

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

---

---

# SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-NINTH LEGISLATIVE DAY

---

## IN SENATE

---

Senate Chamber, Sacramento  
Thursday, December 17, 2009

The Senate met at 10 a.m.  
Hon. Dean Florez, of the 16th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Zachary L. 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, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—35.

Quorum present.

*(NOTE: Senators Alquist, Ducheny, Hancock, and Pavley will be excused this day on personal business.)*



**PRAYER**

Upon invitation of the President, the following prayer was offered by Rev. Georgia Prescott, Center for Spiritual Awareness:

I invite you to turn your attention now to that one Presence by many names: God, Allah, I AM, Sacred Grandmother Tree, Divine Intelligence, Omnipresent Love.

It is in this moment of turning our attention to this Universal Power for Good that the connection is made, and when the connection is made, corrections will come. Corrections needed to meet the growing needs of Californians young and old, those born here and those who came here for a better life. May each Senator here today feel the blessing of the one.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
December 17, 2009

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

MICHAEL A. GUNNING is vice president for the Personal Insurance Federation of California and has served on the California Housing Finance Agency Board of Directors since June 2009. Previous managing director of the Nehemiah Community Reinvestment Fund from 1999 to 2001 and director of the California Organized Investment Network for the California Department of Insurance from 1996 to 1999. Gunning was the senior policy consultant for the California State Assembly Republican Office of Policy from 1995 to 1996 and vice president for George K. Baum and Company from 1990 to 1994. Reappointed 11/23/09. Effective 12/17/09.

Member, Board of Directors, California Housing Finance Agency, term ending 09/26/15.

Above appointment referred to the Committee on Rules.



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

Senate Chamber, December 17, 2009

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

AB 1536

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**

**Assembly Bill 1536**—An act to amend Section 379.6 of the Public Utilities Code, relating to energy.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1536 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BLAKESLEE

**Permission of Rules Committee**

Senate Chamber, December 17, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1536.

STEINBERG, Chair

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

**Committee on Appropriations**

Senate Chamber, December 17, 2009

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

SB 732

AB 511

SB 677

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 732**—An act to add Section 14126.024 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.



**Assembly Bill 511**—An act to add and repeal Chapter 13 (commencing with Section 1799.300) of Division 2.5 of the Health and Safety Code, relating to Medi-Cal.

Bill read second time.

**Senate Bill 677**—An act to add and repeal Section 3352.1 of the Labor Code, relating to workers' compensation.

Bill read second time.

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

**Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, December 17, 2009

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred: SB 465

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 465**—An act to add Section 14218.3 to the Elections Code, relating to elections.

Bill read second time.

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

**Committee on Local Government**

Senate Chamber, December 17, 2009

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

SB 711

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 711**—An act to amend Sections 54954.5, 54957.1, and 54957.6 of the Government Code, relating to public meetings.

Bill read second time.

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



**Committee on Environmental Quality**

Senate Chamber, December 17, 2009

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

SB 233

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

SIMITIAN, Chair

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

**Senate Bill 233**—An act to amend Section 13388 of the Water Code, relating to water quality.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 233 pursuant to Joint Rule 58.

SENATOR AANESTAD

**Permission of Rules Committee**

Senate Chamber, December 17, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 233.

STEINBERG, Chair

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

**Committee on Natural Resources and Water**

Senate Chamber, December 17, 2009

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

SB 301

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

PAVLEY, Chair

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

**Senate Bill 301**—An act to add Division 26.7 (commencing with Section 79700) to the Water Code, relating to financing a water supply reliability and ecosystem recovery and restoration program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

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, December 17, 2009

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

AB 814

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**

**Assembly Bill 814**—An act to amend Sections 12010 and 12021 of the Penal Code, relating to firearms.

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, December 17, 2009

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

SB 454

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 454**—An act to amend Section 14007.1 of the Government Code, relating to the Department of Transportation.

Bill read second time.

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

**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Governor's Appointment**

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

MICHAEL R. PEEVEY, Member, Public Utilities Commission

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 (28)—Senators Aanestad, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Padilla, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (1)—Senator Florez.

**Consideration of Governor's Appointments**

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

BONNIE GARCIA, Member, California Unemployment Insurance Appeals Board

GEORGE A. PLESCIA, Member, California Unemployment Insurance Appeals Board.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (31)—Senators Aanestad, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**Consideration of Governor's Appointment**

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

JAN C. STURLA, Director, Department of Child Support Services.

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 (33)—Senators Aanestad, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.



**Senator Price Presiding****Consideration of Assembly Amendments**

**Senate Bill 89**—An act to add Section 12012.54 to the Government Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 89?

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Florez moved a call of the Senate.

Motion carried.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 122**—An act to add Section 12012.551 to the Government Code, relating to gaming, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Wright.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Wright moved a call of the Senate.

Motion carried.

**RECESS**

At 3:01 p.m., on motion of Senator Steinberg the Senate recessed in order to convene the Fifth Extraordinary Session.

**REASSEMBLED**

At 3:23 p.m., the Senate reconvened.

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

**CONSIDERATION OF DAILY FILE (RESUMED)****FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 122)**

On motion of Senator Wright, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 122 was adopted by the following vote:

AYES (30)—Senators Aanestad, Calderon, Cedillo, Corbett, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Huff, Leno, Liu,

└─



Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wright, Wyland, and Yee.

NOES (4)—Senators Ashburn, DeSaulnier, Kehoe, and Wolk.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Calderon, Cedillo, Corbett, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wright, Wyland, and Yee.

NOES (4)—Senators Ashburn, DeSaulnier, Kehoe, and Wolk.

Above bill ordered transmitted to the Assembly.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 89)**

On motion of Senator Florez, further proceedings under the call of the Senate were dispensed with.

#### **Urgency Clause**

The names of the absentees were called and the urgency clause to SB 89 was adopted by the following vote:

AYES (30)—Senators Aanestad, Calderon, Cedillo, Corbett, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland.

NOES (3)—Senators Ashburn, DeSaulnier, and Kehoe.

#### **Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Calderon, Cedillo, Corbett, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland.

NOES (3)—Senators Ashburn, DeSaulnier, and Kehoe.

Above bill ordered enrolled.

#### **REQUEST FOR UNANIMOUS CONSENT (SB 316)**

Senator Alquist asked for, and was granted, unanimous consent that SB 316 be taken from the inactive file and taken up at this time.

#### **Consideration of Senate Bill 316**

**Senate Bill 316**—An act to add Section 1378.1 to the Health and Safety Code, and to add Section 10113.11 to the Insurance Code, relating to health care coverage.

Bill read second time.



**Motion to Amend**

Amendments to SB 316 proposed by Senator Alquist were read and adopted and the measure ordered printed, engrossed, and to second reading.

**LEAVES OF ABSENCE FOR THE DAY**

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

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

At 3:30 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 adjourn until Monday, January 4, 2010.

Motion carried.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senators Steinberg, Aanestad, Denham, Wiggins, and Cox requested that when the Senate adjourns this day it do so in memory of Don Peterson of Yuba City.

Senator Cedillo requested that when the Senate adjourns this day it do so in memory of Ayden Salek of South Pasadena.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Stephen Wysonog of South Lake Tahoe, Carolyn A. Ennenga of Alturas, and Harold Henry Gartner III of Susanville.

Senator Correa requested that when the Senate adjourns this day it do so in memory of LCpl. Justin J. Swanson of Anaheim and Rito Madrid of Orange.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Ruth Helen Wrench of San Pablo, Gerard Capriulo of Clayton, Elena Cadet and Madalyn "Penny" M. McFarland of Danville, Arthur M. Kroeger and Charles "Chuck" Henry Ver Valin of Concord, Dorothy Gertrude Marchman Horton of Walnut Creek, and Byron "By" Athan of San Ramon.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Scott Crane of Wildomar, Robert Ricker of Rocklin, George William Van de Weghe of San Diego, and Kaden Andrew Perez of Hemet.

Senators Kehoe, Padilla, Cox, and Ducheny requested that when the Senate adjourns this day it do so in memory of Sol Price of San Diego.

Senators Kehoe and Ducheny requested that when the Senate adjourns this day it do so in memory of Judge Napoleon Jones.



Senator Leno requested that when the Senate adjourns this day it do so in memory of Ashley Yamauchi of San Rafael, and Johnathan, Susan, Aiden, and Gracie Maloney of Sonoma.

Senator Lowenthal requested that when the Senate adjourns this day it do so in memory of Marvin Marker of Long Beach.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Marie Harris, Betty Moore and Reginald O. Robinson of Pacoima, and Fred Chapa of Los Angeles.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Clara Ruckman of Covina.

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

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Thomas J. Graff of Oakland and William Snyder of Sacramento.

Senators Steinberg and Wolk requested that when the Senate adjourns this day it do so in memory of Paul Gerowitz of Sacramento.

Senator Walters requested that when the Senate adjourns this day it do so in memory of Nancy Sue Bergeson of Portland, Oregon.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 4, 2010.

PAULA K. ROSSETTO, Minute Clerk

O

└