

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, March 16, 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.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Cox, DeSaulnier, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee—32.

Quorum present.

*(NOTE: Senators Aanestad, Correa, Denham, Ducheny, and Walters will be excused this day on legislative business, Senator Wright will be excused this day on personal business, and Senator Negrete McLeod will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
March 16, 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

MARK E. MARTINEZ, is the chief executive officer for the San Joaquin County Hispanic Chamber of Commerce since 2004 and has served on the California Commission on Disability Access since 2009. Martinez has owned Premier Security and Fire since 2005. Previous senior security consultant for Protection Services Industries from 2001 to 2004 and Sonitrol Security from 1998 to 2001. He is a member of the San Joaquin County Workforce Investment Board and the California Hispanic Chambers of Commerce Executive Board of Directors. Reappointed 02/12/10. Effective 03/11/10.

Member, California Commission on Disability Access, term ending 01/01/13.

BETTY R. WILSON, is director of community services for the Los Angeles Department of Disability since 2001 and previously served there as assistant executive director from 1998 to 2001 and executive director from 1989 to 1998. She has served on the California Commission on Disability Access since 2009. Wilson was an administrative coordinator for the Los Angeles Mayor's Office on Disability from 1989 to 1991. She is a member of the Disability Rights Legal Center Board of Directors, the Olympia Medical Center Board of Directors and the Ability First Board of Directors. Reappointed 02/11/10.

Effective 03/10/10. Member, California Commission on Disability Access, term ending 01/01/13.

ROCKY A. BURKS, is physical access manager for Sacramento's Department of Transportation since 2006 and has served on the California Commission on Disability Access since 2009. He served as the Americans with Disabilities Act coordinator for Marin County from 2003 to 2006, chief executive officer of Independent Living Services of Northern California from 1988 to 2003 and senior claims examiner for the Employment Development Department Disability Insurance Program from 1987 to 1988. Burks is a member of the Accessibility Code Advisory Committee for the Division of the State Architect and the Disability Access Review Advisory Committee for the National Fire Protection Association. Reappointed 02/11/10. Effective 03/10/10.

Member, California Commission on Disability Access, term ending 01/01/13.



TERRY LENIHAN, is an assistant professor of art education at Loyola Marymount University since 2004. Previous director of ARTsmart Community Service Program since 2001 and preparation art teacher since 2004. Lenihan was a teacher for the Los Angeles Unified School District from 1988 to 2003 and Pomona Unified School District from 1985 to 1988. Appointed 02/22/10. Effective 03/09/10.

Member, California Arts Council, vice, Fred C. Sands, term expired, term ending, 01/01/14.

WYLIE A. AITKEN, is founding partner of Aitken, Aitken, Cohn Law Corporation since 1971. He is a trustee and board president of the South Coast Repertory Theater and Orange County Performing Arts. Aitken is chair for the Board of Visitors of Chapman University Law School and a trustee of Chapman University. Appointed 03/02/10. Effective 03/09/10.

Member, California Arts Council, vice, Eunice David, resigned, term ending 01/01/11.

RUBEN ZUNIGA, is administrative assistant for the Southwest Regional Council of Carpenters since 2006. Previous financial secretary for Local 630 in Long Beach from 1996 to 2005 and business representative for the Southwest Regional Council of Carpenters from 1990 to 1996. Appointed 03/03/10. Effective 03/11/10.

Member, Contractors' State License Board, Department of Consumer Affairs, vice, Donald A. Zampa, term expired, term ending 06/01/12.

TOM HABASHI, is retired from serving as electric utility director for the City of Roseville from 1998 to 2009. He previously served the city of Palo Alto as assistant director of utilities resource management from 1995 to 1998, manager of supply resources from 1992 to 1995 and senior power engineer from 1986 to 1992. Appointed 03/02/10. Effective 03/10/10.

Member, Independent System Operator Governing Board, vice, Linda A. Capuano, Ph.D., term expired, term ending 12/31/12.

HOLLY E. MANN, is chief of staff to First Lady Maria Shriver, where she also served as deputy chief of staff in 2008, press deputy and communications assistant from 2005 to 2007 and special assistant to the First Lady from 2003 to 2005. Previous scheduling assistant to First Lady Sharon Davis from 2000 to 2003 and a student assistant for the California Research Bureau from 1999 to 2000. Appointed 02/05/10. Effective 03/05/10.

Member, Commission on the Status of Women, vice, Daniel C. Zingale, resigned, term ending 07/01/11.



DAVID J. ISRAEL, is a writer and television producer since 1973 and has served on the California Horse Racing Board since 2008. Israel worked as a syndicated sports columnist from 1975 to 1981, during which he covered the Triple Crown triumphs of Seattle Slew and Affirmed. Reappointed 02/11/10. Effective 03/12/10.

Member, California Horse Racing Board, term ending 01/01/14.

Above appointments referred to the Committee on Rules.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 15, 2010

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

ACR 133

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 133**—Relative to Earth Hour.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Rules**

Senate Chamber, March 16, 2010

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

SB 977

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 977**—An act to amend Section 33000 of the Health and Safety Code, relating to redevelopment.

Bill read second time.

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

##### **Committee on Labor and Industrial Relations**

Date of Hearing, March 10, 2010

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

SB 956

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Education.

DESAULNIER, Chair

Above measure ordered to second reading.



**Committee on Human Services**

Senate Chamber, March 16, 2010

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

SB 886

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

LIU, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 886**—An act to add Section 12301.26 to the Welfare and Institutions Code, relating to social services.

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 16, 2010

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

SCA 2

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 Constitutional Amendment 2**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Sections 3, 8, 10, and 12 of Article IV thereof, by amending, repealing, and adding Section 6 of Article XIX thereof, and by amending, repealing, and adding Section 1 of Article XIX A thereof, relating to legislative sessions.

Resolution read second time.

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

**Committee on Food and Agriculture**

Date of Hearing, March 16, 2010

Mr. President: The Committee on Food and Agriculture, to which was referred:

SJR 22

Reports the same back with the recommendation: Be adopted.

FLOREZ, Chair

Above resolution ordered to third reading.



Date of Hearing, March 16, 2010

Mr. President: The Committee on Food and Agriculture, to which was referred:

SR 35

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Environmental Quality.

FLOREZ, Chair

Above measure re-referred to the Committee on Environmental Quality.

**Committee on Transportation and Housing**

Senate Chamber, March 16, 2010

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

SB 1004

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

LOWENTHAL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1004**—An act to amend Sections 11709, 11806, 11812, and 11819 of the Vehicle Code, relating to vehicles.

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 16, 2010

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

SB 944

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**

**Senate Bill 944**—An act to amend Section 37222 of the Education Code, and to add Section 6722 to the Government Code, relating to Ronald Reagan Day.

Bill read second time.

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



**Committee on Business, Professions and Economic Development**

Senate Chamber, March 16, 2010

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

SB 953

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 Bill 953**—An act to amend Section 2397 of the Business and Professions Code, relating to healing arts.

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****SECOND READING OF ASSEMBLY BILLS**

**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 and ordered to third reading.

**Assembly Bill 790**—An act to add Section 1232 to the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**SENATE COMMITTEE ROLL CALLS****Committee on Food and Agriculture****SJR 22**—Be adopted

AYES (3)—Senators Florez, Hancock, and Wolk.

NOES (1)—Senator Hollingsworth.

**SR 35**—Be adopted and re-refer to Committee on Environmental Quality

AYES (3)—Senators Florez, Hancock, and Wolk.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 3/16/2010

Florez (Chair)

**Committee on Appropriations****SB 205**—That the Assembly amendments be concurred in

AYES (10)—Senators Alquist, Corbett, Cox, Denham, Kehoe, Leno, Liu, Price, Wyland, and Yee.

NOES (0)—None.



**AB 142—Do pass**

AYES (9)—Senators Alquist, Corbett, Cox, Denham, Kehoe, Leno, Liu, Price, and Wyland.

NOES (0)—None.

**AB 790—Committee amendments**

AYES (3)—Senators Cox, Denham, and Wyland.

NOES (7)—Senators Alquist, Corbett, Kehoe, Leno, Liu, Price, and Yee.

Failed passage

**AB 790—Committee amendments**

AYES (3)—Senators Cox, Denham, and Wyland.

NOES (7)—Senators Alquist, Corbett, Kehoe, Leno, Liu, Price, and Yee.

Failed Passage

**AB 790—Do pass**

AYES (7)—Senators Alquist, Corbett, Kehoe, Leno, Liu, Price, and Yee.

NOES (3)—Senators Cox, Denham, and Wyland.

Date of Hearing: 3/15/2010

Kehoe (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

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

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

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, March 17, 2010.

PAULA K. ROSSETTO, Minute Clerk

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