

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, February 5, 2009

The Senate met at 9 a.m.

Hon. Leland Y. Yee, of the 8th 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, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee—37.

Quorum present.

*(NOTE: Senators Florez and Wright will be excused this day on legislative business.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Brother David Steindl-Rast, a Benedictine monk, teaches us that “Gratefulness is the key to a happy life that we hold in our hands, because if we are not grateful, then no matter how much we have we will not be happy—because we will always want to have something else or something more.”

May the Holy One make our hearts open to receive and acknowledge the many blessings in our life. May we have a sense of gratitude and awe for all that we have already been given, and may we find that we already possess all that we need to live a life of meaning and purpose.

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.

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

**Senate Resolution 11**—Relative to National Surveyors Week.

Resolution read third time and presented by Senator Benoit.

**Roll Call**

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

AYES (31)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Harman, Huff, Kehoe, Leno, Liu, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

**Senate Resolution 10**—Relative to National Engineers Week.

Resolution read third time and presented by Senator Padilla.

**Roll Call**

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

AYES (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, 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 legislative business: Senators Florez and Wright.

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

At 9:10 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 9, 2009.

Motion carried.

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

State Capitol, February 4, 2009

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

**Banking, Finance and Insurance**—SB 98, SB 116.

**Education**—SB 100.

**Elections, Reapportionment and Constitutional Amendments**—SCA 10.

**Environmental Quality**—SB 104.

**Health**—SB 114.

**Judiciary**—SB 95, SB 105, SB 108, SB 111, SB 115.

**Local Government**—SB 93, SB 99, SB 101, SB 102, SB 103, SB 106, SB 113.

**Public Safety**—SB 110.

**Revenue and Taxation**—SB 96, SB 97, SB 107.

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

**Revenue and Taxation**—SJR 1.

**Transportation and Housing**—SCR 12.



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

**Banking, Finance and Insurance and Rules**—SB 94.

**Budget and Fiscal Review and Elections, Reapportionment and Constitutional Amendments**—SCA 9.

**Business, Professions and Economic Development and Judiciary**—SB 109.

**Health and Rules**—SB 92.

State Capitol, February 4, 2009

Mr. President: The Senate Rules Committee has made the following changes to standing committees:

- Appointed Senator Hollingsworth as a member of the Senate Committee on Transportation and Housing to replace Senator Dutton.
- Appointed Senator Cogdill as a member of the Senate Committee on Human Services to replace Senator Hollingsworth.

The Senate Rules Committee has appointed the following members to the Joint Rules Committee: Senators Aanestad (Vice Chair), Ashburn, Benoit, Cedillo, Cogdill, Dutton, Hancock, Hollingsworth, Liu, Oropeza, Padilla, Pavley, Steinberg, and Wright.

STEINBERG, Chair

State Capitol, February 4, 2009

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

Reappointed Paul Blanc M.D. of San Francisco as a member to the Scientific Review Panel on Toxic Air Contaminants to serve for a term ending January 1, 2012.

Appointed Catherine Campisi, Ph.D. of Sacramento as a member to the California Cultural and Historical Endowment to serve at the pleasure of the Committee.

Reappointed the following as members to the Commission on Health and Safety and Workers' Compensation to serve for a term ending December 31, 2012:

Kristen L. Schwenkmeyer of Hermosa Beach  
Angie S. Wei of Oakland

Reappointed Juanita Sendejas Lopez of Elk Grove as a member to the Hearing Aid Dispensers Advisory Committee to serve for a term ending January 1, 2013.



Reappointed Gregory Garrett of Oakland as a member to the California Housing Partnership Corporation Board of Directors to serve for a term ending January 1, 2012.

Reappointed Nancy J. Michel of Sacramento as a member to the California Board of Occupational Therapy to serve for a term ending December 31, 2012.

STEINBERG, Chair

State Capitol, February 4, 2009

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

GREGORY W. JONES, Member, State Board of Education (5–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, February 4, 2009

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

ARTHUR L. ANDERSON, JR., Member, Board of Parole Hearings (5–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

#### **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 126:** By Senator Cedillo—An act to amend Sections 326.3 and 326.5 of the Penal Code, relating to bingo, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 127:** By Senator Calderon—An act to amend Sections 2924, 2924b, 2924c, and 2924f of, and to add Sections 2924.9 and 2924.10 to, the Civil Code, relating to mortgages.

**Senate Bill 128:** By Senator Padilla—An act to add Division 25.6 (commencing with Section 38700) to the Health and Safety Code, relating to climate change.

**Senate Bill 129:** By Senator Huff—An act to repeal Sections 48314.5 and 48315 of the Education Code, relating to pupil attendance, and declaring the urgency thereof, to take effect immediately.

**Senate Resolution 14:** By Senator Lowenthal—Relative to Teen Driving Safety Week.



**SENATE COMMITTEE ROLL CALLS****Committee on Revenue and Taxation**

**SB 16**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Ashburn, Florez, Wiggins, and Wolk.

NOES (1)—Senator Walters.

Date of Hearing: 2/4/2009

Wolk (Chair)

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned until 9 a.m., Monday, February 9, 2009.

PAULA K. ROSSETTO, Minute Clerk

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