

## CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

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# SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, January 22, 2013

The Senate met at 2 p.m.  
Hon. Alex Padilla, of the 20th District, presiding.  
Chief Assistant Secretary Bernadette McNulty 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:  
Anderson, Beall, Berryhill, Block, Cannella, Correa, De León,  
DeSaulnier, Emmerson, Fuller, Gaines, Galgiani, Hancock, Hernandez,  
Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Monning, Nielsen, Padilla,  
Price, Roth, Rubio, Walters, Wolk, Wright, Wyland, and Yee—32.

Quorum present.

*(NOTE: Senators Corbett, Evans, Liu, and Steinberg will be excused this day on personal business and Senators Calderon and Pavley will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

*O God of Justice and Mercy*, Your servant, the Rev. Martin Luther King, Jr., taught us that “the time is always right to do the right thing.” Each and every day we are presented opportunities through our work and in our personal lives to “do the right thing;” to perform acts of kindness, to treat others with dignity and respect, to make the world we live in a more just and compassionate place for all people.

May we be granted the wisdom and insight, the courage and strength, to always do what is right. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE GOVERNOR**

Governor’s Office, State Capitol  
January 18, 2013

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective close of business January 18, 2013, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation:

Linn Warren	Director of Housing and Community Development
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Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

Governor’s Office, State Capitol  
January 18, 2013

*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,

EDMUND G. BROWN JR., Governor

TED PRIEBE, has been appointed to the California Board of Acupuncture. Priebe has been an acupuncturist at Healthpointe since 2010 and an acupuncturist with the Pain and Rehabilitation Medical Group since 1995. He earned a Doctor in Acupuncture and Oriental Medicine degree from South Baylo University. Appointed 12/21/2012. Effective 01/05/2013.

Member, Acupuncture Board, vice, Frank D. He, withdrawn from the Senate. Term ending 06/01/2013.



JEFFREY A. BEARD, has been appointed Secretary of the California Department of Corrections and Rehabilitation (CDCR). Dr. Beard served as Secretary of the Pennsylvania Department of Corrections from 2001 until his retirement in 2010, overseeing more than 51,000 inmates and 16,000 employees. He was appointed by both Republican Governor Tom Ridge and Democratic Governor Edward Rendell. Beard served in multiple positions at the Pennsylvania Department of Corrections from 1972 until 2001, including corrections counselor, classification and treatment supervisor, deputy superintendent, superintendent and executive deputy secretary. Beard earned a doctorate degree and a Master of Education degree in counseling from Pennsylvania State University. He was licensed as a psychologist in 1977. Appointed 12/27/2012. Effective 12/27/2012.

Secretary, Department of Corrections and Rehabilitation, vice, Mathew Cate, resigned 11/11/2012. Term ending at the pleasure of the Governor.

KAREN DOUGLAS, has been reappointed to the California Energy Commission, where she has served in multiple positions since 2008, including lead commissioner for siting issues and the Desert Renewable Energy Conservation Plan. Douglas was director of the California Climate Initiative for the Environmental Defense Fund from 2005 until 2008. She worked at the Planning and Conservation League from 2001 until 2005, where she served as acting executive director and general counsel. Douglas earned a Juris Doctorate degree from Stanford Law School and a Master of Public Policy degree in environmental policy from the University of Colorado. Reappointed 01/07/2013. Effective 01/08/2013.

Member, State Energy Resources Conservation and Development Commission, vice, self, reappointed. Term ending 01/06/2018.

RICHARD J. LOPES, has been appointed chair of the California Gambling Control Commission. Lopes has been an assistant director in the Division of Law Enforcement at the California Department of Justice since 2007. He served in a number of other roles in the California Department of Justice, including chief of the Mission Support Branch in 2007, chief of the California Bureau of Investigation from 2006 to 2007, assistant chief of the Mission Support Branch from 2004 to 2006, support agent in the Mission Support Branch from 2003 to 2004, special agent supervisor for the adjutant to the director in the Division of Law Enforcement from 2002 to 2003, special agent supervisor from 2000 to 2002 and special agent from 1998 to 2000 in the California Bureau of Investigation and acting special agent supervisor and special agent in the Bureau of Narcotic Enforcement from 1996 to 1998. Lopes was a detective and patrolman at the Laguna Beach Police Department from 1989 to 1996 and deputy sheriff for the Tulare County Sheriff's Department from 1986 to 1989. He earned a Master of Arts degree in



organizational leadership from Chapman University. Appointed 01/02/2013. Effective 01/02/2013.

Member, California Gambling Control Commission, vice, B. Dean Shelton, term expired. Term ending 12/31/2014.

RICHARD J. SCHUETZ, has been reappointed to the California Gambling Control Commission, where he has served since 2011. Schuetz has been a consultant at Schuetz, Inc. and Schuetz, LP since 1995. He was president and chief executive officer of the Stratosphere Hotel and Casino from 1996 to 1997, vice president of corporate marketing of Grand Casinos, Inc. from 1991 to 1995, assistant general manager at John Midby and Associates for Sam's Town Gold River from 1990 to 1991 and vice president of casino operations at the Stardust Hotel and Casino from 1988 to 1990. Reappointed 01/02/2013. Effective 01/02/2013.

Member, California Gambling Control Commission, vice, self, reappointed. Term ending 12/31/2016.

MATTHEW JACOBS, has been appointed to the California Housing Finance Agency Board of Directors. Jacobs has been principal at Bulldog Partners LLC since 2010. He was manager of acquisitions and development for the western region at Turnberry Ltd. from 2005 to 2010 and acquisitions and development manager for the Urban Landfill Group at Pulte Homes Corporation from 2003 to 2005. Jacobs was a planning intern at Lower Manhattan Development Corporation in 2002 and manager of operations at Yale University Properties from 1998 to 2001. He earned a Master of Business Administration degree in real estate finance from Columbia Business School. Appointed 12/17/2012. Effective 12/19/2012.

Member, Board of Directors, California Housing Finance Agency, vice, John Courson, resigned 07/25/2008. Term ending 09/26/2015.

TIMOTHY M. ONDERKO, has been appointed to the California Housing Partnership Corporation. Onderko has served in various positions at The Money Brokers Inc. since 2005, including vice president. He was a consultant to California Assembly Speaker Fabian Núñez from 2004 to 2005 and a staff member on the Ira Ruskin for Assembly campaign in 2004. Onderko was a consultant to the State Building and Construction Trades Council of California from 2002 to 2004 and a legislative aide and senior consultant to California Assembly Speaker Robert Hertzberg from 2000 to 2002. Appointed 01/02/2013. Effective 01/03/2013.

Member, California Housing Partnership Corporation, vice, Jonathan Emami, not confirmed. Term ending 01/01/2016.



DOUGLAS FAIGIN, has been appointed to the California State University, Board of Trustees. Faigin has been president of City News Service Inc. since 1985. He was owner and general manager at KBCR Inc. from 1981 to 1985. Faigin served as press secretary for Jerry Brown's 1974 gubernatorial campaign and deputy campaign manager in Brown's reelection campaign in 1978. He earned a doctorate degree in political science from Claremont Graduate University and a Master of Science degree in journalism from Northwestern University. Appointed 12/19/2012. Effective 01/03/2013.

Member, Trustees of the California State University, vice, Linda Lang, resigned, 05/15/2012. Term ending 03/01/2017.

Above appointments referred to the Committee on Rules.

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

Assembly Chamber, January 18, 2013

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

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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 2**—Relative to Martin Luther King, Jr. Day.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Subcommittee on Fiscal Oversight and Bonded Indebtedness to meet on Friday, January 25, 2013, for an informational hearing without four days notice in the Daily File.

#### **CONSIDERATION OF DAILY FILE**

##### **UNFINISHED BUSINESS**

##### **Consideration of Governor's Appointments**

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

DARIUS ASSEMI, Member, California Transportation Commission.

LUCETTA (LUCY) A. DUNN, Member, California Transportation 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 (31)**—Senators Anderson, Beall, Berryhill, Block, Cannella, Correa, De León, DeSaulnier, Emmerson, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Monning, Nielsen, Padilla, Price, Roth, Rubio, Walters, Wolk, Wright, and Yee.

**NOES (0)**—None.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to personal business: Senators Corbett, Evans, Liu, and Steinberg.

The following Senators were granted leaves of absence for the day due to illness: Senators Calderon and Pavley.

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

At 2:19 p.m., on motion of Senator Fuller, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Fuller 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 Wednesday, January 23, 2013.

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 125:** By Senator Gaines—An act to amend Section 4212 of the Public Resources Code, relating to fire prevention.

**Senate Bill 126:** By Senator Steinberg—An act to amend Section 1374.73 of the Health and Safety Code, and to amend Sections 10144.51 and 10144.52 of the Insurance Code, relating to health care coverage.

**Senate Bill 127:** By Senator Gaines—An act to amend Section 8103 of the Welfare and Institutions Code, relating to firearms.

**Senate Bill 128:** By Senator Emmerson—An act to amend Section 921 of the Business and Professions Code, relating to healing arts.

**Senate Constitutional Amendment 10:** By Senators Wolk, Correa, and Huff (Principal coauthor: Senator DeSaulnier) (Principal coauthor: Assembly Member Olsen)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 8 of Article IV thereof, relating to the Legislature.



**REQUESTS TO ADJOURN IN MEMORIAM**

Senator De León requested that when the Senate adjourns this day it do so in memory of Allan K. Jonas of Los Angeles.

Senator Galgiani requested that when the Senate adjourns this day it do so in memory of Kevin Tonn of Galt.

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

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Jori “Jerry” Kaneko.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Fuller, the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Wednesday, January 23, 2013.

PAULA K. ROSSETTO, Minute Clerk

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