

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, January 29, 2009

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, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—36.

Quorum present.

*(NOTE: Senators Harman, Romero, and Simitian will be excused this day on legislative business.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Keshavan Nair, a noted scholar and business advisor, teaches that “With courage you will dare to take risks, have the strength to be compassionate, and the wisdom to be humble. Courage,” he teaches, “is the foundation of integrity.”

May the Holy One bless us with courage, strength, compassion, wisdom, and most of all integrity.

May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MOMENT OF SILENCE**

Senator Aanestad requested that the Senate observe a moment in silence in honor of Medal of Honor recipient James Elms Swett.

Senator Wyland requested that the Senate observe a moment of silence in memory of former Assemblyman Bob Frazee.

**REQUEST FOR UNANIMOUS CONSENT (SCR 7)**

Senator Denham asked for, and was granted, unanimous consent that SCR 7 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 7**

**Senate Concurrent Resolution 7**—Relative to kidney cancer.

Resolution read third time and presented by Senator Denham.

**Roll Call**

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

AYES (35)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**UNFINISHED BUSINESS****Consideration of Governor’s Appointment**

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

DEIDRA E. LOWE, Member, Workers’ Compensation Appeals Board.

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 (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**THIRD READING OF SENATE BILLS**

**Senate Resolution 12**—Relative to the Standing Rules of the Senate for the 2009–10 Regular Session.

*(Amends Senate Rule 12)*

Resolution read third time and presented by Senator Steinberg.

**Roll Call**

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

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (7)—Senators Ashburn, Cox, Denham, Hollingsworth, Maldonado, Strickland, and Walters.

**LEAVES OF ABSENCE FOR THE DAY**

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

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

At 9:18 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 2, 2009.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 28, 2009

The Committee on Rules has referred the following measures to committee:

**Budget and Fiscal Review**—SB 8.



**Business, Professions and Economic Development**—SB 33.

**Education**—SB 15.

**Elections, Reapportionment and Constitutional Amendments**—  
SCA 4, SCR 3.

**Energy, Utilities and Communications**—SB 7, SB 17, SB 32.

**Environmental Quality**—SB 6, SB 22, SB 25, SB 44, SB 55.

**Food and Agriculture**—SB 2.

**Governmental Organization**—SB 9, SB 29, SB 30, SB 52.

**Health**—SB 57.

**Judiciary**—SB 20, SB 39, SB 40, SB 53.

**Labor and Industrial Relations**—SB 3, SB 45.

**Local Government**—SB 27.

**Natural Resources and Water**—SB 4, SB 21.

**Public Employment and Retirement**—SB 11, SB 37.

**Public Safety**—SB 5, SB 18, SB 24, SB 28, SB 38, SB 41, SB 46, SB 50,  
SB 59.

**Revenue and Taxation**—SB 13, SB 49, SB 91.

**Rules**—SB 19, SB 35, SB 48, SB 56, SB 61, SB 62, SB 63, SB 64,  
SB 65, SB 66, SB 67, SB 68, SB 69, SB 70, SB 71, SB 72, SB 73,  
SB 74, SB 75, SB 76, SB 77, SB 78, SB 79, SB 80, SB 81, SB 82,  
SB 83, SB 84, SB 85, SB 86, SB 87, SB 88, SB 89, SB 90.

**Transportation and Housing**—SB 23, SB 60.

The Committee on Rules has re-referred the following measures to committee:

**Health**—SB 1.

**Judiciary**—SR 7.

**Revenue and Taxation**—SB 16.

**Transportation and Housing**—SCR 4, SCR 5, SCR 9.

The Committee on Rules has referred the following measures to two or more committees:

**Banking, Finance and Insurance and Business, Professions and Economic Development**—SB 36.



**Business, Professions and Economic Development and Environmental Quality—SB 26.**

**Business, Professions and Economic Development and Judiciary—SB 43, SB 58.**

**Elections, Reapportionment and Constitutional Amendments and Public Safety—SB 34.**

**Energy, Utilities and Communications and Natural Resources and Water—SB 42.**

**Energy, Utilities and Communications and Rules—SB 14.**

**Environmental Quality and Energy, Utilities and Communications—SB 31.**

**Health and Judiciary—SB 54.**

**Natural Resources and Water and Environmental Quality—SB 51.**

**Natural Resources and Water and Local Government—SB 12.**

**Revenue and Taxation and Elections, Reapportionment and Constitutional Amendments—SCA 6.**

**Revenue and Taxation and Elections, Reapportionment and Constitutional Amendments and Appropriations—SCA 3.**

**Rules and Elections, Reapportionment and Constitutional Amendments—SCA 1, SCA 2, SCA 5, SCA 7, SCA 8.**

**Transportation and Housing and Revenue and Taxation—SB 10.**

State Capitol, January 28, 2009

Mr. President: The Senate Rules Committee has made the following appointment to boards and commissions:

Appointed Senator Gloria Romero of Los Angeles as a member to the Curriculum Development and Supplemental Materials Commission to serve at the pleasure of the Committee.

STEINBERG, Chair

**Committee on Energy, Utilities and Communications**

Senate Chamber, January 29, 2009

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 14

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

PADILLA, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 14**—An act to amend Sections 25740 and 25741 of the Public Resources Code, to amend Sections 305, 306, 307, 308, 327, 382, 399.11, 399.12, 399.13, 454.5, and 739.1 of, to amend, repeal, and add Sections 399.14 and 399.15 of, to add Sections 399.22, 739.9, 745, and 1005.1 to, and to repeal Section 387 of, the Public Utilities Code, and to amend Section 80110 of the Water Code, relating to utilities.

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 112:** By Senator Oropeza—An act to amend Sections 1247.2, 1247.4, 1247.6, 1247.63, 1247.64, 1247.8 of, to add Section 1247.61 to, and to add and repeal Section 1247.62 of, the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 113:** By the Committee on Local Government (Senators Wiggins (Chair), Aanestad, Cox, Kehoe, and Wolk)—An act to amend Sections 7902.7, 23232, 25210.2, 29000, 29001, 29002, 29005, 29006, 29007, 29008, 29009, 29040, 29042, 29043, 29044, 29045, 29060, 29061, 29062, 29063, 29064, 29065, 29081, 29082, 29083, 29084, 29085, 29086, 29088, 29089, 29090, 29092, 29093, 29100, 29100.6, 29109, 29120, 29121, 29122, 29124, 29125, 29126.1, 29126.2, 29127, 29128, 29130, 29141, 29142, 30200, 36516, 61002, 66412, 66434, 66439, 66445, and 66447 of, to amend the headings of Article 2 (commencing with Section 29040) of Chapter 1 of Division 3 of Title 3, Article 3 (commencing with Section 29060) of Chapter 1 of Division 3 of Title 3, and Article 4 (commencing with Section 29080) of Chapter 1 of Division 3 of Title 3 of, to repeal Sections 29004, 29065.5, 29066, 29088.1, 29091, 29129, and 29140 of, to repeal Article 4 (commencing with Section 25420) of Chapter 5 of Part 2 of Division 2 of Title 3, Article 10 (commencing with Section 29520) of Chapter 2 of Division 3 of Title 3, Article 13 (commencing with Section 29560) of Chapter 2 of Division 3 of Title 3, and Chapter 6 (commencing with Section 60000) of Division 1 of Title 5 of, and to repeal and add Sections 29003 and 29080 of, the Government Code, to amend Section 101350 of the Health and Safety Code, to amend Sections 1121 and 1262 of the Military and Veterans Code, to amend Section 20142 of, and to add Sections 20614 and 20998 to, the Public Contract Code, to amend Section 13041 of the Public Resources Code, to amend Sections 1550, 1550.1, 1552, and 5100 of, to repeal Sections 1551, 1553, and 1554 of, and to repeal and add Section 1550.2 of, the Streets and Highways Code, and to amend Section 40355 of the Water Code, relating to local government.



**Senate Bill 114:** By Senator Liu—An act to amend Section 14005.28 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 115:** By Senator Lowenthal—An act to amend Sections 1360, 3103, and 18150 of, and to add Section 1225.5 to, the Government Code, relating to public employment.

**Senate Bill 116:** By Senator Calderon—An act to amend Sections 16430, 17201, 17211, 17212, 17222, 17240, 17243, 17244, 17245, 17253, 17271, 17275, 17276, and 17280 of the Government Code, relating to public finance.

#### **MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 11**, **SR 10**, and **SR 11** were withdrawn from Committee and placed on third reading.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Cox requested that when the Senate adjourns this day it do so in memory of George Ernest O’Nan of Crowley Lake.

Senators Huff and Benoit requested that when the Senate adjourns this day it do so in memory of Shannon Hogg Hayes of Hemet.

Senators Wyland and Ducheny requested that when the Senate adjourns this day it do so in memory of former Assemblyman Robert Frazee of Carlsbad.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Irving A. Yudin of Odessa, Texas and William L. Perry 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, February 2, 2009.

PAULA K. ROSSETTO, Minute Clerk

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