, January 5, 2009.

Motion carried.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senators Benoit, Calderon, and Steinberg requested that when the Senate adjourns this day it do so in memory of California Highway Patrol Officer Joseph P. Sanders of Corona.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Toni Young of Port Hueneme.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Rose Alice Freggiaro of Stockton, June Mary Murphy of Tracy, and Milicent Sperry Frederick of Davis.

**ADJOURNMENT**

At 3:31 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until January 5, 2009.

PAULA K. ROSSETTO, Minute Clerk

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