

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Monday, March 8, 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:

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

Quorum present.

(NOTE: Senators Aanestad, Florez, and Walters will be excused this day on legislative business and Senator Negrete McLeod will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by The Very Reverend Dr. Brian Baker of the Trinity Cathedral:

Open our hearts O Lord, not only to the needs of those we serve, but also to one another in this Chamber so as a community of leaders we can be led to wise and courageous actions that benefit California.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 8, 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

DEBRA DEXTER HERNDON, previous acting associate director of Female Offender Programs and Services for the California Department of Corrections and Rehabilitation (CDCR) since 2009. Herndon served as warden at Ironwood State Prison from 2007 to 2009 and chief deputy warden from 2006 to 2007. She served Centinela State Prison as correctional administrator in 2005, facilities captain from 2004 to 2005 and correctional captain from 2002 to 2003. Appointed 02/11/10. Effective 02/11/10.

Associate Director, Female Programs and Services, Division of Adult Institutions, Department of Corrections and Rehabilitation, vice, Wendy S. Still, resigned, term ending at the Pleasure of the Governor.

MARY J. KIGHT, previous assistant adjutant general of the California National Guard since 2006 and previously held the positions of assistant adjutant general, air for the California National Guard Headquarters from 2004 to 2006, 201st Mission Support Squadron detach commander for all members on Title 10 from 2001 to 2004, 144th Mission Support Group commander in Fresno from 1999 to 2004 and first aircraft generation squadron commander for the 144th Fighter Wing from 1994 to 1998. Kight served the U.S. Air Force from 1974 to 1981. Appointed 02/02/10. Effective 02/02/10.

Adjutant General of the State Military Forces, State of California, vice, William H. Wade, II, resigned, term ending at the Pleasure of the Governor.



JONATHAN EMAMI, is vice president of ROEM Development Corporation since 2006 and has served on the California Housing Partnership Corporation since 2007. Previously, he was project manager for ROEM Development Corporation from 2001 to 2005. Emami is a member of the Silicon Valley Chamber of Commerce, The Urban Land Institute and The Housing Trust of Santa Clara County Board of Directors. Reappointed 02/24/10. Effective 02/25/10.

Member, California Housing Partnership Corporation, term ending, 01/01/13.

PETER R. MACDOUGALL, previous superintendent and president of the Santa Barbara Community College District from 1981 to 2002. He was dean of Los Angeles Pierce College from 1975 to 1981. MacDougall was associate dean of students and a professor of the graduate school of education at Rutgers State University from 1968 to 1975. He was the counselor coordinator at Penn State University from 1965 to 1968 and advisor of paternity affairs at the University of Rhode Island in 1964. Appointed 02/17/10. Effective 02/24/10.

Member, Board of Governors of the California Community Colleges, vice, J. Alfred Smith, Sr., resigned, term ending 01/15/13.

BRENDA VICTORIA CASTILLO, is director of western region government and public affairs for BP America since 2007. Previous director of diversity and community outreach for the American Red Cross of Greater Los Angeles from 1999 to 2006. She was a teacher for the Archdiocese of Los Angeles from 1994 to 1998 and executive director for the National Hispanic Media Coalition from 1992 to 1994. Castillo worked for KTLA, Channel 5 in Los Angeles as an associate producer and community affairs representative from 1985 to 1992. Appointed 02/05/10. Effective 03/03/10.

Member, Commission on Teacher Credentialing, vice, Josephine L. Calderon, term expired, term ending 11/20/13.

TED D. NELSON, is president of FS Hawaii since 1997 and Duke Financial Company since 1984. Nelson is chair of the board of directors of the Professional Beauty Federation of California and member emeritus of the Brigham Young University Advisory Council for the School of Management. Appointed 02/03/10. Effective 03/02/10.

Member, State Board of Barbering and Cosmetology, vice, Marlene A. Gadinis, term expired, term ending 01/01/11.



THEODORE R. MITCHELL, Ph.D., is president and chief executive officer of the New Schools Venture Fund since 2005 and has served on the State Board of Education since 2007. Previous president of Occidental College from 1999 to 2005. Mitchell served the University of California, Los Angeles as vice chancellor of external affairs from 1997 to 1998 and dean of the School of Education from 1992 to 1997. Previous deputy to the president of Stanford University from 1991 to 1992 and associate professor of education for Dartmouth College from 1981 to 1991. Reappointed 02/02/10. Effective 02/23/10.

Member, State Board of Education, term ending 01/15/14.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 8, 2010

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

ACR 120

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 120—Relative to Read Across America Day.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 8, 2010

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 936

AB 656

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 936—An act to amend Section 17048 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Assembly Bill 656—An act to add Part 21 (commencing with Section 42001) to Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.



Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 656 pursuant to Joint Rule 58.

ASSEMBLY MEMBER TORRICO

Permission of Rules Committee

Senate Chamber, March 8, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 656.

STEINBERG, Chair

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

Committee on Business, Professions and Economic Development

Senate Chamber, March 8, 2010

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

AB 1152

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

Assembly Bill 1152—An act to amend Section 2406 of the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1152 pursuant to Joint Rule 58.

ASSEMBLY MEMBER ANDERSON

Permission of Rules Committee

Senate Chamber, March 8, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1152.

STEINBERG, Chair

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

Committee on Judiciary

Senate Chamber, March 8, 2010

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

SB 945

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

CORBETT, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 945—An act to amend Section 18961.5 of the Welfare and Institutions Code, relating to child abuse and neglect.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, March 8, 2010

Madam President: The Chair of the Committee on Public Safety, to which were referred:

SB 840

AB 1414

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

LENO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 840—An act to amend Section 152.3 of the Penal Code, relating to reporting crimes.

Bill read second time.

Assembly Bill 1414—An act to amend Sections 11055 and 11058 of the Health and Safety Code, relating to controlled substances.

Bill read second time.

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

Committee on Labor and Industrial Relations

Senate Chamber, March 8, 2010

Madam President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 968

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

DESAULNIER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 968—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.

Bill read second time.

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



Committee on Judiciary

Senate Chamber, March 8, 2010

Madam President: The Chair of the Committee on Judiciary, to which were referred:

SB 909

SB 933

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

CORBETT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 909—An act to amend Sections 1786.16 and 1786.20 of the Civil Code, relating to personal information.

Bill read second time.

Senate Bill 933—An act to add Section 1748.33 to the Civil Code, relating to debit cards.

Bill read second time.

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

RECESS

At 2:24 p.m., the Senate recessed in order to convene in the Eighth extraordinary session.

REASSEMBLED

At 2:30 p.m., the Senate reconvened.

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

LEAVES OF ABSENCE FOR THE DAY

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

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

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

At 2:35 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 9, 2010.

Motion carried.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 8, 2010

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

AB 33

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 33—An act to amend Sections 11302 and 11310 of, and to amend, repeal, and add Sections 10000, 10050, 11301, and 11313 of, the Business and Professions Code, to amend, repeal, and add Sections 25005 and 31004 of the Corporations Code, to amend Sections 4970 and 23001 of, to amend and repeal Section 252 of, to amend, repeal, and add Sections 112, 210, 4805.055, 5104, 5106, 12003, 14003, 17002, 18002, 18002.5, 22005, 30002, 31055, and 33045.5 of, to add Sections 23002 and 50003.5 to, and to add Division 0.5 (commencing with Section 25) and Division 20.5 (commencing with Section 55000) to, the Financial Code, and to amend Section 11552 of, and to amend, repeal, and add Sections 13975 and 13978.6 of, the Government Code, relating to financial services, and making an appropriation therefor.

Bill read second time.

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

Committee on Education

Senate Chamber, March 8, 2010

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

AB 1374

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

ROMERO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1374—An act to amend Sections 44260.2 and 44260.3 of, and to repeal Section 44260.8 of, the Education Code, relating to adult education.

Bill read second time.

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



Committee on Public Safety

Senate Chamber, March 8, 2010

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

SB 877

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

LENO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 877—An act to amend Section 12370 of the Penal Code, relating to body armor.

Bill read second time.

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

Committee on Public Employment and Retirement

Date of Hearing, March 8, 2010

Madam President: The Committee on Public Employment and Retirement, to which was referred:

AB 790

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

CORREA, 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 1480: By the Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee)—An act to amend Section 25503.15 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 1481: By the Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee)—An act to amend Section 435 of the Military and Veterans Code, relating to the state militia.

Senate Bill 1482: By the Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee)—An act to amend Section 8880.4 of the Government Code, relating to the California State Lottery.

Senate Bill 1483: By the Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete



McLeod, Oropeza, Padilla, Price, Wyland, and Yee)—An act to amend Section 12012.90 of the Government Code, relating to gaming.

Senate Bill 1484: By the Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee)—An act to amend Section 326.3 of the Penal Code, relating to gambling.

Senate Bill 1485: By the Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee)—An act to amend Section 19805 of the Business and Professions Code, relating to gambling.

Senate Bill 1486: By the Committee on Governmental Organization (Senators Wright (Chair), Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wyland, and Yee)—An act to amend Sections 19401, 19481.5, and 19501 of the Business and Professions Code, relating to horse racing.

Senate Joint Resolution 25: By Senator Yee—Relative to the Filipino Veterans Equity Compensation Fund.

Senate Resolution 38: By Senator Alquist—Relative to Greek Independence Day.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 441** was withdrawn from the Committee on Elections, Reapportionment and Constitutional Amendments and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Public Employment and Retirement

AB 790—Re-refer to Committee on Rules

AYES (1)—Senator Cox.

NOES (3)—Senators Corbett, Correa, and Ducheny.

Failed Passage

AB 790—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Corbett, Correa, Ducheny, and Liu.

NOES (1)—Senator Cox.

Date of Hearing: 3/8/2010

Correa (Chair)



REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of George Yamasaki of Auburn, Roberta Jones of Carmichael, Charles "CR" Johnson of Truckee, Ludy Langer and Howard O'Neal of Sacramento.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Sandi McKuskie of Sacramento.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Francisca Cardenas Magallon, James E. Brown, Archie William Atwood, Romalda L. Olmos, William T. Powers, and Aldolf Szyper of Stockton and Mabel L. Pombo and Eileen Herrera of Tracy.

ADJOURNMENT

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

PAULA K. ROSSETTO, Minute Clerk

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