

CALIFORNIA LEGISLATURE

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SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 7, 2011

The Senate met at 2 p.m.

Hon. Christine Kehoe, of the 39th 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, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—36.

Quorum present.

(NOTE: Senator Liu will be excused this day on personal business and Senator Evans will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by Senator Roderick Wright:

Members and guests, today we celebrate the first Monday of Black History Month. The idea of celebrating Black History was the brainchild of the famous African American historian, Dr. Carter G. Woodson. Dr. Woodson observed that in order to gain respect in American society your accomplishments had to be recognized in print or you were simply overlooked.

So in 1926 he chose the second week of February as Negro History Week. Contrary to the popular urban legend, February was not chosen because it was the shortest month. Fact is, Dr. Woodson decided on February because Abraham Lincoln and Frederick Douglass were both born in that month and he felt they were the two most important figures in black history at that time. In 1976, "Negro History" Week was changed to "Black History" and expanded to the entire month that we know today.

Then, as now, there was much debate as to whether the idea celebrating Black History was a good one. Concerns and debate continue regarding whether or not the commercialization and racial focus associated with Black History Month actually has a negative impact on race relations. It was always Dr. Woodson's dream that the idea would one day outlive its usefulness, and that Black History would be fully integrated into the American fabric.

Just as Dr. Woodson recognized Lincoln and Douglass as the two most significant individuals in Black History for his time—a black man and a white man—real progress today is achieved by people working to understand the other guy's point of view and expanding their own perspectives.

In the New Testament, Book of Mark, there is an excellent example of the disciples having to expand their world view. For those of you who want to read it for yourselves, look at Mark 9:38. Reading from the New International Version:

"Teacher," said John, "we saw a man driving out demons in your name and we told him to stop, because he was not one of us."

"Do not stop him," Jesus said. "No one who does a miracle in my name can in the next moment say anything bad about me. For whoever is not against us is for us."

Black History Month and the parable in Mark are examples of people from different backgrounds working together toward a common goal. The



lesson here for us, as the leaders of California, is that we must work toward a common goal. Good ideas are not the sole province of one side of the aisle or the other. We must be ever so careful to not let the perfect become the enemy of the good.

I want to close with the words of James Weldon Johnson:

God of our weary years,
God of our silent tears,
Thou who hast brought us thus far on the way;
Thou who hast by Thy might,
Led us into the light,
Keep us forever in the path we pray.
Lest our feet stray from the places, our God, where we met Thee,
Lest our hearts, drunk with the wine of the world, we forget Thee;
Shadowed beneath Thy hand,
May we forever stand,
True to our God,
True to our native land.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 3, 2011

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

ACR 8

ACR 11

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:

Assembly Concurrent Resolution 8—Relative to American Heart Month and Wear Red Day.

Assembly Concurrent Resolution 11—Relative to the Lunar New Year 4709 celebration.

LEAVES OF ABSENCE FOR THE DAY

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

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



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 7, 2011

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

Appointed Senator Alex Padilla of Pacoima as a member to the California Broadband Council for a term ending at the pleasure of the Committee.

Appointed Senator Anthony Cannella of Ceres as a member to the State Coastal Conservancy for a term ending at the pleasure of the Committee.

Appointed Senator Loni Hancock of Berkeley as a member to the California Council on Criminal Justice for a term ending at the pleasure of the Committee.

Appointed Senator Kevin de León of Los Angeles as a member to the California Cultural and Historical Endowment for a term ending at the pleasure of the Committee.

Appointed Senator Sam Blakeslee of San Luis Obispo as a member to the California Debt and Investment Advisory Commission for a term ending February 2, 2015.

Appointed Senator Curren D. Price, Jr. of Los Angeles as a member to the Commission for Economic Development for a term ending at the pleasure of the Committee.

Appointed Senator Juan Vargas of San Diego as a member to the State Council on Interstate Compact on Educational Opportunity for Military Children for a term ending at the pleasure of the Committee.

Appointed Senator Christine Kehoe of San Diego as a member to the California Emergency Council for a term ending at the pleasure of the Committee.

Appointed Senator Noreen Evans of Santa Rosa and Senator Doug La Malfa of Butte as members to the Western States Legislative Forestry Task Force for a term ending at the pleasure of the Committee.

Appointed Senator Noreen Evans of Santa Rosa as a member to the Judicial Council of California for a term ending December 1, 2010.

Appointed Senator Michael Rubio of Bakersfield and Senator Mark Wyland of Escondido as members to the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy for a term ending at the pleasure of the Committee.

Appointed Senator Noreen Evans of Santa Rosa as a member to the Pacific Fisheries Legislative Task Force for a term ending at the pleasure of the Committee.



Appointed Senator Bill Emmerson of Riverside and Senator Noreen Evans of Santa Rosa as members to the State Public Works Board for a term ending at the pleasure of the Committee.

Appointed Senator Lou Correa of Santa Ana as a member to the Purple Heart Memorial Review Committee for a term ending at the pleasure of the Committee.

Appointed Senator Edward P. Hernandez of Los Angeles as a member to the Santa Monica Mountains Conservancy for a term ending at the pleasure of the Committee.

Appointed Senator Alan S. Lowenthal, Ph.D. of Long Beach as a member to the School Building Finance Committee for a term ending at the pleasure of the Committee.

Appointed Senator Sam Blakeslee of San Luis Obispo and Senator Alex Padilla of Pacoima as members to the California Task Force on Science, Technology, Engineering and Mathematics Education for a term ending at the pleasure of the Committee.

Appointed Senator Bill Emmerson of Riverside as a member to the Search and Rescue Memorial Review Committee for a term ending at the pleasure of the Committee.

Appointed Senator Carol Liu of Pasadena as a member to the Summer and Intersession Enrichment Task Force for a term ending at the pleasure of the Committee.

Appointed Senator Mark J. DeSaulnier of Concord as a member to the California Transportation Commission for a term ending at the pleasure of the Committee.

Appointed Senator Tom Harman of Huntington Beach as a member to the Law Revision Commission for a term ending at the pleasure of the Committee.

Appointed Senator Loni Hancock of Berkeley as a member to the California Task Force on Youth and Workplace Wellness for a term ending at the pleasure of the Committee.

Appointed Senator Noreen Evans of Santa Rosa as a member to the Commission on the Status of Women for a term ending at the pleasure of the Committee.

STEINBERG, Chair

Committee on Banking and Financial Institutions

Senate Chamber, February 7, 2011

Madam President: The Chair of the Committee on Banking and Financial Institutions, to which was referred:

SB 53

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

VARGAS, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 53—An act to amend Sections 10079, 10176, 10237, and 10238 of, to add Sections 10080.9, 10088, 10141.6, and 10236.7 to, to repeal Section 10239.4 of, and to repeal Article 6 (commencing with Section 10237) and Article 6.5 (commencing with Section 10239) of Chapter 3 of Part 1 of Division 4 of, the Business and Professions Code, and to add Section 1810.6 to the Vehicle Code, relating to real estate licensees.

Bill read second time.

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

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

At 2:18 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, February 8, 2011.

Motion carried.

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 173: By Senator Simitian—An act to amend Section 1367.65 of the Health and Safety Code, and to amend Section 10123.81 of the Insurance Code, relating to health care coverage.

Senate Bill 174: By Senator Emmerson—An act to amend Section 1501 of the Health and Safety Code, relating to community care facilities.

Senate Bill 175: By Senator Corbett (Coauthor: Assembly Member Wieckowski)—An act to add Article 7 (commencing with Section 10390) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

Senate Bill 176: By Senator Emmerson—An act to amend Section 12300 of the Welfare and Institutions Code, relating to public social services.

Senate Bill 177: By Senator Strickland (Principal coauthor: Assembly Member Williams)—An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

Senate Bill 178: By Senator Simitian—An act to amend Section 25255 of the Health and Safety Code, relating to hazardous materials.



Senate Bill 179: By Senator Pavley—An act to amend Section 3000 of the Penal Code, and to amend Section 6601 of the Welfare and Institutions Code, relating to sex offenders.

Senate Bill 180: By Senator Corbett—An act to amend Section 1770 of the Civil Code, relating to consumer affairs.

Senate Bill 181: By Senator Liu—An act to add Article 3.5 (commencing with Section 66027) to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

Senate Bill 182: By Senator Corbett (Coauthors: Senators Hancock, Kehoe, and Leno) (Coauthor: Assembly Member Ammiano)—An act to amend Section 12011.5 of the Government Code, relating to judicial appointments.

Senate Bill 183: By Senator Correa—An act to amend Sections 13204, 14287, 15154, and 15208 of the Elections Code, relating to ballots.

Senate Bill 184: By Senator Leno—An act to amend Section 65850 of Government Code, relating to land use.

Senate Bill 185: By Senator Hernandez—An act to amend Section 66205 of the Education Code, relating to public postsecondary education.

Senate Bill 186: By Senators Kehoe and DeSaulnier (Principal coauthor: Assembly Member Alejo) (Coauthor: Assembly Member Lara)—An act to amend Section 12464 of the Government Code, relating to the Controller.

Senate Bill 187: By Senator Harman—An act to amend Section 145 of the Family Code, relating to family law.

Senate Bill 188: By Senator Harman—An act to amend Section 410.30 of the Code of Civil Procedure, relating to civil actions.

REQUESTS TO ADJOURN IN MEMORIAM

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Milton Lambertson of Concord.

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Patricia (Patti) Rose Roberts and Charlene Jackson of Oakland.

Senator La Malfa requested that when the Senate adjourns this day it do so in memory of Dr. David Cooper of Crescent City.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of William Long of Minneapolis, Minnesota and John Liebert of Monterey.



ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 8, 2011.

PAULA K. ROSSETTO, Minute Clerk

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