

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 11, 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, Ashburn, 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—38.

Quorum present.

(NOTE: Senator Calderon will be excused this day on legislative business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Dr. Pamela Anderson, Countyside Community Church in Esparto:

A painter, a priest and a cowboy went to the Grand Canyon. The painter said, "What a beautiful place, I must paint a picture of it." The priest said, "What a beautiful place, I must write a prayer." The cowboy said, "What a horrible place to lose a cow."

Loving and Eternal God, We pray for our California State Senate today and that they will be able to understand and appreciate different worldviews and perspectives other than their own. May they all be able to deliberate with integrity, honesty and with great respect for their fellow colleagues. We pray for clarity of mind and for positive decisions to be made today that will better the lives of all in this great state of California.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

Senate Chamber, March 11, 2010

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

SB 970

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

Senate Bill 970—An act to add and repeal Article 6 (commencing with Section 12290) to Chapter 3 of Division 12 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.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SR 34** and **SR 38** were withdrawn from Committee and placed on today's Consent Calendar.

RECESS

At 9:08 a.m., the Senate recessed in order to convene the Eighth Extraordinary Session.

REASSEMBLED

At 11:40 p.m., the Senate reconvened.

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



MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Oropeza moved that **AB 898** be taken from the inactive file and placed on the second reading file.

RECESS

At 11:52 a.m., the Senate recessed in order to convene the Eighth Extraordinary Session.

REASSEMBLED

At 11:57 a.m., the Senate reconvened.

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

CONSIDERATION OF DAILY FILE**CONSENT CALENDAR**

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 third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

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 third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

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 third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Resolution 34—Relative to Teen Driving Safety Week.

Resolution read and adopted.

(NOTE: See Consent Calendar Roll Call)

Senate Resolution 38—Relative to Greek Independence Day.

Resolution read and adopted.

(NOTE: See Consent Calendar Roll Call)



Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (31)—Senators Aanestad, Alquist, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Florez, Hollingsworth, Huff, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Calderon.

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

At 11:52 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 15, 2010.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 11, 2010

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 205

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, March 11, 2010

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

Banking, Finance and Insurance—SB 1405, SB 1406, SB 1407, SB 1408.

Budget and Fiscal Review—SB 1426.

Business, Professions and Economic Development—SB 1410.



Education—SB 1396, SB 1413, SB 1432, SB 1440, SB 1444, SB 1448, SB 1460.

Elections, Reapportionment and Constitutional Amendments—SB 1404, SB 1434.

Energy, Utilities and Communications—SB 1414, SB 1435, SB 1437, SB 1462, SB 1465.

Environmental Quality—SB 1212, SB 1401, SB 1402, SB 1433, SB 1469.

Governmental Organization—SB 1439, SB 1480, SB 1481, SB 1482, SB 1483, SB 1484, SB 1485, SB 1486.

Health—SB 1409, SB 1431.

Judiciary—SB 1417, SB 1427, SB 1466.

Labor and Industrial Relations—SB 1397, SB 1472, SB 1474.

Local Government—SB 1398, SB 1458.

Natural Resources and Water—SB 1412, SB 1443, SB 1446.

Public Employment and Retirement—SB 1425.

Public Safety—SB 1419, SB 1428, SB 1447, SB 1449, SB 1452.

Revenue and Taxation—SB 1415, SB 1416, SB 1430.

Rules—SB 1391, SB 1392, SB 1399, SB 1400, SB 1403, SB 1420, SB 1421, SB 1422, SB 1423, SB 1424, SB 1429, SB 1436, SB 1438, SB 1441, SB 1442, SB 1450, SB 1451, SB 1453, SB 1454, SB 1456, SB 1457, SB 1459, SB 1461, SB 1464, SB 1468, SB 1470, SB 1471, SB 1473.

Transportation and Housing—SB 1393, SB 1394, SB 1395, SB 1418, SB 1475.

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

Education—AB 548.

Judiciary—AB 1502.

Health—SJR 23.

Public Safety—SB 895.

Revenue and Taxation—SB 936.

Transportation and Housing—SCR 54.



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

Energy, Utilities and Communications and Judiciary—SB 1476.

Energy, Utilities and Communications and Revenue and Taxation—SB 1467.

Energy, Utilities and Communications and Transportation and Housing—SB 1455.

Health and Business, Professions and Economic Development—SB 1390.

Health and Elections, Reapportionment and Constitutional Amendments—SCA 29.

Judiciary and Banking, Finance and Insurance—SB 1463.

Local Government and Transportation and Housing—SB 1445.

Public Safety and Judiciary—SB 1411.

State Capitol, March 10, 2010

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Marlon S. Evans, Member, Commission on Teacher Credentialing (5–0)

Charles L. Gahagan, Member, Commission on Teacher Credentialing (5–0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, March 10, 2010

Mr. President: The Senate Rules Committee appointed Senators Steinberg, Maldonado, and Oropeza as members to the Senate Select Committee on Gender Discrimination and Title IX Implementation to fill 3 of the 5 vacancies.

STEINBERG, Chair

State Capitol, March 10, 2010

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Reappointed Robert W. Brewer of Alameda as a member to the Acupuncture Board for a term ending June 1, 2013.

Appointed Joyce Iseri of Sacramento as a member to the California Children and Families Commission for a term ending December 12, 2013.

Appointed Casey S. McKeever of Woodland as a member to the California Children and Families Commission for a term ending December 12, 2014.



Appointed Margaret E. Reiter of San Francisco as a Consumer Advocate member to the Private Postsecondary Education Advisory Committee for a term ending at the pleasure of the Committee.

Reappointed Judy Zollman of Piedmont as a member to the Library of California Board for a term ending January 1, 2014.

Reappointed Pamela M. Ling M.D. of San Francisco as a Health Care Employee member to the Tobacco Education and Research Oversight Committee for a term ending January 12, 2012.

Appointed Senator Mark J. DeSaulnier of Concord as a member to the California Task Force on Youth and Workplace Wellness for a term ending at the pleasure of the Committee.

STEINBERG, Chair

Committee on Public Safety

Senate Chamber, March 11, 2010

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

SB 962

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 962—An act to amend Section 2625 of the Penal Code, relating to prisoners.

Bill read second time.

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

Committee on Local Government

Senate Chamber, March 11, 2010

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

SB 902

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 902—An act to amend Section 14831 of the Health and Safety Code, relating to fire protection.

Bill read second time.

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



Committee on Appropriations

Senate Chamber, March 11, 2010

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

AB 142

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 142—An act to amend, repeal, and add Sections 8880.4, 8880.63, and 8880.64 of, and to add and repeal Section 8880.4.5 of, the Government Code, relating to the California State Lottery, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1489: By the Committee on Business, Professions and Economic Development (Senators Negrete McLeod (Chair), Aanestad, Calderon, Correa, Florez, Oropeza, Walters, Wyland, and Yee)—An act to amend Sections 2065, 2096, 2102, 2103, 2177, 2184, 2397, 2570.19, 3025.1, 3046, 3057.5, 3147, 3147.6, 3147.7, 4017, 4028, 4037, 4052.3, 4059, 4072, 4101, 4119, 4127.1, 4169, 4181, 4191, 4196, 4425, 4426, 4980.40.5, 4980.43, 4980.80, 4982.25, 4984.8, 4989.54, 4990.02, 4990.12, 4990.18, 4990.22, 4990.30, 4990.38, 4992.36, 4996.17, 4996.23, 4999.46, 4999.58, and 4999.90 of, to add Section 4200.1 to, to add and repeal Sections 4999.57 and 4999.59 of, to repeal Sections 4980.07, 4982.2, and 4984.6 of, and to repeal Article 3 (commencing with Section 4994) of Chapter 14 of Division 2 of, the Business and Professions Code, relating to healing arts.

Senate Bill 1490: By the Committee on Business, Professions and Economic Development (Senators Negrete McLeod (Chair), Aanestad, Calderon, Correa, Florez, Oropeza, Walters, Wyland, and Yee)—An act to amend Sections 5092, 5096.12, and 8763 of the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1491: By the Committee on Business, Professions and Economic Development (Senators Negrete McLeod (Chair), Aanestad, Calderon, Correa, Florez, Oropeza, Walters, Wyland, and Yee)—An act to amend Sections 5020, 5021, 5024, 5076, 5090, 5109, 5120, 5122, 7028.6, 7028.7, 7028.9, 7058.5, 7099.2, 7110, 7210.7, 7316, 7317, 7320.1, 7352,



and 7410 of, and to repeal Section 5109.5 of, the Business and Professions Code, to amend Section 11126 of the Government Code, and to amend Sections 7054.6 and 8344 of, and to repeal Section 8340 of, the Health and Safety Code, relating to professions and vocations.

Senate Concurrent Resolution 87: By Senator Price (Principal coauthor: Assembly Member Swanson) (Coauthors: Senators Romero and Wright) (Coauthors: Assembly Members Bass, Bradford, Carter, Davis, and Hall)—Relative to American Stroke Month.

Senate Resolution 40: By Senator Negrete McLeod (Coauthors: Senators Alquist, Cedillo, Corbett, Correa, Cox, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Lowenthal, Oropeza, Padilla, Pavley, Price, Romero, Steinberg, Strickland, Wiggins, Wolk, Wright, and Yee)—Relative to “Be Californian. Be Counted” Day.

SENATE COMMITTEE ROLL CALLS

Committee on Labor and Industrial Relations

SB 956—Do pass as amended and re—refer to Committee on Education
AYES (4)—Senators DeSaulnier, Ducheny, Leno, and Yee.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 3/10/2010

DeSaulnier (Chair)

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SR 36**, **SR 37**, and **SR 39** were withdrawn from Committee and placed on third reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Jim Gleich of Oakland.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Edgar Wayburn and Dr. George Davis of San Francisco and William Bennet of Kentfield.

Senators Wyland and Kehoe requested that when the Senate adjourns this day it do so in memory of Amber Dubois of Escondido.

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 15, 2010.

PAULA K. ROSSETTO, Minute Clerk

