

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, March 16, 2009

The Senate met at 2 p.m.  
Hon. Dean Florez, of the 16th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Zach 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:  
Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee—35.  
Quorum present.

*(NOTE: Senators Calderon and Huff will be excused this day on legislative business, Senator Wright will be excused this day on personal business, and Senator Cedillo will be excused this day due to a family illness.)*



**PRAYER**

Upon invitation of the President, the following prayer was offered by Imam Haazim Rashed.

Distinguished Senators, Guests, members of the dais and the public that allows us all to serve, we greet you. We greet you as is our tradition

With the Name of G-d  
Peace be unto you  
As Salaam Alaikum

We would like to begin our invocation today, in this great Chamber of the State of California Senate. As we begin, we are humbled, humbled by the duties and responsibilities of those who lead. It is in this spirit of humility that we call upon G-d in prayer, and ask for His aid, His guidance, and His protection. In recognizing that there is a power beyond ourselves, we can truly see our role as servants to a higher purpose than our own desires. Recognizing the need for guidance and mercy to help us be good stewards in the earth:

We Come before You Merciful and Beneficent G-d  
We ask for Your mercy and blessings  
We ask for Your guidance  
Help us to be proper stewards and leaders for the people of California  
Guide us to the best way to serve those we govern  
Let us be examples of mercy and wisdom  
Let us reflect G-d's guidance in our deliberations  
As we conduct the business of the State of California.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
March 12, 2009

*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



CHARLES M. WYATT, is a regional manager at Kleinfelder since 2007 and previous principal engineer at CastilloWyatt Engineering from 2006 to 2007. He was a principal engineer for NorthShore Engineering from 1998 to 2006, project engineer for IT Corporation from 1994 to 1998 and project engineer for GeoResearch from 1993 to 1994. Wyatt worked as a staff engineer for Professional Service from 1989 to 1991 and in 1988 he worked as a county water engineer for the Peace Corps in Nepal. Appointed 03/05/09. Effective 03/10/09.

Member, State Mining and Geology Board, vice, Julian C. Isham, term expired, term ending 01/15/13.

BENJAMIN J. LICARI, is the director of geology and exploration for Granite Rock Company since 2006 and served on the State Mining and Geology Board from 1998 to 1999. Licari was previously director of government and community affairs with Granite Rock Company from 2000 to 2006. He worked for Canyon Resource Corporation as the business development manager of the Briggs Mine in Panamint Valley from 1996 to 2000 and was the mine manager of the Kendall Mine in Hilger, MO from 1993 to 1996. Appointed 03/05/09. Effective 03/09/09.

Member, State Mining and Geology Board, vice, Allen M. Jones, moved to another slot on board, term ending 01/15/11.

BRIAN R. BACA, is chief of project planning in the department of planning and land use for San Diego county since 2007 and previously served on the State Board of Mining and Geology from 2001 to 2005. Former development services branch manager for El Dorado County from 2005 to 2007 and engineering geologist for Santa Barbara County from 1989 to 2005. From 1980 to 1989, Baca was an exploration geologist for Union Oil Company. He served on the Solvang City Council from 2002 to 2005. Appointed 03/05/09. Effective 03/11/09.

Member, State Mining and Geology Board, vice, Seena N. Hoose, deceased, term ending 01/15/13.

JOHN J. LANE, is a principal scientist for Chico Environmental since 2002 and previously worked as a senior hydrologist at Stetson Engineers from 2000 to 2002. Lane was a staff geologist at URS Corporation from 1998 to 2000 and Weber Hayes and Associates from 1995 to 1996. He was a staff scientist at AGEISS Environmental from 1993 to 1995. Appointed 03/05/09. Effective 03/09/09.

Member, State Mining and Geology Board, vice, Allen M. Jones, term expired, term ending 01/15/13.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol  
March 16, 2009

*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

KNUTE "MICHAEL" MILLER, is government affairs advisor in San Francisco and Washington, D.C and has served on the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun since 2005. Miller previously served as senior vice president of governmental and industry affairs at ACE Insurance, from 1999 to 2004. Reappointed 02/27/09. Effective 03/07/09.

Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, term ending 12/31/12.

DAVID I. WAINWRIGHT, is a pilot with the San Francisco Bar Pilots and has served on the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun since 2005. Wainwright was previously a trainee pilot with the State of California as well as chief officer of the American President Lines. He is a member of the American Pilot Association and International Organization of Masters, Mates and Pilots. Reappointed 02/27/09. Effective 03/12/09.

Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, term ending 12/31/12.

SOPHIA L. ANGELIS, is an honor student in her senior year at Rim of the World High School and has been an assistant at Wildflowers since 2004. She is a former math tutor for bilingual students. Angelis is president of the National Honors Society and is a member of the Small Change for Good and Rim High Environmental Club. Appointed 02/26/09. Effective 03/07/09.

Member, State Board of Education, vice, Nicholas Jofre, resigned, term ending 07/31/09.

SHARON L. LEVINE, M.D., is an associate executive director for The Permanente Medical Group since 1991 and previous pediatrician with The Permanente Medical Group from 1977 to 1991. Levine was a staff pediatrician with the Georgetown University Community Health Plan from 1976 to 1977 and clinical associate in infant nutrition at the National Institutes of Health from 1975 to 1976. Appointed 02/11/09. Effective 02/19/09.

Member, Medical Board of California, vice, Ronald L. Moy, M.D., term expired, term ending 06/01/11.



FRANCES SPIVY-WEBER, is a member of the State Water Resources Control Board since 2007. She has served as executive director for policy for the Mono Lake Committee since 1997. From 1983 to 1992, Spivy-Weber served as the director of international programs for the National Audubon Society and from 1978 to 1982, she was a legislative assistant for the Animal Welfare Institute. She is a current member of the steering committee at the California Urban Water Conservation Council and co-chair of the Water Climate Action Team. Reappointed 02/26/09. Effective 03/02/09.

Member, State Water Resources Control Board, term ending 01/15/13.

TAM M. DODUC, is a member of the State Water Resources Control Board since 2005. From 2000 to 2005, Doduc served the California Environmental Protection Agency as deputy secretary for environmental quality, assistant secretary for technology certification, assistant secretary for air and chemical programs and assistant secretary for agriculture and chemical programs. She previously served the State Water Resources Control Board as water resources control engineer for the Divisions of Water Rights and Water Quality. Reappointed 02/26/09. Effective 02/26/09.

Member, State Water Resources Control Board, term ending 01/15/13.

PAUL (RICK) F. STACEY, JR., is vice president of finance and administration and chief financial officer for the Visalia Citrus Packing Group and has served on the California Exposition and State Fair Board of Directors since 2008. He previously was a partner with the agribusiness consulting firm, Stacey & Stacey from 1981 to 1985 and vice president and controller for the Western Farm Management Company from 1979 to 1980. Reappointed 02/25/09. Effective 02/26/09.

Director, California Exposition and State Fair, term ending 01/01/13.

REX S. HIME, is president and chief executive officer of the California Business Properties Association since 1984 and was previously appointed to the California Exposition State Fair Board of Directors by Governor Schwarzenegger in 2004. Hime is a member and incoming chair of the Sacramento Leukemia Society Board of Trustees and the Reserve Officers Association of the U.S. Reappointed 02/25/09. Effective 02/26/09.

Director, California Exposition and State Fair, term ending 01/01/13.



TIMOTHY J. NOONAN, is president and chief executive officer for the Lockton Insurance Brokers since 1996 and has served on the State Athletic Commission since 2007. He was previously senior vice president for Jardine Insurance Brokers from 1983 to 1996 and insurance agent for the Liberty Mutual Insurance Company from 1982 to 1983. Noonan is chairman of the board of Phoenix Houses of California, member of the University of California, Los Angeles Center on Aging Board of Trustees and associate member of the California Association of Health Facilities. Reappointed 02/26/09. Effective 03/05/09.

Member, State Athletic Commission, term ending 01/01/13.

RANEENE P. BELISLE, is president and chief executive officer for EdVoice since 2008. Previous special assistant to the Director of Finance from 2007 to 2008 and general counsel for the Sacramento County Office of Education from 2004 to 2007. Belisle was the executive director of the California State Board of Education from 2003 to 2004 and associate general counsel and government relations team leader for the Los Angeles Unified School District from 2002 to 2003. Appointed 02/26/09. Effective 03/11/09.

Member, State Board of Education, vice, Donald G. Fisher, term expired, term ending 01/15/13.

Above appointments referred to the Committee on Rules.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

Senate Chamber, March 16, 2009

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

SCR 19

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 Concurrent Resolution 19**—Relative to Jewish American Heritage Month.

Resolution read second time.

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

##### **Committee on Labor and Industrial Relations**

Senate Chamber, March 16, 2009

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 45



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

DE SAULNIER, Chair

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

**Senate Bill 45**—An act to add Sections 1771.3 and 1771.44 to the Labor Code, relating to public works.

Bill read second time.

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

**Committee on Health**

Senate Chamber, March 16, 2009

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

SB 114

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

ALQUIST, Chair

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

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

Bill read second time.

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

**Committee on Public Safety**

Senate Chamber, March 16, 2009

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

SB 5

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

LENO, Chair

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

**Senate Bill 5**—An act to amend Section 830.6 of the Penal Code, and to amend Section 3 of the Monterey Peninsula Airport District Act (Chapter 52 of the Statutes of 1941), relating to law enforcement.

Bill read second time.

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



**RECESS**

At 2:07 p.m., on motion of Senator Steinberg the Senate recessed in order to convene the third extraordinary session.

**REASSEMBLED**

At 2:08 p.m., the Senate reconvened.

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

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

**Senate Concurrent Resolution 17**—Relative to Irish American Heritage Month.

Resolution read third time and presented by Senator Corbett.

**Roll Call**

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

AYES (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution 21**—Relative to the Joint Legislative Committee on Emergency Management.

Resolution read third time and presented by Senator Kehoe.

**Roll Call**

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

AYES (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Calderon and Huff.

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

The following Senator was granted leave of absence for the day due to a family illness: Senator Cedillo.





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

At 2:20 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, March 17, 2009.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Judiciary**

Senate Chamber, March 16, 2009

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

SB 95

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

CORBETT, Chair

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

**Senate Bill 95**—An act to amend Section 1770 of the Civil Code, and to amend Sections 3050, 11710, and 11711 of, and to add Sections 4456.5 and 11713.05 to, the Vehicle Code, relating to vehicles.

Bill read second time.

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

**Committee on Public Safety**

Senate Chamber, March 16, 2009

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

SB 50

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

LENO, Chair

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

**Senate Bill 50**—An act to add Section 13957.3 to the Government Code, and to amend Sections 13823.95 and 13823.11 of the Penal Code, relating to victims of sexual assault.

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:

**Senate Concurrent Resolution 23:** By Senator Steinberg—Relative to Chabad Day.

**Senate Joint Resolution 3:** By Senator Ashburn—Relative to Taiwan.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Romero requested that when the Senate adjourns this day it do so in memory of Andrew A. Pedro of Rosemead.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Rosie Cereceres of Sacramento.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 17, 2009.

PAULA K. ROSSETTO, Minute Clerk

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