

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 22, 2010

The Senate met at 2 p.m.

Hon. Gloria Romero, of the 24th 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, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—39.

Quorum present.



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

An ancient sage gave this advice to one who wants to live a life of meaning. He said: Get yourself a teacher; and acquire a friend to study with you. When you judge people, give them the benefit of the doubt. (Joshua ben Perachya, Pirke Avot 1.6)

May we always have the humility to know that there is something to be learned from someone more experienced than ourselves, may we always know the pleasure of studying with a peer, and may our studies teach us to act with compassion for others. 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
February 22, 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

BRENDAN L. HUFFMAN, is owner of Huffman Public Affairs since 2008 and previous president and chief executive officer of Valley Industry and Commerce Association from 2006 to 2008. He was director of public policy at the Los Angeles Area Chamber of Commerce from 2002 to 2006 and senior account manager for PS Enterprises from 2000 to 2002. He worked for Assemblymember Wally Knox as a district director from 1996 to 1999. Reappointed 01/19/10. Effective 01/25/10.

Member, Boating and Waterways Commission, term ending 01/15/14.

MICHAEL E. POULOS, has served as warden of the California Institution for Men (CIM) since 2006. Previous acting warden of CIM from 2005 to 2006. He served as chief deputy administrator and correctional administrator for California State Prison, Corcoran from 2003 to 2005 and correctional administrator for the California Rehabilitation Center from 2002 to 2003. Poulos served Avenal State Prison as correctional captain from 1999 to 2002 and 1993 to 1997 and was facility captain from 1997 to 1999. Appointed 02/03/10. Effective 02/03/10.



Associate Director, High Security and Transitional Program Institutions, Division of Adult Institutions, Department of Corrections and Rehabilitation, vice, George J. Giurbino, reassigned, term ending at the Pleasure of the Governor.

CHARLES E. HOPPIN, is a member of the State Water Resources Control Board since 2006 and has served as chair since 2009. He has over 35 years of farming experience and, together with his son, currently farms 3,000 acres in a diversified farming operation in Yolo and Sutter counties. Hoppin has served on the California State University Agricultural Advisory Committee since 2005. Previously, he served on the State Board of Agriculture from 2002 to 2006 and the Sutter Mutual Water Company Board of Directors from 2000 to 2002. Reappointed 02/05/10. Effective 02/17/10.

Member and Chair, State Water Resources Control Board, term ending, 01/15/14.

DONALD C. BENNINGHOVEN, is retired from serving as executive director and member of the board of directors for the City-County-School Partnership from 1998 to 2000 and has served on the Fish and Game Commission since 2009. Previously, he held several positions at the League of California Cities including executive director. He served on the Marine Life Protection Act Blue Ribbon Task Force from 2007 to 2009. Benninghoven also previously served as secretary for the City-County-School Partnership, chairman of the California Center for Civic Renewal and a member of the Institute for Local Self Government Executive Committee. Benninghoven is a member of the California Game Wardens Foundation. Reappointed 01/26/10. Effective 02/03/10.

Member, Fish and Game Commission, term ending 01/15/16.

DAVID A. RABAGO, D.C., is a chiropractor for Rabago Family Chiropractic since 1998. Previously, he was a correctional officer at California State Prison, Solano for the California Department of Corrections and Rehabilitation from 1987 to 1991. Appointed 01/21/10. Effective 02/17/10.

Member, State Board of Barbering and Cosmetology, vice, Socorro Farias, term expired, term ending 01/01/11.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, February 22, 2010

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 451



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

Assembly Bill 451—An act to amend Sections 52055.57 and 52059 of, and to add Section 52055.575 to, the Education Code, relating to public school accountability.

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, February 22, 2010

Madam President: The Committee on Rules has examined:

SCR 64

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 22nd day of February, 2010, at 2 p.m.

STEINBERG, Chair

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Hancock, **SB 205** was returned to the Assembly for further action.

RECESS

At 2:13 p.m., the Senate recessed in order to convene in Eighth extraordinary session.

REASSEMBLED

At 3:30 p.m., the Senate reconvened.

Hon. Gloria Romero, of the 24th District, presiding.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 100—Relative to teen dating violence.

Resolution read third time and presented by Senator Correa.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



Assembly Bill 347—An act to add and repeal Sections 17206.5 and 24357.11 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time and presented by Senator Steinberg.

Roll Call

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

AYES (39)—Senators Aanestad, Alquist, Ashburn, 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, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 3:37 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 Tuesday, February 23, 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:

Senate Concurrent Resolution 79: By Senator Denham—Relative to Portuguese Heritage Month.

Senate Joint Resolution 24: By Senator Yee—Relative to violence against women.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SJR 21** was withdrawn from Committee and placed on third reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 228** was withdrawn from the Committee on Energy, Utilities and Communications and re-referred to the Committee on Rules.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

An annual report dated: January 12, 2010, relating to the DNA Fund 2009, was received from the County of Los Angeles and transmitted to the Committee on Public Safety.



An annual report dated: February 8, 2010, relating to the DNA Fund 2009, was received from the County of Colusa and transmitted to the Committee on Public Safety.

An annual report dated: January 3, 2010, relating to the DNA Fund 2009, was received from the County of El Dorado and transmitted to the Committee on Public Safety.

An annual report dated: January 29, 2010, relating to the DNA Fund 2009, was received from the County of Kings and transmitted to the Committee on Public Safety.

An annual report dated: January 8, 2010, relating to the DNA Fund 2009, was received from the County of Yuba and transmitted to the Committee on Public Safety.

An annual report dated: January 15, 2010, relating to the DNA Fund 2009, was received from the County of Fresno and transmitted to the Committee on Public Safety.

A qualified initiative #1381 dated: January 20, 2010, relating to the following: Allows Auto Insurance Companies to Base Their Prices in Part on a Driver's History of Insurance Coverage. Initiative Statute was received from the Office of the Secretary of State and transmitted to the Committee on Rules.

A Title Summary Report 09-0070 dated: January 8, 2010, relating to The Best Practices Budget Accountability Act, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0071 dated: January 13, 2010, relating to Community Funding Protection and Accountability Act of 2010, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0085 dated: January 15, 2010, relating to Foster Child Opportunity Scholarship Act, was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: February 17, 2010, relating to the DNA Fund 2009, was received from the County of Plumas and transmitted to the Committee on Public Safety.

A Title Summary Report 09-0087 dated: January 15, 2010, relating to Corporate Political Accountability Act, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09 088 dated: January 15, 2010, relating to Corporate Campaign Contributions and Expenditures, was received from the Department of Justice and transmitted to the Committee on Rules.



A Title Summary Report 09-0099 dated: February 5, 2010, relating to The Increased Lottery Funding for Schools and Lottery Public Accountability Act of 2010, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09 0107 dated: February 5, 2010, relating to Financial Accountability in Redistricting Act, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09 0100 dated: February 17, 2010, relating to Taxes [V-3], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09 0101 dated: February 17, 2010, relating to Ask Us First Taxpayer Protection Act of 2010, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09 0104 dated: February 17, 2010, relating to California Jobs Initiative [V-1] (Hiltachk), was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09 0105 dated: February 17, 2010, relating to California Jobs Initiative [V-2] (Hiltachk), was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09 0106 dated: February 17, 2010, relating to Vote SAFE: Secure and Fair Elections Act [V-5], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0075 dated: January 14, 2010, relating to New Public Employees Benefits Reform Act [V-1], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0076 dated: January 14, 2010, relating to New Public Employees Benefits Reform Act [V-2], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0080 dated: January 14, 2010, relating to Public Employee Pension Limitation Law, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0089 dated: January 22, 2010, relating to Taxpayer Protection Act of 2010, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0092 dated: January 22, 2010, relating to Taxes [V-1], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0093 dated: January 22, 2010, relating to Taxes [V-2], was received from the Department of Justice and transmitted to the Committee on Rules.



A Title Summary Report 09-0066 dated: December 22, 2009, relating to Citizens' Constitutional Convention Act, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0067 dated: December 22, 2009, relating to The Call for a Citizens' Limited Constitutional Convention, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0051 dated: December 16, 2009, relating to Comprehensive Tax Reform Initiative (Amdt. #1 S.), was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0065 dated: December 17, 2009, relating to California Cancer Research Act [V-2], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0073 dated: January 5, 2010, relating to Community Hospital Taxes [V-1], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0074 dated: January 5, 2010, relating to Community Hospital Taxes [V-2], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0079 dated: January 5, 2010, relating to Community Hospital Taxes [V-3], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0081 dated: January 5, 2010, relating to Community Hospital Taxes [V-4], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0082 dated: January 5, 2010, relating to Community Hospital Taxes [V-5], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0083 dated: January 5, 2010, relating to Community Hospital Taxes [V-6], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0084 dated: January 5, 2010, relating to Community Hospital Taxes [V-7], was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 09-0077 dated: January 5, 2010, relating to the following: Protect Homeowners and Close Corporate Tax Loopholes Act, was received from the Department of Justice and transmitted to the Committee on Rules.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Leanna McConnaughey of Meniffee.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Brian Silveria of Benicia.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Dennis Eugene Kellogg Sr., Dennis Lee Perry, and Judhromia "J.J." Johnson Jr. of Stockton.

Senator Wright requested that when the Senate adjourns this day it do so in memory of Alma Agard of Vicksburg, Mississippi.

ADJOURNMENT

At 3:37 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 23, 2010.

PAULA K. ROSSETTO, Minute Clerk

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