

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 11, 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, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—37.

Quorum present.

(NOTE: Senators Liu and Price will be excused this day on personal business.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

It was written by a Greek philosopher that:

No great thing is created suddenly, any more than a bunch of grapes or a fig. If you tell me that you desire a fig, I answer you that there must be time. Let it first blossom, then bear fruit, then ripen. (Epictetus)

Like a fig, or a bunch of grapes, the fruits of our labor must have time to be cultivated and nurtured into being. We must work, and we must wait, before we can see, understand, and enjoy what we have created.

May the work of our hands always be blessed, and may the time not be distant before we can see the outcome we have labored for. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill 85—An act to add Sections 96.11 and 97.81 to the Revenue and Taxation Code, relating to local government finance.

Bill presented by Senator Cogdill.

The question being: Shall the Senate concur in the Assembly amendments to SB 85?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland.

NOES (0)—None.

Above bill ordered enrolled.

SENATE RULE 55 WAIVED

Without objection Senate Rule 55 was waived to allow lobbyists on the floor for a special presentation.



THIRD READING OF ASSEMBLY BILLS

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

Bill read third time and presented by Senator Kehoe.

Roll Call

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

AYES (27)—Senators Aanestad, Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Florez, Harman, Kehoe, Leno, Lowenthal, Maldonado, Oropeza, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, and Yee.

NOES (5)—Senators Ashburn, Cox, Hollingsworth, Walters, and Wright.

Bill ordered transmitted to the Assembly.

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 and presented by Senator DeSaulnier.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Aanestad, Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Roll Call

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

AYES (35)—Senators Aanestad, Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



UNFINISHED BUSINESS (RESUMED)
Consideration of Governor's Nomination

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

ABEL MALDONADO, Lieutenant Governor

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

Roll Call

The roll was called and the nomination was confirmed by the following vote:

AYES (26)—Senators Alquist, Ashburn, Cedillo, Corbett, Correa, Cox, DeSaulnier, Dutton, Hancock, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, and Wright.

NOES (7)—Senators Aanestad, Denham, Ducheny, Florez, Runner, Wyland, and Yee.

Consideration of Governor's Appointment

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

DEL MONTE M. WALTERS, Director, 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 (36)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

RECESS

At 10:04 a.m., on motion of Senator Florez the Senate recessed in order to convene in 8th extraordinary session.

REASSEMBLED

At 10:06 a.m., the Senate reconvened.

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

LEAVES OF ABSENCE FOR THE DAY

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



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

At 10:07 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, February 12, 2010.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 11, 2010

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

JOHN J. MENCHACA, is managing partner for Menchaca and Company since 2004 and bankruptcy trustee for the U.S. Department of Justice's Office of the U.S. Trustee since 1998. He previously served as principal for Vasquez and Company from 1997 to 2004. Menchaca was senior manager for Ernst and Young from 1994 to 1997 and manager from 1990 to 1993. Appointed 01/22/10. Effective 02/08/10.

Member, California State Lottery Commission, vice, Loretta Doon, term expired, term ending 11/06/11.

MARK A. THURMAN, is president of ARB Structures since 2004. Previous president of Pepper Construction Company Pacific from 1989 to 2004, firefighter specialist for the Orange County Fire Authority from 1980 to 1988 and project manager for Miles and Kelley Construction Company from 1975 to 1980. Thurman is a member of the Associates General Contractor of California's Board of Directors, Urban Land Institute, Design-Build Institute of America and International Council of Shopping Centers. Appointed 01/19/10. Effective 01/28/10.

Member, Contractors' State License Board, Department of Consumer Affairs, vice, Stephen A. Matich, term expired, term ending 06/01/13.

ROGER A. KOZBERG, is managing director of Hub International, an insurance broker, since 2006 and has served on the State Teachers' Retirement Board since 2005. He is also director of the public television station KCET in Los Angeles since 2001. Kozberg was senior vice



president for Marsh and McLennan from 1997 to 2005. He is a trustee for the Natural History Museum of Los Angeles County and serves on the Public Infrastructure Advisory Commission for the Business Transportation and Housing Agency. Reappointed 02/03/10. Effective 02/04/10.

Member of the State Teachers' Retirement Board, term ending 12/31/13.

JEFFREY S. MASON, previous manager of client relations, education and training for the Lyle Company since 2006 and project manager for Insweb from 2005 to 2006. He owned and operated Jumpshots Coffee from 2003 to 2005 and was manager of the new products and technology implementation team for AT&T Wireless Service from 1996 to 2003. Mason was a legislative assistant for Assemblymember Denise Ducheny from 1994 to 1996 and assistant clerk for the Chief Clerk of the California State Assembly from 1991 to 1993. Appointed 01/25/10. Effective 01/25/10.

Chief, Bureau of Security and Investigative Services, Department of Consumer Affairs, vice, Paul M. Johnson, retired, term ending at the Pleasure of the Governor.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, February 10, 2010

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

Banking, Finance and Insurance—AB 41.

Business, Professions and Economic Development—AB 549, AB 1391, AB 1431, AB 1524.

Education—SB 898, SB 917; AB 220, AB 317, AB 391, AB 1223.

Energy, Utilities and Communications—SB 920; AB 424.

Environmental Quality—SB 928, SB 929; AB 25.

Governmental Organization—SB 899, SB 907; AB 151.

Health—SB 900; AB 113, AB 223, AB 1225.

Human Services—AB 537, AB 1433.

Judiciary—SB 906, SB 909; AB 781, AB 953, AB 973, AB 1229, AB 1263.

Labor and Industrial Relations—SB 903, SB 908.

Local Government—SB 902; AB 419, AB 987, AB 1451.



Natural Resources and Water—SB 904; AB 408, AB 1254.

Public Employment and Retirement—AB 1533.

Public Safety—AB 633, AB 674, AB 984, AB 1239, AB 1414.

Revenue and Taxation—SB 913; AB 384, AB 1178.

Rules—SB 905, SB 910, SB 911, SB 912, SB 914, SB 915, SB 916, SB 919, SB 921, SB 922, SB 923, SB 924, SB 925, SB 926, SB 927; AB 35, AB 551, AB 558, AB 656.

Transportation and Housing—SB 901; AB 498, AB 1097, AB 1155, AB 1204, AB 1224, AB 1502.

The Committee on Rules has re-referred the following measures to committees:

Environmental Quality—AJR 24.

Public Safety—AB 1280.

Transportation and Housing—AB 289.

The Committee on Rules has referred the following measures to two committees:

Business, Professions and Economic Development and Health—AB 977.

Business, Professions and Economic Development and Rules—AB 1518.

Education and Elections, Reapportionment and Constitutional Amendments—SCA 26.

Governmental Organization and Rules—AB 978.

Health and Environmental Quality—SB 918.

Health and Human Services—AB 963.

Human Services and Judiciary—AB 12, AB 743.

Local Government and Appropriations—AB 1199.

Natural Resources and Water and Environmental Quality—AB 1504.

Transportation and Housing and Rules—AB 1375.

Veterans Affairs and Revenue and Taxation—AB 1088.

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

Natural Resources and Water and Environmental Quality—AJR 26.



Committee on Local Government

Senate Chamber, February 11, 2010

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

SB 841

SB 842

SB 843

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

COX, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 841—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 842—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 843—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

Bill read second time.

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

Committee on Revenue and Taxation

Date of Hearing, February 11, 2010

Mr. President: The Committee on Revenue and Taxation, to which was referred:

AB 347

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

WOLK, Chair

Above measure re-referred to the Committee on Appropriations.

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 1019: By Senator Correa (Coauthor: Senator Price) (Coauthor: Assembly Member Knight)—An act to amend Section 66499.7 of the Government Code, relating to subdivided lands.

Senate Bill 1020: By Senators Wolk, DeSaulnier, and Huff (Principal coauthor: Senator Ashburn) (Principal coauthors: Assembly Members Buchanan and Niello)—An act to add Sections 9143.5, 13335.3, and 13335.5 to the Government Code, relating to the state budget.

Senate Bill 1021: By Senator Wyland—An act to amend Section 14681.5 of the Government Code, relating to state buildings.

Senate Bill 1022: By Senator Strickland—An act to amend Section 25503.9 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 1023: By Senator Wiggins (Coauthor: Assembly Member Evans)—An act to amend Section 57077 of, and to add and repeal Section 56853.5 of, the Government Code, relating to local government.

Senate Bill 1024: By Senator Oropeza—An act to amend Section 21100.4 of the Vehicle Code, relating to vehicles.

Senate Bill 1025: By Senator Harman—An act to amend Section 68661 of, and to add Section 68667 to, the Government Code, relating to courts.

Senate Constitutional Amendment 27: By Senator Harman—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article VI thereof, relating to death penalty appeals.

Senate Constitutional Amendment 28: By Senator Wyland—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 10 to Article III thereof, relating to state audits.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 787** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Revenue and Taxation

AB 347—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Ashburn, Padilla, Walters, and Wolk.

NOES (0)—None.

Date of Hearing: 2/11/2010

Wolk (Chair)



REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Nance Affonso of Hayward.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Charmel M. Butcher of Willits.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned until 9 a.m., Friday, February 12, 2010.

PAULA K. ROSSETTO, Minute Clerk

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