

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, December 16, 2009

The Senate met at 9 a.m.

Hon. Lois Wolk, of the 5th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ashburn, Calderon, Cedillo, Cogdill, Cox, Dutton, Florez, Hollingsworth, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Simitian, Steinberg, Walters, Wiggins, Wolk, Wright, and Wyland—25.

Quorum present.

*(NOTE: Senators Correa, Denham, DeSaulnier, Kehoe, Strickland, and Yee will be excused this day on legislative business, Senators Alquist, Ducheny, Hancock, Harman, Huff, Pavley, and Runner will be excused this day on personal business, and Senator Corbett will be excused this day on legislative business (waiving per diem).)*





JAMES P. McGRATH is retired from serving as manager of the Port of Oakland's Environmental Department from 1990 to 2005 and has served on the San Francisco Bay Regional Water Quality Control Board since 2007. He served as coastal protection analyst for the California Coastal Commission from 1976 to 1990 and environmental planner for the U.S. Environmental Protection Agency from 1971 to 1976. McGrath is a board member of the San Francisco Estuary Institute, regional board representative for the Bay Conservation and Development Commission and a member of the Berkeley Waterfront Commission. Reappointed 11/19/09. Effective 12/09/09.

Member, California Regional Water Quality Control Board, San Francisco Bay Region, term ending 09/30/13.

JEFFREY S. YOUNG is sole practitioner at the Law Offices of Jeffrey S. Young since 1997 and has served on the Central Coastal Regional Water Quality Control Board since 2000. Previous associate attorney in the Law Offices of Raymond J. Pulverman from 1994 to 1997 and general counsel to the California Aquaculture Association from 1995 to 2000. Young owned and operated Pacific Seafood Industries from 1983 to 1992. He is a member of the Security and Capital Improvement Committees for the La Cumbre Mutual Water District and Santa Barbara County's Project Clean Water. Reappointed 11/19/09. Effective 12/15/09.

Member, California Regional Water Quality Control Board, Central Coastal Region, term ending 09/30/13.

THOMAS P. O'MALLEY has served on the Atascadero City Council since 2002, serving as mayor in 2006 and mayor pro tem in 2005 and has served on the Central Coastal Regional Water Quality Control Board since March 2009. He has owned Greenaway and O'Malley Properties since 1985 and Portola Event Planning since 2007. O'Malley was a mental health administrator for San Luis Obispo County Behavioral Health Services from 1994 to 2005. He is chair of the board for Atascadero Redevelopment Agency, on the advisory committee for the Boy Scouts of America Del Norte District, vice president of the San Luis Obispo County Council of Governments, and a member of Atascadero Kiwanis. Reappointed 11/19/09. Effective 11/24/09.

Member, California Regional Water Quality Control Board, Central Coastal Region, term ending 09/30/13.

Above appointments referred to the Committee on Rules.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Appropriations**

Senate Chamber, December 16, 2009

Madam President: The Chair of the Committee on Appropriations, to which were referred:

SB 16

SB 438

AB 234



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

KEHOE, Chair

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

**Senate Bill 16**—An act to amend Section 19611 of, and to add Sections 12206.5, 17058.5, 17058.6, 23610.6, and 23610.8 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 16 pursuant to Joint Rule 58.

SENATOR LOWENTHAL

**Permission of Rules Committee**

Senate Chamber, December 16, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 16.

STEINBERG, Chair

**Senate Bill 438**—An act to add Section 14011.61 to the Welfare and Institutions Code, relating to Med-Cal.

Bill read second time.

**Assembly Bill 234**—An act to amend Sections 25450 and 25450.1 of the Public Resources Code, relating to energy.

Bill read second time.

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

**Committee on Health**

Senate Chamber, December 16, 2009

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

SB 771

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 771**—An act to add Section 1367.28 to the Health and Safety Code, and to add Section 10133.4 to the Insurance Code, relating to health care coverage.

Bill read second time.

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



**Committee on Rules**

State Capitol, December 16, 2009

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

**Rules—SB 525.**

Senate Chamber, December 16, 2009

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

SB 525

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 525**—An act to amend Sections 1343 and 1344 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

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

State Capitol, December 16, 2009

Madam 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:

Michael R. Peevey, Member, Public Utilities Commission (5–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, December 16, 2009

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Bonnie Garcia, Member, California Unemployment Insurance Appeals Board (5–0)

George A. Plescia, Member, California Unemployment Insurance Appeals Board (5–0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.



State Capitol, December 16, 2009

Madam 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:

Jan C. Sturla, Director, Department of Child Support Services (5-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

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

Without objection, **AB 122** and **AB 1576** were withdrawn from Committee and ordered to third reading.

#### **MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 650** was withdrawn from the Committee on Natural Resources and Water and re-referred to the Committee on Rules.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Correa, Denham, DeSaulnier, Kehoe, Strickland, and Yee.

The following Senators were granted leaves of absence for the day due to personal business: Senators Alquist, Ducheny, Hancock, Harman, Huff, Pavley, and Runner.

The following Senator was granted leave of absence for the day due to legislative business (waiving per diem): Senator Corbett.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 10 a.m., or upon call of the President pro Tempore, Thursday, December 17, 2009.

PAULA K. ROSSETTO, Minute Clerk

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