

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 14, 2010

The Senate met at 9 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, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—36.

Quorum present.

(NOTE: Senator Denham will be excused this day on legislative business, Senator Oropeza will be excused this day to attend a funeral, and Senator Alquist will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

For those of us who live in California, who have felt the earth under our feet move and shift, who have experienced the fear and uncertainty in the aftermath of an earthquake, our hearts go out to our brothers and sisters in Haiti who are suffering.

For those of us who have relatives who live far away, and know how hard it is to watch and wonder from a distance what is going on in another part of the world, our hearts go out to those who still do not know who is safe and who is not.

For those of us who mourn when we see human life lost or suffering, our hearts turn towards God in prayer.

We pray for the residents of Haiti, and their loved ones as they struggle in the aftermath of this tragedy that has struck their home. May the Holy One grant the relief workers skill and speed in bringing healing and recovery, and grant protection to them in their dangerous work. May we be partners with our Creator in bringing the people of Haiti healing and peace, security and stability in this difficult time.

May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

January 14, 2010

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective January 14, 2010, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Greg Aghazarian Commissioner, Workers' Compensation
 Appeals Board.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

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

Senate Bill 189—An act to amend Sections 7034, 7071.5, 7071.10, 7159, 7159.1, 7159.5, 7159.14, 7164, 8513, and 17577.5 of the Business and Professions Code, to amend Sections 1917.166, 1917.615, 3059, 3060, 3319, 3320, and 3321 of, to add Title 1.4C (commencing with Section 1749.70) to Part 4 of Division 3 of, to add Part 6 (commencing with Section 8000) to Division 4 of, to repeal Chapter 8 (commencing with Section 3081.1) of Title 14 of Part 4 of Division 3 of, to repeal Title 15 (commencing with Section 3082) of Part 4 of Division 3 of, and to repeal



Part 8 (commencing with Section 7100) of Division 4 of, the Civil Code, to amend Sections 86, 410.42, 708.760, 1203.61, 1281.5, and 1800 of the Code of Civil Procedure, to amend Sections 17307.5 and 81133.5 of the Education Code, to amend Sections 7480, 14975, 15820.105, 27287, 66499.2, and 66499.7 of, and to repeal Section 27361.9 of, the Government Code, to amend Sections 5463, 16017.5, 19825, and 34218 of the Health and Safety Code, to amend Section 11751.82 of the Insurance Code, to amend Section 218.5 of the Labor Code, to amend Sections 4107.7, 7103, 10222, 10822, 20104, 20134, 20461, 20496, 20682.5, 20688.4, 20813, 20815.3, 20991, 21061, 21071, 21081, 21091, 21101, 21111, 21121, 21131, 21141, 21151, 21161, 21171, 21181, 21196, 21212, 21231, 21241, 21251, 21261, 21271, 21311, 21321, 21331, 21341, 21351, 21361, 21371, 21381, 21391, 21401, 21411, 21421, 21431, 21441, 21451, 21461, 21491, 21501, 21511, 21521, 21531, 21541, 21572, 21581, 21591, 21601, 21622, and 21631 of, the Public Contract Code, and to amend Section 136.5 of the Streets and Highways Code, relating to mechanics liens.

Bill read second time.

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

Senate Bill 438—An act to amend Sections 48907 and 48950 of the Education Code, relating to education.

Bill read second time.

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

Senate Bill 356—An act to amend Sections 11350 and 11350.3 of the Government Code, relating to regulations.

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

Senate Bill 194—An act to add Section 50834.5 to the Health and Safety Code, relating to community development.

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

Senate Bill 694—An act to amend Section 22043 of the Public Contract Code, relating to public contracts.

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

UNFINISHED BUSINESS

Consideration of Governor's Appointment

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

James J. Ostrowski, Member, State Board of Forestry and Fire Protection

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 (32)—Senators Aanestad, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Romero, Runner, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

MOMENT OF SILENCE

Senate Runner asked that the Senate observe a moment of silence for Will Smith, Senator Runner's Chief of Staff who passed away earlier in the week.

LEAVES OF ABSENCE FOR THE DAY

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

The following Senator was granted leave of absence for the day to attend a funeral: Senator Oropeza.

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

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

At 9:40 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 Friday, January 15, 2010.

Motion carried.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 882: By Senator Corbett—An act to amend Sections 22950.5, 22955, 22962, and 22971 of the Business and Professions Code, and to add Section 111247 to the Health and Safety Code, relating to tobacco, and declaring the urgency thereof, to take effect immediately.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SB 580** was withdrawn from Committee and placed on second reading.



MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 810** was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules; and

SB 408 was withdrawn from the Committee on Education and re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, January 14, 2010

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

Public Safety—SB 408.

Committee on Health

Date of Hearing, January 13, 2010

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

SB 270

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ALQUIST, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, January 13, 2010

Mr. President: The Committee on Health, to which were referred:

SB 732

SB 771

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALQUIST, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing, January 12, 2010

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

SB 203

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

LENO, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Senate Chamber, January 14, 2010

Mr. President: The Chair of the Committee on Transportation and Housing, to which was referred:

AB 458



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

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 458—An act to add Section 26708.7 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 Employment and Retirement

Date of Hearing, January 11, 2010

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

SB 414

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

CORREA, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Water

Date of Hearing, January 12, 2010

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

SB 808

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

PAVLEY, Chair

Above measure ordered to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Health

SB 270—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Cedillo, Cox, Leno, Negrete McLeod, Pavley, Romero, and Strickland.

NOES (0)—None.

SB 732—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Cox, Leno, Negrete McLeod, Pavley, Romero, and Strickland.

NOES (0)—None.



SB 771—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Leno, Negrete McLeod, Pavley, Romero, and Strickland.

NOES (1)—Senator Cox.

Date of Hearing: 1/13/2010

Alquist (Chair)

Committee on Public Employment and Retirement**SB 414**—Do pass as amended

AYES (4)—Senators Corbett, Correa, Ducheny, and Liu.

NOES (2)—Senators Ashburn and Cox.

SB 628—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Ashburn and Cox.

NOES (4)—Senators Corbett, Correa, Ducheny, and Liu.

Failed Passage

Date of Hearing: 1/11/2010

Correa (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Jerry L. Kain of El Dorado Hills.

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

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Harvey Jefferson Wells, Jr., Bob R. G. Lamson, and J. Lloyd Jacobs Sr. of Santa Monica.

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

Senator Runner requested that when the Senate adjourns this day it do so in memory of Will Smith, of Sacramento.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of John Peter Kaplanis, Diane Kovats, William Anthony Kulisch, Robert Munhoi Lee, and Obdulia Lopez of Stockton.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, January 15, 2010.

PAULA K. ROSSETTO, Minute Clerk

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