

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 26, 2009

The Senate met at 9 a.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, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Wyland, and Yee—38.
Quorum present.

(NOTE: Senator Alquist will be excused this day on legislative business.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi.

Lo, the winter is past, the rain is over and gone; the flowers appear on the earth; [and] the time of singing is come . . . (Song of Songs 2:11–12).

As the Bible teaches, this is a joyous time of year, a time to let our hearts sing with joy, to celebrate the rebirth and the renewal of the earth, and to be open to new possibilities within ourselves as well.

Let us give thanks to the Creator of all humanity for the many blessings in our world and the natural beauty that surrounds us. May we never take for granted the splendor of the land that we live in, or forget to take the time to appreciate all that we have been given. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 145—An act to amend Sections 3600 and 4663 of the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Senate Bill 186—An act to amend, repeal, and add Section 4600 of the Labor Code, relating to workers' compensation.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 155—An act to amend Sections 69612, 69613, 69613.2, 69613.4, 69613.6, and 69615 of the Education Code, relating to student financial aid.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 25**, **SR 18**, **ACR 19**, **ACR 21**, and **ACR 22** were withdrawn from Committee and placed on today's Special Consent Calendar.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 631** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.



REQUEST FOR UNANIMOUS CONSENT (ACR 44)

Senator Padilla asked for, and was granted, unanimous consent that ACR 44 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 44

Assembly Concurrent Resolution 44—Relative to the federal decennial census.

Resolution read.

Roll Call

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

AYES (34)—Senators Aanestad, Calderon, Cedillo, 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, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Ashburn and Walters.

Resolution ordered transmitted to the Assembly

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

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

BONNIE M. REISS, Member, The Regents of the University of California.

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 (38)—Senators Aanestad, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

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

MARGARET G. FORTUNE, Member, Trustees of the California State University

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 (38)—Senators Aanestad, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Wyland, and Yee.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 11—Relative to the Lunar New Year 4707 celebration.

Resolution read third time and presented by Senator Yee.

Roll Call

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

AYES (38)—Senators Aanestad, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

RECESS

At 10:04 a.m., the Senate recessed in order to convene the third extraordinary session.

REASSEMBLED

At 10:28 a.m., the Senate reconvened.

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

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 25—Relative to Automotive Career Month.

Resolution read and adopted and transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 19—Relative to Spay Day USA 2009.

Resolution read and adopted and transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)



Assembly Concurrent Resolution 21—Relative to a Day of Remembrance.

Resolution read and adopted and transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 22—Relative to Read Across America Day.

Resolution read and adopted and transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Resolution read and adopted and transmitted to the Assembly.

Senate Resolution 18—Relative to Welcome Home Vietnam Veterans Day.

Resolution read and adopted.

(NOTE: See Special Consent Calendar Roll Call)

Special Consent Calendar Roll Call

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

AYES (38)—Senators Aanestad, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Wyland, and Yee.

NOES (0)—None.

REQUEST FOR UNANIMOUS CONSENT (SCR 27)

Senator Wolk asked for, and was granted, unanimous consent that SCR 27 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 27

Senate Concurrent Resolution 27—Relative to National Library Week.

Resolution read third time and presented by Senator Wolk.

Roll Call

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

AYES (38)—Senators Aanestad, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



LEAVES OF ABSENCE FOR THE DAY

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

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

At 10:40 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 Tuesday, March 31, 2009.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 26, 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

BRUCE SAITO, is executive director of the Los Angeles Conservation Corps since 1995 and has served on the Board of Forestry and Fire Protection since 2005. He previously served as the deputy director of the Corps from 1985 to 1995 and as program manager for the California Conservation Corps from 1976 to 1986. Saito is a member of the Santa Monica Mountains Conservancy Advisory Committee, the Los Angeles Neighborhood Land Trust Board, the Los Angeles Gardening Council and Youth Service California. Reappointed 03/06/09. Effective 03/26/09.

Member of the State Board of Forestry and Fire Protection, term ending 01/15/13.



G. MICHAEL SUTTON, is vice president and founding director of the Center for the Future of the Oceans at the Monterey Bay Aquarium since 2004. He previously served as program officer for the conservation and science program at the David and Lucile Packard Foundation from 1999 to 2004 and vice president of the U.S. Land and Wildlife Program for the World Wildlife Fund from 1995 to 1999. Sutton is a member of the Wild Salmon Center Board of Directors and the Ocean Champions Political Action Committee Board of Directors. Reappointed 02/25/06. Effective 03/25/09.

Member, Fish and Game Commission, term ending 01/15/15.

ERIC S. OSEN, is a Marine Operations Superintendent for Chevron Shipping Company and has served on the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun since 2007. He has worked for Chevron Shipping Company since 2000, serving as team leader of Standards & Compliance, operations coordinator, lead internal auditor and clearance specialist. Reappointed 02/26/09. Effective 03/26/09.

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

LANCE T. IZUMI, is senior fellow in California studies and director of education studies at the Pacific Research Institute for Public Policy since 1994. He is the author of several major Pacific Research Institute studies and speaks on education issues at statewide and national forums. Izumi previously served as a member of the professional development working group of the California Legislature's Joint Committee to develop a master plan for education and as chief speechwriter for Governor George Deukmejian from 1990 to 1991. Reappointed 03/10/09. Effective 03/24/09.

Member, Board of Governors of the California Community Colleges, term ending 01/15/15.

THOMAS P. O'MALLEY, is currently serving on the Atascadero City Council since 2002, serving as mayor in 2006 and mayor pro tem in 2005. He is owner of Portola Event Planning since 2007. Previous administrator for San Luis Obispo County Mental Health Services from 1994 to 2005. O'Malley is a member of the Atascadero Redevelopment Agency Board, El Camino Homeless Organization Board, Atascadero Kiwanis Board and is secretary of the Central Coast Zoological Society. Appointed 03/05/09. Effective 03/25/09.

Member, California Regional Water Quality Control Board, Central Coastal Region, vice, Jeffrey S. Young, moved to another slot on board, term ending 09/30/09.

Above appointments referred to the Committee on Rules.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 26, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 66

Assembly Chamber, March 26, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 8

ACR 25

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 66—An act to amend Section 49110 of the Education Code, relating to schools.

Assembly Concurrent Resolution 8—Relative to California Fitness Month.

Assembly Concurrent Resolution 25—Relative to Mitochondrial Disease Awareness Week.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, March 25, 2009

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

Governmental Organization—SB 825, SB 826, SB 827, SB 828, SB 829, SB 830, SB 831.

Revenue and Taxation—SB 601, SB 603.

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

Health and Revenue and Taxation—SB 602.

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

Education—SB 48.

Public Employment and Retirement—SB 280.

Public Safety—SB 175.

Transportation and Housing—SB 659.



The Committee on Rules has re-referred the following measure to two committees:

Elections, Reapportionment and Constitutional Amendments and Public Safety—SB 631.

State Capitol, March 25, 2009

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

- Appointed Senator Strickland as a member of the Senate Committee on Elections, Reapportionment, and Constitutional Amendments to replace Senator Cogdill
- Appointed Senator Cogdill as vice chair of the Senate Committee on Natural Resources and Water instead of Senator Hollingsworth
- Appointed Senator Padilla as a member of the Senate Committee on Revenue and Taxation to fill the existing vacancy

STEINBERG, Chair

State Capitol, March 25, 2009

Mr. President: The Senate Rules Committee has made the following changes to the Joint Legislative Audit Committee:

- Appointed Senator Ashburn to serve as vice chair
- Removed Senators Cogdill and Oropeza
- Appointed Senator Wolk to serve as a member, leaving one vacancy.

STEINBERG, Chair

State Capitol, March 25, 2009

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

- Appointed Senators Alquist and Harman as members of the Select Committee on Disaster and Emergency Response to fill the vacancies
- Decreased the membership of the Select Committee on Asian Pacific Islander Affairs from 18 to 14 members and appointed Senators Alquist, Ashburn, Cedillo, Cogdill, Cox, Florez, Hancock, Harman, Liu, Maldonado, Negrete McLeod, Romero, and Leno as members to fill the vacancies

STEINBERG, Chair

State Capitol, March 25, 2009

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

Appointed the following senators as members to the Commission on Economic Development to serve at the pleasure of the committee:

- Senator Ronald Calderon
- Senator Gloria Negrete McLeod

STEINBERG, Chair



Committee on Local Government

Senate Chamber, March 26, 2009

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 211

SB 215

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

WIGGINS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 211—An act to add Section 5506.14 to the Public Resources Code, relating to parks and recreation.

Bill read second time.

Senate Bill 215—An act to amend Section 56668 of, and to repeal Section 56668.5 of, the Government Code, relating to local government.

Bill read second time.

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

Committee on Rules

State Capitol, March 25, 2009

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

COLLENE T. CAMPBELL, Member, Corrections Standards Authority (4–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, March 26, 2009

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

SB 34

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

HANCOCK, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 34—An act to add Section 102.5 to the Elections Code, relating to petitions.

Bill read second time.



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

Committee on Rules

Senate Chamber, March 26, 2009

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

SB 212

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 Bill 212—An act to amend Section 1288.55 of the Health and Safety Code, relating to health care facilities.

Bill read second time.

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

Senate Chamber, March 26, 2009

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

SB 216

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 Bill 216—An act to amend Section 66406 of the Education Code, relating to college instructional materials.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, March 24, 2009

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

SB 40

Reports the same back with the recommendation: Do pass as amended.

CORBETT, Chair

Above measure ordered to second reading.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of William Emery Caudill of Rancho Murieta.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Nadine Marie Cox and Rev. Chester Riggins, Sr. of Fresno.

Senators Hancock and DeSaulnier requested that when the Senate adjourns this day it do so in memory of John Hege of Concord.

Senator Maldonado requested that when the Senate adjourns this day it do so in memory of Isamu "Sammy" Minami of Santa Maria.

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

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Tuesday, March 31, 2009.

PAULA K. ROSSETTO, Minute Clerk

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