

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 28, 2011

The Senate met at 2 p.m.
Hon. Jean Fuller, of the 18th 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, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—39.

Quorum present.

(NOTE: Senator Simitian will be excused this day on personal business.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

For some, prayer comes easily to the lips, others search for words, finding it difficult to give voice to what is in their hearts.

However, the Rev. Costen Harrell gave this piece of advice about the essence of prayer. He taught that "Prayer is opening the heart to God. It is not all petition. It has its listening side. Prayer," he said, "is more than speaking to God; it is giving God an opportunity to speak to us."

May it be God's will that we turn towards God with hearts open to hearing and seeing the Divine message in the many ways that it is manifest in our world each and every day.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 25, 2011

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business February 25, 2011 the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Ruben Zuniga Member, Contractors' State Licensing
Board

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
February 28, 2011

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment and 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,

EDMUND G. BROWN JR., Governor



WYLIE A. AITKEN, is a partner at Aitken, Aitken and Cohn, the law firm he founded in 1970 and has served on the California Arts Council since 2010. He is also a trustee and past president of the South Coast Repertory Theatre Board of Trustees, where he has worked to advance interest of the arts and access to arts education throughout Orange County. Aitken earned a Juris Doctor degree from Marquette University. Reappointed 02/16/11. Effective 02/25/11.

Member, California Arts Council, term ending 01/01/15.

Above appointment referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Budget and Fiscal Review

Senate Chamber, February 24, 2011

Madam President: The Chair of the Committee on Budget and Fiscal Review, to which was referred:

SB 68

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 68—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, to take effect immediately, Budget Bill.

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, February 28, 2011

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

SR 9

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 Resolution 9—Relative to California Teen Safe Driving Week. Resolution 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 SENATE BILLS**

Senate Resolution 8—Relative to Peace Corps Month.

Resolution read second time, ordered engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT (SR 8)

Senator Padilla asked for, and was granted, unanimous consent to take up SR 8 at this time, without reference to file.

Consideration of Senate Resolution 8

SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was suspended to permit consideration of SR 8 at this time as properly before the Senate.

Senate Resolution 8—Relative to Peace Corps Month.

Resolution read and adopted by voice vote.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS**

Consideration of Governor's Appointments

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

HOLLY E. MANN, Member, Commission on the Status of Women.

EUGENE J. HERNANDEZ, Member, State Athletic Commission.

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 appointments were confirmed by the following vote:

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution 9—Relative to the Fresno Food Expo.

Resolution read third time and presented by Senator Rubio.

Roll Call

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

AYES (39)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla,

Pavley, Price, Rubio, Runner, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senator Kehoe Presiding

LEAVES OF ABSENCE FOR THE DAY

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

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

At 2:35 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 1, 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:

Senate Concurrent Resolution 18: By Senator Liu—Relative to public schools.

Senate Resolution 10: By Senator La Malfa—Relative to National Surveyors Week.

COMMUNICATION TO BE PRINTED IN THE JOURNAL

The following communication was ordered printed in the Journal:

February, 25, 2011

Gregory P. Schmidt

Secretary of the Senate

Dear Secretary Schmidt:

Pursuant to Government Code Section 9141 and Joint Rule 37 of the Joint Rules of the Senate and the Assembly, the Joint Legislative Budget Committee shall elect its own chairperson. During the committee's organizational hearing on February 23, 2011, the committee elected me as the Chair and Assembly Member Bob Blumenfield as the Vice Chair.

Sincerely,

MARK LENO
Chair



REQUESTS TO ADJOURN IN MEMORIAM

Senator Alquist requested that when the Senate adjourns this day it do so in memory of Tom Sparacino of Santa Clara.

Senator Correa requested that when the Senate adjourns this day it do so in memory of Lance Corcoran of Sacramento.

Senators De León and Liu requested that when the Senate adjourns this day it do so in memory of Duke Snider of Los Angeles.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of S. Myron “Mike” Klarfeld.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Marjorie Zifferblatt of Santa Monica.

Senator Rubio requested that when the Senate adjourns this day it do so in memory of Victor Martinez of Fresno.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Jack Forbes of Davis.

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 1, 2011.

PAULA K. ROSSETTO, Minute Clerk

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