

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Monday, March 22, 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:

Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, 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 Denham will be excused this day on personal business.)

PRAYER

Upon invitation of the President, the following prayer was offered by Rabbi Mendy Cohen:

I stand before you today as the representative of the Lubavitcher Rebbe who is celebrating this Friday his 108 birthday and has over 4,000 centers of goodness and kindness around the globe, and close to 300 centers in the state of California. I remember, when I came here over 16 years ago in 1994 and sounded the Shofar to blow the recession out of California, and so it was. I come here before you again to blow this very difficult recession out of California. Our sages tell us that you are not voted into office by man, but by G-d. So, I'm sure if G-d gave you the burden of this state in these very trying times he gave you the strength to crawl out of it. The Kabbalah says the lower the low, the higher the high. So, we are going to expect some great times ahead of us. We will not only crawl out of it, we will swim out of it. As we are standing here a week before Passover and I am holding in my hand the unleavened bread, which is the symbol of humility and draws down the greatest blessing from G-d. So, too, in these trying times will lead us to unbelievable times with the coming of Moshiach when there will be bounty and blessing for all. G-d our Father in heaven bless this great body to turn California around and California leads the world. And through that we will turn the entire world around.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

March 22, 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

R. MICHAEL PARAVAGNA, is an Americans with Disabilities Act (ADA) consultant for the Los Angeles Community College District since 2009 and has served on the Building Standards Commission since 2008. Previous ADA coordinator for the city of Sacramento from 2007 to 2009. Paravagna served the Department of Rehabilitation as chief of disability access from 1993 to 2007, assistant chief of community resource development from 1992 to 1993, administrator for the Vocational Work Rehabilitation Work Activity Program from 1989 to 1992 and supervising business consultant for the Business Enterprise Program for the Blind from 1985 to 1989. Reappointed 03/01/10. Effective 03/12/10.

Member, State Building Standards Commission, term ending 01/01/14.

HENRY J. FORMAN, is founding faculty of the School of Natural Sciences at the University of California, Merced and has served as professor of chemistry and biochemistry since 2003. He has served the San Joaquin Valley Unified Air Pollution Control District since 2008. Forman served as professor and chair of the Department of Environmental Health Sciences at the University of Alabama, Birmingham from 1999 to 2003. He was a professor of molecular pharmacology and toxicology at the University of Southern California, where he also served as professor of pediatrics, pathology and toxicology from 1992 to 1999 and associate professor of pediatrics, pathology and toxicology from 1986 to 1989. Reappointed 03/01/10. Effective 03/01/10.

Member, San Joaquin Valley Unified Air Pollution Control District, term ending 01/01/14.

DEWAYNE ZINKIN, is owner and operator of Zinkin Development since 1968. He has also owned and operated the Law Offices of DeWayne Zinkin since 1972. Appointed 03/01/10. Effective 03/08/10.

Member, State Athletic Commission, vice, Peter M. Lopez, not confirmed, term ending 01/01/13.



EUGENE J. HERNANDEZ, previously served as chief of police for Chino from 1998 to 2006. He served the Orange Police Department as captain from 1991 to 1998, lieutenant from 1986 to 1991, sergeant from 1983 to 1986 and patrol officer from 1974 to 1983. Hernandez was a patrol officer for the Fullerton Police Department from 1971 to 1974. He is chair of the Yorba Linda/Placentia YMCA, member of the Rotary Club of Chino and member of the National Management Association. Appointed 03/01/10. Effective 03/08/10.

Member, State Athletic Commission, vice, Timothy J. Noonan, resigned, term ending 01/01/13.

STEVE ALEXANDER, is president of the Steve Alexander Group, a public affairs company, since 2000. Previously served as regional director for Burson-Marsteller from 1997 to 2000, vice president of Stoorza, Ziegus and Metzger from 1995 to 1997, president of the Steve Alexander Group, a real estate firm, from 1990 to 1995 and president of Westwind Real Estate Services from 1984 to 1989. He is a member of the International Association of Facilitators and International Association of Public Participation. Appointed 03/01/10. Effective 03/10/10.

Member, State Athletic Commission, vice, June M. Collison, term expired, term ending 01/01/14.

STEPHANIE K. SHIMAZU, previous deputy legal affairs secretary for the Office of Governor Schwarzenegger from 2004 to 2007 and has served on the California Gambling Control Commission since 2007. Shimazu was staff counsel for the California Department of Social Services from 2001 to 2003, deputy legislative counsel for the California Legislative Counsel's Office from 1999 to 2001, staff counsel for the California Department of Corrections from 1997 to 1999 and deputy city attorney for Sacramento from 1995 to 1997. Reappointed 02/25/10. Effective 03/04/10.

Member, California Gambling Control Commission, term ending 12/31/12.

THOMAS L. WALZ, previously served Sierra Pacific Industries as district manager since 1988 and has served on the State Board of Forestry and Fire Protection since 2007. Walz was a timber manager at Hayfork Sawmill from 1983 to 1988, assistant timber manager at the Quincy Sawmill from 1981 to 1983 and timber cruiser at the Redding Sawmill from 1980 to 1981. He was a forester and ranger for the Wisconsin Department of Natural Resources from 1977 to 1979 and forester for the U.S. Forest Service in 1976. He is a member of the California Licensed Foresters Association. Reappointed 03/10/10. Effective 03/12/10.

Member of the State Board of Forestry and Fire Protection, term ending 01/15/14.



STAN L. DIXON, previously served on the Humboldt County Board of Supervisors from 1989 to 2001, serving as chairman in 1992, 1995 and 1999. He has served on the Board of Forestry and Fire Protection as member since 1999 and chairman since 2002. Dixon served Humboldt County as director of veterans affairs–public guardian from 1973 to 1989. He was a stock broker for Walston and Company from 1971 to 1973 and a revenue officer for the U.S. Treasury Department from 1964 to 1972. Reappointed 03/10/10. Effective 03/12/10.

Member of the State Board of Forestry and Fire Protection, term ending 01/15/14.

MARK S. ANDRE, has served as director of environmental services for Arcata since 2006, where he previously held the position of deputy director of environmental services from 1992 to 2006, forester and geographic information system specialist from 1988 to 1992 and forest tech from 1984 to 1987. He is a member of North Coast Regional Land Trust, Humboldt County Forestry Review Committee, Forest Guild and the California Licensed Foresters Association. Appointed 03/10/10. Effective 03/12/10.

Member of the State Board of Forestry and Fire Protection, vice, David Nawi, resigned, term ending 01/15/11.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
March 22, 2010

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

CHARLES L. GAHAGAN, is an English and film studies teacher for Canyon Springs High School. From 1969 to 1971 and 1974 to 1986 he was a teacher of English, humanities and journalism for Mount Clemens High School in Michigan and, from 1972 to 1974, he worked for the U.S. Army in a variety of positions including Russian intercept operator, translator, transcriber, senior transcriber and German translator. Gahagan is the co-chair of the WASC Accreditation Leadership Team. He holds a continuing clear single subject credential fro English, GATE certificate and CLAD certificate. Reappointed 03/22/10. Effective 03/22/10.

Member, Commission on Teacher Credentialing, term ending 11/20/12.

Above appointment referred to the Committee on Rules.



REPORTS OF STANDING COMMITTEES
Committee on Natural Resources and Water

Senate Chamber, March 22, 2010

Madam President: The Chair of the Committee on Natural Resources and Water, to which was referred:

SB 1058

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

PAVLEY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1058—An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Section 3953 to, to repeal Section 3685 of, and to repeal and add Sections 3684 and 4334 of, the Fish and Game Code, relating to hunting.

Bill read second time.

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

Committee on Human Services

Senate Chamber, March 22, 2010

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

SB 1322

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 1322—An act to amend Section 18926 of the Welfare and Institutions Code, relating to public 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 22, 2010

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

SB 976

AB 790

SB 1112

SB 1127

SB 1192

SB 1247

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 976—An act to amend Section 65000 of the Government Code, relating to land use.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 976 pursuant to Joint Rule 58.

SENATOR HOLLINGSWORTH

Permission of Rules Committee

Senate Chamber, March 22, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 976.

STEINBERG, Chair

Assembly Bill 790—An act to add Section 1232 to the Government Code, relating to the state budget, making an appropriation for the expenses of the government of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1112—An act to amend Section 36501 of the Government Code, relating to local government.

Bill read second time.

Senate Bill 1127—An act relating to education.

Bill read second time.

Senate Bill 1192—An act to amend Section 13307 of the Government Code, relating to the state budget.

Bill read second time.

Senate Bill 1247—An act to amend Section 701 of the Public Utilities Code, relating to public utilities.

Bill read second time.

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

State Capitol, March 22, 2010

Madam President: The Senate Rules Committee approved the following:

- Eliminated the Senate Select Committee on Asian Pacific Rim Economic Development
- Created the Senate Select Committee on California's Public Records and Open Meeting Laws, appointed Senator Yee as Chair, adopted SRCR 46 outlining the committee's jurisdiction, and established a membership composed of 11 members.

STEINBERG, Chair



Committee on Revenue and Taxation

Senate Chamber, March 22, 2010

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

SB 1076

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

Senate Bill 1076—An act to add and repeal Article 19 (commencing with Section 18891) 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.

Committee on Appropriations

Senate Chamber, March 22, 2010

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

AB 1177

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 1177—An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to homelessness.

Bill read second time.

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

Committee on Governmental Organization

Senate Chamber, March 22, 2010

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

SB 1125

SB 1167

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

Senate Bill 1125—An act to amend Section 19867 of the Business and Professions Code, relating to gaming.

Bill read second time.

Senate Bill 1167—An act relating to state real property.

Bill read second time.

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

Committee on Education

Senate Chamber, March 22, 2010

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

SB 1051	SB 1122	SB 1126
SB 1136	SB 1317	SB 1353

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 1051—An act to add Section 49414.7 to the Education Code, relating to pupil health.

Bill read second time.

Senate Bill 1122—An act to amend Section 10507.7 of the Public Contract Code, relating to public contracts.

Bill read second time.

Senate Bill 1126—An act to add Article 3 (commencing with Section 66745) to Chapter 9.2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

Bill read second time.

Senate Bill 1136—An act to add Section 14041.61 to the Education Code, relating to education finance and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1317—An act to amend Section 48260 of the Education Code, and to add Section 270.1 to the Penal Code, relating to truancy.

Bill read second time.



Senate Bill 1353—An act to amend Sections 48850 and 48853.5 of the Education Code, and to amend Sections 16001.9, 16010, and 16501.1 of the Welfare and Institutions Code, relating to education.

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 22, 2010

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

SB 1211

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

DE SAULNIER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1211—An act to amend Section 634.5 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

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

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, March 22, 2010

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

SB 1233

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 1233—An act to amend Section 2166.5 of the Elections Code, and to repeal Sections 6211 and 6217 of the Government Code, relating to confidential address programs.

Bill read second time.

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

Committee on Budget and Fiscal Review

Date of Hearing, March 22, 2010

Madam President: The Committee on Budget and Fiscal Review, to which were referred:

AB 183

AB 186



Reports the same back with the recommendation: Do pass.

DUCHENY, Chair

Above bills ordered to third reading.

Committee on Banking, Finance and Insurance

Senate Chamber, March 22, 2010

Madam President: The Chair of the Committee on Banking, Finance and Insurance, to which were referred:

SB 1146

SB 1155

SB 1223

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 1146—An act to amend Section 116.230 of the Code of Civil Procedure, and to amend Sections 22165 and 22166 of, to add Section 22304.1 to, and to add Article 5 (commencing with Section 22173) to Chapter 1 of Division 9 of, the Financial Code, relating to finance lenders.

Bill read second time.

Senate Bill 1155—An act to amend Sections 28047, 28100, 28152, 28154, 28200, 28400, and 28551 of, to add Sections 28047.1 and 28111 to, to repeal Sections 28002, 28151, 28401, 28402, 28403, and 28404 of, and to repeal and add Article 2 (commencing with Section 28820) of Chapter 12 of Division 3 of Title 4 of, the Corporations Code, relating to capital access companies.

Bill read second time.

Senate Bill 1223—An act to add Section 17412 to the Financial Code, relating to escrow agents.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, March 22, 2010

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

SB 1066

SB 1190

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 1066—An act to amend Section 6126 of the Penal Code, relating to corrections.

Bill read second time.



Senate Bill 1190—An act to amend Section 12002 of the Penal Code, relating to animal control officers.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Date of Hearing, March 22, 2010

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

AB 1235

Reports the same back with the recommendation: Do pass.

NEGRETE McLEOD, Chair

Above bill ordered to second reading.

Date of Hearing, March 22, 2010

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

SB 1084

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

Date of Hearing, March 22, 2010

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

SCR 63

Reports the same back with the recommendation: Be adopted.

NEGRETE McLEOD, Chair

Above resolution ordered to third reading.

Senate Chamber, March 22, 2010

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

SB 1254

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 1254—An act to add Section 7127 to the Business and Professions Code, and to amend Section 830.3 of the Penal Code, relating to contractors.

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 185—An act relating to the Budget Act of 2010, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Senator Florez Presiding**SENATE RULE 55 WAIVED**

Without objection, Senate Rule 55 was waived in order to allow lobbyists on the floor for a special presentation.

THIRD 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 third time.

Amendments Adopted

Amendments to AB 898 proposed by Senator Leno were read and adopted and the measure ordered printed and to second reading.

Senator Romero Presiding**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 1487** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.

JOINT RULE 62(a) SUSPENDED

Senator Steinberg requested unanimous consent to suspend Joint Rule 62(a) for the purpose of allowing the Committee on Rules to meet on Wednesday, March 24, 2010, to take up two Governor Appointments, Jonah Frohlich—Deputy Secretary, Health and Human Services Agency, Health Information Technology, and Sharon Y. Runner—Unemployment Appeals Board without four days notice in the Daily File.



MOTION TO TAKE MEASURES FROM THE INACTIVE FILE

Senator Ducheny moved that **AB 190, AB 191, AB 192, AB 193, and AB 194** be taken from the inactive file and placed on the second reading file.

Senator Maldonado moved that **AB 604** be taken from the inactive file and placed on the second reading file.

Motions carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Steinberg placed the following Governor's appointment before the Senate:

MARLON S. EVANS, Member, Commission on Teacher Credentialing.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (35)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

REQUEST FOR UNANIMOUS CONSENT

Senator Steinberg asked for and was granted unanimous consent that the Governor's Appointment of Charles L. Gahagan, be withdrawn from the Committee on Rules and taken up at this time, without reference to file.

Consideration of Governor's Appointment

Senator Steinberg placed the following Governor's appointment before the Senate:

CHARLES L. GAHAGAN, Member, Commission on Teacher Credentialing.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (35)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal,



Maldonado, Oropeza, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 205—An act to amend the heading of Article 1 (commencing with Section 12000) of Chapter 1 of Part 8 of Division 1 of Title 1 of, and to add Section 12001.5 to, the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Hancock.

The question being: Shall the Senate concur in the Assembly amendments to SB 205?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, 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, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, 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, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (AB 183)

Senator Ducheny asked for, and was granted, unanimous consent to take up AB 183 at this time, without reference to file.

Consideration of Assembly Bill 183

Assembly Bill 183—An act to add and repeal Section 17059.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Alquist, Ashburn, Calderon, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Florez, Hollingsworth, Huff, Kehoe, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (1)—Senator Hancock.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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 third time and presented by Senator Alquist.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Aanestad, Alquist, Ashburn, Calderon, Cogdill, Corbett, Correa, Cox, DeSaulnier, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Alquist, Ashburn, Calderon, Cogdill, Corbett, Correa, Cox, DeSaulnier, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 22, 2010

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

SB 70

SB 71

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

Above measures ordered to unfinished business file.



Assembly Chamber, March 22, 2010

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

SB 4

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

Above measure ordered to unfinished business file.

Assembly Chamber, March 22, 2010

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

AB 1684

Assembly Chamber, March 22, 2010

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

AB 183

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 for assignment:

Assembly Bill 1684—An act to amend Section 325 of the Code of Civil Procedure, relating to civil actions.

MOTION TO RE-REFER TO COMMITTEE

Pursuant to Joint Rule 10.5, Senator Ducheny moved that **SB 70** and **SB 74** be re-referred to the Committee on Budget and Fiscal Review.

REPORTS OF STANDING COMMITTEES

Committee on Budget and Fiscal Review

March 22, 2010

Madam President: The Committee on Budget and Fiscal Review, to which were referred:

SB 70

SB 71

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

DUCHENY, Chair

Above measures ordered to unfinished business.

REQUEST FOR UNANIMOUS CONSENT (SB 70)

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 70 at this time, without reference to file.



Consideration of Senate Bill 70
Consideration of Assembly Amendments

Senate Bill 70—An act to amend Sections 6051.8, 6201.8, 6480.1, 7360, 7361.1, 7653.1, and 60050 of, and to add Section 6357.3 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 70?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (10)—Senators Aanestad, Ashburn, Cogdill, Cox, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 71)

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 71 at this time, without reference to file.

Consideration of Senate Bill 71
Consideration of Assembly Amendments

Senate Bill 71—An act to amend Section 26003 of, and to add and repeal Section 26011.8 of, the Public Resources Code, relating to economic development, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 71?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Florez, Hancock, 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.

NOES (0)—None.



Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (36)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Florez, Hancock, 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.

NOES (0)—None.

Above measure ordered enrolled.

MOMENT OF SILENCE

Senator Runner asked that the Senate observe a moment of silence in remembrance of Barry Nestande, brother of Assemblymember Brian Nestande.

LEAVES OF ABSENCE FOR THE DAY

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

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

At 6:15 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 6:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 6:30 p.m., the Senate will adjourn until Tuesday, March 23, 2010.

Motion carried.

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 91: By Senator Steinberg—Relative to Autism Awareness Month.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 22, 2010

Madam President: The Committee on Rules has examined:

SB 70

And reports that the same has been correctly enrolled, and presented to the Governor on the 22nd day of March, 2010, at 6:30 p.m.

STEINBERG, Chair



SENATE COMMITTEE ROLL CALLS**Committee on Budget and Fiscal Review**

SB 70—That the Assembly amendments be concurred in

AYES (10)—Senators Alquist, DeSaulnier, Ducheny, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Simitian, and Wright.

NOES (3)—Senators Ashburn, Cogdill, and Huff.

SB 71—That the Assembly amendments be concurred in

AYES (13)—Senators Alquist, Ashburn, Cogdill, DeSaulnier, Ducheny, Huff, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Simitian, and Wright.

NOES (0)—None.

AB 183—Do pass

AYES (15)—Senators Alquist, Ashburn, Cogdill, DeSaulnier, Ducheny, Dutton, Harman, Huff, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Simitian, and Wright.

NOES (0)—None.

AB 186—Do pass

AYES (10)—Senators Alquist, DeSaulnier, Ducheny, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Simitian, and Wright.

NOES (5)—Senators Ashburn, Cogdill, Dutton, Harman, and Huff.

Date of Hearing: 3/22/2010

Ducheny (Chair)

Committee on Business, Professions and Economic Development

SB 1084—Do pass as amended and re-refer to Committee on Rules

AYES (6)—Senators Calderon, Correa, Florez, Negrete McLeod, Oropeza, and Yee.

NOES (3)—Senators Aanestad, Walters, and Wyland.

SB 1106—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Calderon, Florez, Negrete McLeod, Oropeza, and Yee.

NOES (2)—Senators Aanestad and Wyland.

SB 1171—Do pass as amended and re-refer to Committee on Rules

AYES (6)—Senators Calderon, Correa, Florez, Negrete McLeod, Oropeza, and Yee.

NOES (2)—Senators Aanestad and Wyland.

SCR 63—Do pass

AYES (9)—Senators Aanestad, Calderon, Correa, Florez, Negrete McLeod, Oropeza, Walters, Wyland, and Yee.

NOES (0)—None.

AB 1235—Do pass

AYES (8)—Senators Aanestad, Correa, Florez, Negrete McLeod, Oropeza, Walters, Wyland, and Yee.

NOES (0)—None.



AB 1431—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Correa, Florez, Negrete McLeod, Oropeza, Walters, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 3/22/2010

Negrete McLeod (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of Rose T. Markarian and Mary Louise McCaffrey of Fresno.

Senators Ducheny and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Anne Bryant of Palm Springs.

Senator Dutton requested that when the Senate adjourns this day it do so in memory of MaryAnn Salgado Guillen of Chino and Leonard I. Brutocao of Hopland.

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Charles Muscatine.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Donald Hamer of Chula Vista and Robert Hamann of El Cajon.

Senators Hollingsworth, Runner, and Ducheny requested that when the Senate adjourns this day it do so in memory of Barry Nestande of Palm Desert.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Brad Villers of San Francisco.

Senators Maldonado and Strickland requested that when the Senate adjourns this day it do so in memory of Fess E. Parker Jr. of Los Olivos.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Ramon Barajas of Los Angeles.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Ed Redd of Santa Clarita.

Senators Steinberg and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Thomas Brennand of Folsom and Tim Balgenorth of Sacramento.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Alfred “Al” Gomez, Mary Hodgson and Madeline Lee of Tracy; Luis Rodriguez and Rachel N. Juarez of Manteca; and Lavena R. Gray, Gigi G. Santos and Marie Selma Fischer of Stockton.

Senator Wright requested that when the Senate adjourns this day it do so in memory of Wayne Collett of Los Angeles.



ADJOURNMENT

At 6:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 23, 2010.

PAULA K. ROSSETTO, Minute Clerk

O

