

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Thursday, March 4, 2010

The Senate met at 9 a.m.

Hon. S. Joseph Simitian, of the 11th 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, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, Wyland, and Yee—32.

Quorum present.

(NOTE: Senators Padilla, Strickland, Walters, and Wright will be excused this day on legislative business, Senators Ashburn and Harman will be excused this day on personal business, and Senator Wiggins will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

The 19th century American author J.G. Holland taught that “God gives every bird its food, but does not throw it into the nest.”

All that we need to nourish us in life, physically, intellectually, spiritually, God provides for in the world. But it is for us to seek, to search, and to claim it for ourselves.

May we be blessed with the ability to find what we need to sustain us, to recognize it when it is revealed to us, and to accept even what we have worked hard to attain as though it were a gift from the Eternal One. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, March 3, 2010

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

Banking, Finance and Insurance—SB 1242, SB 1363.

Budget and Fiscal Review—SB 1388.

Business, Professions and Economic Development—SB 1172, SB 1246, SB 1254.

Education—SB 1186, SB 1191, SB 1193, SB 1225, SB 1227, SB 1256, SB 1278, SB 1298, SB 1300, SB 1301, SB 1354, SB 1357, SB 1380, SB 1381.

Elections, Reapportionment and Constitutional Amendments—SB 1202, SB 1203, SB 1271, SB 1342, SB 1346.

Energy, Utilities and Communications—SB 1198, SB 1367, SB 1375.

Environmental Quality—SB 1194, SB 1238, SB 1263, SB 1284, SB 1293, SB 1365.

Food and Agriculture—SB 1176, SB 1308, SB 1321.

Governmental Organization—SB 1167, SB 1231, SB 1249, SB 1273, SB 1323, SB 1336, SB 1351.

Health—SB 1163, SB 1164, SB 1169, SB 1184, SB 1200, SB 1236, SB 1237, SB 1368.

Human Services—SB 1214, SB 1322, SB 1329, SB 1359.

Judiciary—SB 1166, SB 1178, SB 1221, SB 1222, SB 1274, SB 1276, SB 1281, SB 1292, SB 1324, SB 1330, SB 1355, SB 1361.



Labor and Industrial Relations—SB 1211, SB 1213, SB 1267, SB 1335, SB 1370.

Local Government—SB 1141, SB 1174, SB 1205, SB 1219, SB 1287, SB 1290, SB 1319, SB 1374.

Natural Resources and Water—SB 1179, SB 1234, SB 1280, SB 1294, SB 1303, SB 1334, SB 1345, SB 1349, SB 1350.

Public Employment and Retirement—SB 1209, SB 1217.

Public Safety—SB 1168, SB 1190, SB 1201, SB 1204, SB 1253, SB 1265, SB 1266, SB 1277, SB 1279, SB 1296, SB 1312, SB 1313, SB 1325, SB 1331, SB 1338, SB 1364.

Revenue and Taxation—SB 1185, SB 1197, SB 1210, SB 1239, SB 1250, SB 1306, SB 1337, SB 1373.

Rules—SB 1165, SB 1170, SB 1175, SB 1180, SB 1181, SB 1182, SB 1189, SB 1192, SB 1195, SB 1196, SB 1199, SB 1206, SB 1218, SB 1224, SB 1226, SB 1228, SB 1230, SB 1232, SB 1235, SB 1243, SB 1247, SB 1248, SB 1251, SB 1252, SB 1257, SB 1259, SB 1260, SB 1261, SB 1269, SB 1270, SB 1272, SB 1282, SB 1283, SB 1285, SB 1286, SB 1288, SB 1289, SB 1291, SB 1297, SB 1302, SB 1307, SB 1309, SB 1310, SB 1311, SB 1314, SB 1315, SB 1316, SB 1326, SB 1327, SB 1328, SB 1332, SB 1333, SB 1339, SB 1343, SB 1347, SB 1352, SB 1358, SB 1360, SB 1362, SB 1366, SB 1369, SB 1372, SB 1376, SB 1377, SB 1378, SB 1379, SB 1382, SB 1383, SB 1385, SB 1389.

Transportation and Housing—SB 1162, SB 1208, SB 1215, SB 1216, SB 1220, SB 1229, SB 1245, SB 1264, SB 1295, SB 1299, SB 1318, SB 1320, SB 1341, SB 1348, SB 1371.

Veterans Affairs—SB 1384, SB 1386, SB 1387.

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

Banking, Finance and Insurance and **Judiciary**—SB 1188, SB 1223, SB 1275.

Business, Professions and Economic Development and **Rules**—SB 1171.

Education and **Human Services**—SB 1183, SB 1353.

Education and **Public Safety**—SB 1317.

Elections, Reapportionment and Constitutional Amendments and **Judiciary**—SB 1233.

Environmental Quality and **Rules**—SB 1305.

Food and Agriculture and **Environmental Quality**—SB 1241.



Food and Agriculture and Natural Resources and Water—SB 1177.

Governmental Organization and Banking, Finance and Insurance—SB 1258.

Health and Education—SB 1255.

Health and Judiciary—SB 1187.

Labor and Industrial Relations and Revenue and Taxation—SB 1244.

Labor and Industrial Relations and Rules—SB 1304.

Local Government and Banking, Finance and Insurance—SB 1344.

Local Government and Environmental Quality—SB 1207.

Local Government and Health—SB 1240.

Local Government and Public Safety—SB 1356.

Natural Resources and Water and Environmental Quality—SB 1173.

Public Employment and Retirement and Revenue and Taxation—SB 1262.

Transportation and Housing and Environmental Quality—SB 1340.

Transportation and Housing and Judiciary—SB 1268.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

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, ordered engrossed, and to Consent Calendar.

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, ordered engrossed, and to Consent Calendar.

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, ordered engrossed, and to Consent Calendar.



RECESS

At 10:03 a.m., the Senate recessed in order to convene the Eighth Extraordinary Session.

REASSEMBLED

At 10:53 a.m., the Senate reconvened.

Hon. S. Joseph Simitian, of the 11th District, presiding.

LEAVES OF ABSENCE FOR THE DAY

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

The following Senators were granted leaves of absence for the day on personal business: Senators Ashburn and Harman.

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

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

At 11 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 Monday, March 8, 2010.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 4, 2010

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective March 4, 2010, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation:

Raneene Belisle Member, State Board of Education

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 4, 2010

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

AB 347

E. DOTSON WILSON, Chief Clerk of the Assembly



REPORTS OF STANDING COMMITTEES**Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, March 4, 2010

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

AB 441

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

HANCOCK, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 441—An act to amend Section 18370 of the Elections Code, relating to elections.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, March 4, 2010

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

AB 658

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

WOLK, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 658—An act to add and repeal Article 14.5 (commencing with Section 18856) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill 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 measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 84: By Senator Aanestad—Relative to the Patricia Ann Weston Memorial Highway.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Don La Plante of Hayward.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Richard Perry of Folsom.

Senators Hollingsworth, Kehoe, Wyland, and Ducheny requested that when the Senate adjourns this day it do so in memory of Chelsea King of Poway.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Dep. Ken Collier of Santee.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Uriel Macias of Azusa.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Paratrooper Ian Gelig of Santa Clarita.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, March 8, 2010.

PAULA K. ROSSETTO, Minute Clerk

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