

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 4, 2010

The Senate met at 2 p.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, 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, and Yee—35.

Quorum present.

(NOTE: Senators Ashburn and Price will be excused this day on personal business and Senators Alquist and Wyland will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Dexter McNamara, Interfaith Service Bureau:

Karen Armstrong wrote:

“All the world religions insist that no spirituality is valid unless it results in practical compassion.”

As we move into this new year and this new decade, my prayer for all of us is this:

—May we be open to the mystery & the wonder & the awe that surrounds us;

—And may we be attentive to the need & the pain & the hurt of people throughout our state.

—May we take time to listen to deep calling in our own lives, of the yearning of our own spirits for grounding & meaning & hope;

—And may we be guided by compassion to bring about practical and significant actions that will have positive impacts on this state and all the people we work for.

—May we seek the good & the right;

—And may we be open to God’s Spirit calling us to life.

—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor’s Office, State Capitol
December 28, 2009

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective December 28, 2009, the nomination, of the following appointee heretofore submitted and now before your honorable body for confirmation.

Rachelle B. Chong Member, Public Utilities Commission.
Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 4, 2010

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

SB 55

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.



REPORTS OF STANDING COMMITTEES**Committee on Business, Professions and Economic Development**

Senate Chamber, January 4, 2010

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 275

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

NEGRETE McLEOD, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 275—An act to amend Sections 6704, 6706.3, 6730, 6737.3, 6738, 6740, 6741, and 6787 of, to add Sections 6702.3, 6702.4, 6702.5, 6702.6, 6702.7, 6702.8, 6702.9, 6702.10, 6702.11, 6730.5, 6730.6, 6730.7, 6731.7, and 6731.8 to, and to repeal Sections 6704.1 and 6737.2 of, the Business and Professions Code, relating to engineers.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, January 4, 2010

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

SB 553 SB 806 SB 467 SB 110

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 553—An act to amend Sections 927.1, 927.2, 927.6, 927.7, and 927.11 of the Government Code, relating to claims against state agencies.

Bill read second time.

Senate Bill 806—An act to amend Section 399.4 of, and to add Section 710 to, the Public Utilities Code, relating to energy.

Bill read second time.

Senate Bill 467—An act to amend Section 2807 of the Penal Code, relating to public contracts.

Bill read second time.

Senate Bill 110—An act to amend Sections 11163.6, 11174.35, 11174.5, 11174.7, 13519.64, 13823.16, 13836, 13836.1, and 14213 of, to amend the heading of Article 2.7 (commencing with Section 11174.4) of Chapter 2 of Title 1 of Part 4 of, to add Sections 368.5 and 13519.65 to, and to add a heading as Chapter 13 (commencing with Section 368) to Title 9



of Part 1 of, the Penal Code, and to amend Sections 4427, 4427.5, 15610.19, and 15763 of, to add Section 4689.25 to, and to add Chapter 10.5 (commencing with Section 15590) to Part 3 of Division 9 of, the Welfare and Institutions Code, relating to people with disabilities.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, January 4, 2010

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

SB 672

SB 808

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 672—An act to add Section 527.1 to the Water Code, relating to the South Tahoe Public Utilities District.

Bill read second time.

Senate Bill 808—An act to add Chapter 4 (commencing with Section 12228) to Part 4.5 of Division 6 of the Water Code, relating to the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SB 657** was withdrawn from Committee and placed on second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 438**, **SB 732**, **SB 677**, **AB 234**, and **AB 511** were withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules;

AB 458 was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules; and

SB 233 was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Liu moved that **AB 548** be taken from the inactive file and placed on the second reading file.

Motion carried.



LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to personal business: Senators Ashburn and Price.

The following Senators were granted leaves of absence for the day due to illness: Senators Alquist and Wyland.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:30 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 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, January 5, 2010.

Motion carried.

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 834: By Senator Florez—An act to add Section 1201.3 to the Penal Code, relating to court orders.

Senate Bill 835: By Senator Strickland—An act to add Chapter 8.2 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of the Government Code, relating to government reorganization, and making an appropriation therefor.

Senate Bill 836: By Senator Oropeza—An act to amend Section 104150 of the Health and Safety Code, relating to breast cancer screening.

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

Assembly Bill 7—An act to amend Sections 84506 and 84508 of the Government Code, relating to the Political Reform Act of 1974.

Bill read third time.

Amendments Adopted

Amendments to AB 7 proposed by Senator Hancock were read and adopted and the measure ordered printed and to second reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 548—An act to amend Section 17558.5 of the Government Code, relating to state mandates.

Amendments Adopted

Amendments to AB 548 proposed by Senator Liu were read and adopted and the measure ordered printed and to second reading.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Correa requested that when the Senate adjourns this day it do so in memory of City of Fullerton Police Officer, Michael Gerard MacDonald.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Trevor Tonsing of Walnut Creek.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Anne Hedenkamp of Chula Vista.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Howard W. Johnson of Boston, Massachusetts.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Milt Feinberg of Encino.

Senators Romero and Cedillo requested that when the Senate adjourns this day it do so in memory of Bobby Salcedo of El Monte.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Bob Nygaard of Apple Valley.

Senators Steinberg and Kehoe requested that when the Senate adjourns this day it do so in memory of Bill Cavala of Sacramento.

Senator Walters requested that when the Senate adjourns this day it do so in memory of Ron Young of Aliso Viejo.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Blythe McCool of Courtland, New York and Seferino Murguia of Eureka.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Phillip John Trantham, Margo Alden Tuxen, Betty Elizabeth Salter, Marcia Gray Doty, Harold Atkinson, Pablo De La Serda, and William Wilson Marsh of Stockton, and Gloria Hunt of Tracy.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Paul Shaimas of Santa Clara.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests upon call of the President pro Tempore, Tuesday, January 5, 2010.

PAULA K. ROSSETTO, Minute Clerk

O

└