

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Monday, March 1, 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:

Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Runner, Simitian, Steinberg, Walters, Wiggins, Wolk, Wyland, and Yee—33.

Quorum present.

(NOTE: Senators Denham, Padilla, Romero, Strickland, and Wright will be excused this day on legislative business and Senator Oropeza will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The American poet, John Burroughs, wrote:

The lesson which life repeats and constantly enforces is "Look under foot." You are always nearer the divine and the true sources of your power than you think. The lure of the distant and the difficult is deceptive. The great opportunity is where you are. Do not despise your own place and hour. Every place is under the stars, every place is the center of the world.

It is easy to get distracted and look for life's treasures and rewards as something to be found in the far-off future, in another place, or as somehow unattainable in the here and now.

However this is not true. In every place and every moment there is an opportunity to encounter the sacred.

May the Holy One of Blessing open our eyes so we may see the daily miracles of life, and open our hearts so we can enjoy them. 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.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 1, 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

BARBARA D. LUNDBURG, is principal and owner of Roystun, Hanamoto, Alley and Abey, a firm providing services in landscape architecture, planning and design, since 1989. She is a member of the American Society of Landscape Architects and Green Building Certification Institute. Appointed 01/27/10. Effective 02/23/10.

Member, State Mining and Geology Board, vice, Robert D. Hablitzel, term expired, term ending 01/15/14.



LILLIAN M. SCAIFE, is a member with Blind Assistant Technology Specialists since 1996 and has served on the Rehabilitation Appeals Board since 2008 and was previously a member from 2002 to 2006. She currently serves on the Long Beach Disabilities Appeals Board, is a life member of the Greater Long Beach Council of the Blind and is president of the Association for Multicultural Concerns. Scaife was a computer-based training administrator for Boeing Aircraft Company and its predecessor, Rockwell Corporation from 1979 to 2000. Reappointed 01/26/10. Effective 02/10/10.

Member, Rehabilitation Appeals Board, term ending 12/24/13.

JOHN T. KEHOE, is owner of the consulting firm, The Kehoe Group, since 1989 and has served on the Rehabilitation Appeals Board as chair since 2006 and member since 2005. Previously, he was executive director of the Commission on Aging from 1995 to 2001. Reappointed 01/26/10. Effective 02/11/10.

Member and Chair, Rehabilitation Appeals Board, term ending, 01/01/14.

DAN CHERNOW, Ed.D., is executive director of the school management program for the University of California, Los Angeles, since 1996. Previous vice president of the Pacific Theaters Corporation from 1962 to 1995 and a teacher for the Los Angeles Unified School District from 1968 to 1971. Appointed 02/05/10. Effective 02/23/10.

Member, Commission on Teacher Credentialing, vice, Margaret J. Gaston, term expired, term ending 11/20/13.

BENITA SANCHEZ-JACKSON, is a retired annuitant with the Department of General Services since 2009 and has served on the Rehabilitation Appeals Board since 2006. Previous retired annuitant for the office of civil rights at the California Department of Corrections and Rehabilitation (CDCR) from 2007 to 2008. Previous equal employment opportunity investigator and staff service manager for CDCR from 1998 to 2003. Reappointed 02/11/10. Effective 02/17/10.

Member, Rehabilitation Appeals Board, term ending 12/24/13.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 1, 2010

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

ACR 112

ACR 114

ACR 117

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 112—Relative to Cuss Free Week.

Assembly Concurrent Resolution 114—Relative to a Day of Remembrance.

Assembly Concurrent Resolution 117—Relative to Rare Disease Day.

REPORTS OF STANDING COMMITTEES**Committee on Veterans Affairs**

Senate Chamber, March 1, 2010

Mr. President: The Chair of the Committee on Veterans Affairs, to which was referred:

AB 1088

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

DENHAM, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1088—An act to amend Section 1048 of, and to repeal and add Section 1051 of, the Military and Veterans Code, and to add and repeal Article 11.3 (commencing with Section 18810) of Chapter 3 of Part 10.2 of Division 2 of, and to repeal Article 11.5 (commencing with Section 18825) of Chapter 3 of Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to veterans.

Bill read second time.

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

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

Assembly Joint Resolution 3—Relative to offshore oil drilling.

Resolution read third time.

Amendments Adopted

Amendments to AJR 3 proposed by Senator Hancock were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 548 pursuant to Joint Rule 58.

ASSEMBLY MEMBER CHESBRO



Permission of Rules Committee

Senate Chamber, March 1, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 548.

STEINBERG, Chair

Amendments Adopted

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

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10(c), **AB 548** was re-referred to the Committee on Rules.

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

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

PETER M. LOPEZ, Member, California Exposition and State Fair Board of Directors.

STEVEN R. ROBERTS, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

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 (29)—Senators Aanestad, Alquist, Ashburn, Cedillo, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Maldonado, Negrete McLeod, Pavley, Price, Runner, Simitian, Steinberg, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

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

ARTHUR R. CARTER, Member, Occupational Safety and Health Appeals Board.

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, Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock,

Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Runner, Simitian, Steinberg, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

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

TERRI L. McDONALD, Chief Deputy Secretary for Adult Operations,
Department of Corrections and Rehabilitation

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, Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Runner, Simitian, Steinberg, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

RECESS

At 2:17 p.m., the Senate recessed in order to convene the 8th extraordinary session.

REASSEMBLED

At 2:20 p.m., the Senate reconvened.

Hon. Curren Price, of the 26th District, presiding.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Denham, Padilla, Romero, Strickland, and Wright.

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:21 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, March 2, 2010.

Motion carried.



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

Senate Chamber, March 1, 2010

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

SCR 63

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 Concurrent Resolution 63**—Relative to secondhand goods.

Resolution read second time.

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

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 1477: By the Committee on Environmental Quality (Senators Simitian (Chair), Corbett, Hancock, Lowenthal, Pavley, Runner, and Strickland)—An act to amend Sections 44508, 44542, 44543, and 44553 of the Health and Safety Code, relating to the California Pollution Control Financing Authority, and declaring the urgency thereof, to take effect immediately.

Senate Concurrent Resolution 83: By Senator Negrete McLeod (Coauthor: Senator Huff) (Coauthor: Assembly Member Torres)—Relative to the Officer Russell M. Miller, Sr. Memorial Highway.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned until 9 a.m., Tuesday, March 2, 2010.

PAULA K. ROSSETTO, Minute Clerk

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