

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 8, 2010

The Senate met at 2 p.m.
Hon. Curren Price, of the 26th 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:

Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee—35.

Quorum present.

(NOTE: Senators Aanestad and Harman will be excused this day on legislative business and Senators Liu and Wiggins will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Michael Moran, from the Spiritual Life Center.

As I considered what words I would share with you today I came across an Invocation my late wife, Rev. Faith Moran, used at times to open gatherings of diverse cultures, viewpoints, and beliefs. She adapted it from one of the most unselfish prayers ever written—a prayer by St Francis of Assisi. It speaks to the very highest part of human nature: The part of us that is called to serve the common good.

Loving Presence, Bless this assembly of those called to be in service for those who placed their faith and trust in them as they work for the good of all concerned. Today, may all narrowness be set aside so that expansiveness of vision and purpose can express through them.

Where there may be anger or discord, may they be channels of love and harmony.

Where there is injury or woundedness, may there be a willingness to reconcile and heal.

Where there is despair, may this assembly offer hope.

Where there is darkness, may they radiate the light of true Wisdom.

Where there may be heaviness of heart, may these public servants offer genuine comfort and promise to our citizens.

May those who are called to serve endeavor to not only be understood, but to genuinely listen to and understand each other.

May these elected officials remember that it is in serving the highest good of all that they will find true fulfillment and purpose in their lives.

I will close with the wisdom of the Prophet Micah from the Torah.

“And what does God require of you? Only that you do justice, love kindness and mercy, and walk humbly with your God.”

May today’s session be conducted in a positive and healthy manner and with ease and grace.

Bless you for the good work you do for the people of our great state of California.—AMEN.

Peace be upon each you.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 4, 2010

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

SCR 64

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

Above measure ordered to unfinished business file.



Assembly Chamber, February 8, 2010

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

ACR 100

Assembly Chamber, February 8, 2010

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 96

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 100—Relative to teen dating violence.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

(The following measures were introduced and transmitted to the Committee on Rules for assignment on February 5, 2010.)

Bills read the first time.

Senate Bill 956: By Senator Romero (Coauthors: Senators Alquist and Oropeza)—An act to add Section 14025 to the Unemployment Insurance Code, relating to workforce development.

Senate Bill 957: By Senator Price (Coauthor: Senator Hancock)—An act to amend Section 69439 of the Education Code, relating to student financial aid.

Senate Bill 958: By Senator Lowenthal—An act to add Chapter 6.8 (commencing with Section 50676) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

Senate Bill 959: By Senator Ducheny—An act to add and repeal Article 3.5 (commencing with Section 65946) of Chapter 4.5 of Division 1 of Title 7 of the Government Code, relating to development.

Senate Bill 960: By Senator Dutton—An act to add Section 39601.1 to the Health and Safety Code, relating to air resources.

Senate Bill 961: By Senator Wright (Coauthors: Senators Cox, Negrete McLeod, and Strickland) (Coauthor: Assembly Member Hall)—An act to add Section 1367.655 to the Health and Safety Code, and to add Section 10123.205 to the Insurance Code, relating to health care coverage.

Senate Bill 962: By Senator Liu—An act to amend Section 2625 of the Penal Code, relating to prisoners.



Senate Bill 963: By Senator Strickland—An act to add Section 14631 to the Government Code, relating to the State Capitol.

Senate Bill 964: By Senator Alquist (Principal coauthor: Senator Steinberg) (Coauthors: Senators Ducheny and Leno)—An act to add Section 185039 to the Public Utilities Code, relating to workforce training, and making an appropriation therefor.

Senate Bill 965: By Senator DeSaulnier (Coauthors: Senators Correa, Ducheny, Leno, Lowenthal, and Oropeza)—An act to add Section 185036.5 to the Public Utilities Code, relating to transportation, and making an appropriation therefor.

Senate Bill 966: By Senator Alquist—An act to add Article 5.5 (commencing with Section 14183) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 967: By Senators Correa and DeSaulnier (Coauthors: Senators Negrete McLeod and Pavley)—An act to add Article 7 (commencing with Section 10390) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

Senate Bill 968: By Senators Negrete McLeod (Coauthors: Senators Correa, DeSaulnier, and Oropeza)—An act to amend Sections 1267, 1268, 1269, 1271, 1271.5, and 1272 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Senate Bill 969: By Senator Florez (Principal coauthor: Senator Price)—An act to add Chapter 3.5 (commencing with Section 66150) to Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

Senate Bill 970: By Senator Corbett—An act to add and repeal Article 6 (commencing with Section 12290) to Chapter 3 of Division 12 of the Elections Code, relating to elections.

Senate Concurrent Resolution 68: By Senator Strickland—Relative to Ronald Reagan Day.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

Assembly Bill 510—An act to amend Section 2827 of the Public Utilities Code, relating to energy.

Bill read second time and ordered to third reading.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Pavley moved that **AB 900** be placed on the inactive file.

Motion carried.



REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator DeSaulnier, **SB 88** was returned to the Assembly for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS****Consideration of Governor's Appointments**

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

BRIAN R. BACA, Member, State Mining and Geology Board.

JOHN J. LANE, Member, State Mining and Geology Board.

BENJAMIN J. LICARI, Member, State Mining and Geology Board.

CHARLES M. WYATT, Member, State Mining and Geology 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 (33)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Hancock, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad and Harman.

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

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

At 2:23 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, February 9, 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 971: By Senator Pavley—An act to add Article 5 (commencing with Section 125286.1) to Chapter 2 of Part 5 of Division 106 of the Health and Safety Code, relating to genetic disease services.

Senate Bill 972: By Senator Wolk—An act to amend Section 2778 of the Civil Code, relating to indemnity.

Senate Bill 973: By Senators Negrete McLeod (Coauthor: Assembly Member Carter)—An act to add Section 3055.4 to the Penal Code, relating to parole.

Senate Bill 974: By Senator Steinberg (Coauthor: Senator Hancock)—An act to add Section 88560 to the Education Code, relating to taxation.

Senate Bill 975: By Senator Price—An act to add Section 1643.3 to, and to repeal and add Section 1639.01 of, the Health and Safety Code, relating to tissue banks.

Senate Bill 976: By Senator Hollingsworth—An act to amend Section 65000 of the Government Code, relating to land use.

Senate Bill 977: By Senator Hollingsworth—An act to amend Section 33000 of the Health and Safety Code, relating to redevelopment.

Senate Bill 978: By Senator Hollingsworth—An act to amend Section 34100 of the Health and Safety Code, relating to community development.

Senate Bill 979: By Senator Hollingsworth—An act to amend Section 11100 of the Vehicle Code, relating to vehicles.

Senate Bill 980: By Senator Hollingsworth—An act to amend Section 38225 of the Vehicle Code, relating to off-highway vehicles.

Senate Bill 981: By Senator Hollingsworth—An act to amend Section 5007 of the Vehicle Code, relating to vehicles.

Senate Bill 982: By Senator Hollingsworth—An act to amend Section 1872.8 of the Insurance Code, relating to insurance.

Senate Bill 983: By Senator Hollingsworth—An act to amend Section 1861.02 of the Insurance Code, relating to insurance.

Senate Bill 984: By Senator Hollingsworth—An act to amend Section 1748.5 of the Civil Code, relating to credit cards.

Senate Bill 985: By Senator Hollingsworth—An act to amend Section 218 of the Public Utilities Code, relating to public utilities.



Senate Bill 986: By Senator Hollingsworth—An act to amend Section 328.2 of the Public Utilities Code, relating to energy.

Senate Bill 987: By Senator Hollingsworth—An act to amend Section 374 of the Public Utilities Code, relating to electrical restructuring.

Senate Bill 988: By Senator Hollingsworth—An act to amend Section 511 of the Labor Code, relating to employment.

Senate Bill 989: By Senator Hollingsworth—An act to amend Section 4660 of the Labor Code, relating to workers' compensation.

Senate Bill 990: By Senator Hollingsworth—An act to amend Section 512 of the Labor Code, relating to employment.

Senate Bill 991: By Senator Wolk—An act relating to public resources, and making an appropriation therefor.

Senate Resolution 35: By Senator Leno—Relative to pesticides.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1585—An act to amend Sections 9795 and 10242.5 of, and to add Section 10231.5 to, the Government Code, relating to state agency reports, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1585 proposed by Senator DeSaulnier were read and adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Bob Shamrock of Susanville.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of John Smith of San Diego.

Senators Denham and Cogdill requested that when the Senate adjourns this day it do so in memory of Ethie Radanovich of Mariposa.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Mark Rosenthal of Los Angeles.

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

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Maureen O'Connell Wynne of Templeton.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Harlie Franklin "Woody" Wood of Stockton and Susan P. Hill of Davis.



ADJOURNMENT

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

PAULA K. ROSSETTO, Minute Clerk

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