

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 15, 2010

The Senate met at 2 p.m.
Hon. Dean Florez, of the 16th 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, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee—36.

Quorum present.

(NOTE: Senators Ducheny and Walters will be excused this day on legislative business and Senator Wright will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Father Joe Walsh, St. Stephen's, in San Francisco:

My prayer today is for this gift for every one of you:

The wisdom to see the opportunities you have,
and the courage to make a difference.

Echoing an old prayer attributed to St. Patrick of Ireland,
May the power and the wisdom of the Holy One
be in your thinking and in your speaking,
In your voting and in your abstaining,
In your agreements and in your disagreements,
In days and in your nights,
In your resting and in your rising,
In your laughter and in your gravity,
In your friends and in your family,
In your cooking and in your feasting,
In your loving and in your caring.

AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 11, 2010

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

ACR 107

ACR 118

Assembly Chamber, March 15, 2010

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

AB 1695

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 for assignment:

Assembly Concurrent Resolution 107—Relative to California Public Safety Telecommunicators Week.

Assembly Concurrent Resolution 118—Relative to Spay Day USA 2010.

Assembly Bill 1695—An act to amend Section 831.5 of the Penal Code, relating to custodial officers.



REPORTS OF STANDING COMMITTEES
Committee on Banking, Finance and Insurance

Senate Chamber, March 15, 2010

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which was referred:

SB 931

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

CALDERON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 931—An act to add Section 580e to the Code of Civil Procedure, relating to mortgages.

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, March 15, 2010

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

SB 1022

AB 1569

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 1022—An act to amend Section 25503.9 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

Assembly Bill 1569—An act to amend Section 51222 of, and to add Section 51242.1 to, the Education Code, relating to physical education.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, March 15, 2010

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

AB 417

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 417—An act to amend, repeal, and add Sections 11758.42, 11758.46, and 11839.2 of the Health and Safety Code, relating to Medi-Cal.

Bill read second time.

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

Committee on Environmental Quality

Senate Chamber, March 15, 2010

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

SB 960

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

SIMITIAN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 960—An act to add Section 39601.1 to the Health and Safety Code, relating to air resources.

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 15, 2010

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

AB 552

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

Assembly Bill 552—An act to amend Section 3003.5 of the Penal Code, relating to sex offenders.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 552 pursuant to Joint Rule 58.

ASSEMBLY MEMBER FURUTANI



Permission of Rules Committee

Senate Chamber, March 15, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 552.

STEINBERG, Chair

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

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

Assembly Bill 898—An act to amend Section 1195 of the Civil Code, to amend Section 3505 of the Commercial Code, to amend Sections 8205, 8208, 8211, and 27287 of, and to add Section 12181 to, the Government Code, relating to notaries public.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 205** was re-referred to the Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT (SR 40)

Senator Negrete McLeod asked for, and was granted, unanimous consent that SR 40 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Resolution 40

Senate Resolution 40—Relative to "Be Californian. Be Counted" Day. Resolution read third time and presented by Senator Negrete McLeod.

Roll Call

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Calderon, Cogdill, Corbett, Correa, Cox, DeSaulnier, Dutton, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

THIRD READING OF SENATE BILLS

Senate Resolution 39—Relative to Irish American Heritage Month. Resolution read third time and presented by Senator Corbett.

Roll Call

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

AYES (34)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal,

Maldonado, Negrete McLeod, Oropeza, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Senate Resolution 37—Relative to Multiple Sclerosis Awareness Week.

Resolution read third time and presented by Senator Liu.

Roll Call

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

AYES (30)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, Cox, Denham, DeSaulnier, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

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

The following Senator was granted leave of absence for the day on personal business: Senator Wright.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:33 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 16, 2010.

Motion carried.

REPORTS OF STANDING COMMITTEES Committee on Governmental Organization

Senate Chamber, March 15, 2010

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

AB 846

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

WRIGHT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 846—An act to add Sections 25196.5 and 42402.6 to the Health and Safety Code, to add Section 6437 to the Labor Code, and



to add Section 13363 to the Water Code, relating to civil and administrative penalties.

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, March 15, 2010

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

SB 1008

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 1008—An act to amend Section 9601 of the Business and Professions Code, relating to cemeteries.

Bill read second time.

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

Committee on Rules

State Capitol, March 15, 2010

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote 5–0, has re-referred SB 205 (Hancock) to the Senate Committee on Appropriations.

STEINBERG, Chair

Committee on Appropriations

March 15, 2010

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

SB 205

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

KEHOE, Chair

Above measure ordered to unfinished business.

March 15, 2010

Mr. President: The Committee on Appropriations, to which were referred:

AB 142

AB 790

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above measures ordered to second reading.



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 1492: By the Committee on Revenue and Taxation (Senators Wolk (Chair), Alquist, Ashburn, Padilla, and Walters)—An act to amend Sections 19191 and 19194 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1493: By the Committee on Revenue and Taxation (Senators Wolk (Chair), Alquist, Ashburn, Padilla, and Walters)—An act to amend Sections 75.31, 155.20, 465, 619, 621, and 3698.7 of the Revenue and Taxation Code, relating to property taxation.

Senate Bill 1494: By the Committee on Revenue and Taxation (Senators Wolk (Chair), Alquist, Ashburn, Padilla, and Walters)—An act to amend Sections 61, 63.1, 69.5, 218, 401.10, 1604, 4831, and 5096 of, and to repeal Sections 1624.3, 1636.2, and 1636.5 of, the Revenue and Taxation Code, relating to taxation.

Senate Concurrent Resolution 88: By Senator DeSaulnier (Coauthor: Assembly Member Torlakson)—Relative to the Officer Larry Lasater Memorial Overcrossing.

Senate Concurrent Resolution 89: By Senator Correa (Coauthor: Senator Harman)—Relative to the Nguyen Ngoc Phu Human Rights Memorial Highway.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Oropeza requested that when the Senate adjourns this day it do so in memory of Annie Casey Bowen, of Green Valley, Arizona.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Peter Graves of Palisades.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Dylan Keith Best of Santa Clarita.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Dan Donahue of Vallejo.

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 16, 2010.

PAULA K. ROSSETTO, Minute Clerk

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