

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, May 18, 2009

The Senate met at 12 p.m.  
Hon. S. Joseph Simitian, of the 11th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Zach 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, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—37.  
Quorum present.

*(NOTE: Senator Florez will be excused this day on legislative business and Senator Cedillo will be excused this day on personal business.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Each of us have our own mountains to climb in life, heights we hope to scale, obstacles to overcome. But as we face these mountains of ours, we would do well to heed the advice of Sir Edmund Hillary who said "It is not the mountain we conquer but ourselves."

It is easy to get awed or intimidated by the mountains that loom before us. But even if what we seek to do seems as daunting as climbing Everest itself, we must first look inward to find the tools we need to endure the trials that we face.

We pray to the Holy One, the Creator of us all, to open up our eyes to the unrealized possibilities ready to be awakened within ourselves. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, May 14, 2009

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

SCR 21

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Senate Chamber, May 14, 2009

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 135

SB 364

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

KEHOE, Chair

Above measures ordered to second reading.

Senate Chamber, May 18, 2009

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 212

SB 601

SB 602

SB 603

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**

**Senate Bill 212**—An act to amend Section 17578 of, and to add Section 33134 to, the Education Code, relating to school safety.

Bill read second time.

**Senate Bill 601**—An act to add Section 22973.4 to the Business and Professions Code, relating to cigarette and tobacco products.

Bill read second time.

**Senate Bill 602**—An act to amend Section 22974.8 of, and to add Section 22973.3 to, the Business and Professions Code, relating to retail tobacco sales.

Bill read second time.

**Senate Bill 603**—An act to amend Sections 22972 and 22973 of, and to add Section 22973.3 to, the Business and Professions Code, relating to retail tobacco sales.

Bill read second time.

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

Senate Chamber, May 18, 2009

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 548

SB 625

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**

**Senate Bill 548**—An act to amend Section 999.5 of the Military and Veterans Code, relating to veterans.

Bill read second time.

**Senate Bill 625**—An act to amend Sections 1270, 1270.1, 1272.1, 1275, and 1319 of, and to add Article 9.5 (commencing with Section 1319.7) to Chapter 1 of Title 10 of Part 2 of, the Penal Code, relating to crime.

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**

Date of Hearing, May 13, 2009

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

SB 404



Reports the same back with the recommendation: Do pass as amended.

DE SAULNIER, Chair

Above measure ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, May 12, 2009

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

SCR 30

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, May 18, 2009

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

SB 328

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 328**—An act 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 Transportation and Housing**

Date of Hearing, May 12, 2009

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

SB 716

Reports the same back with the recommendation: Do pass as amended.

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Labor and Industrial Relations**

Date of Hearing, May 13, 2009

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

SB 773



Reports the same back with the recommendation: Do pass as amended.

DE SAULNIER, Chair

Above measure ordered to second reading.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 728**—An act to amend Section 43845 of the Health and Safety Code, relating to air pollution.

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

**Senate Bill 213**—An act to amend Sections 19854, 19962, 19963, 19981, and 19984 of, and to add Section 19966 to, the Business and Professions Code, relating to gambling.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 517**—An act to amend Section 19601.01 of the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 132**—An act to add Chapter 7.8 (commencing with Section 3575) to Division 2 of the Business and Professions Code, relating to healing arts, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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

#### **CONSENT CALENDAR Objection Raised**

Senator Correa objected to **SB 52** being on the Special Consent Calendar.

The President ordered the above measure placed on the third reading file.

#### **THIRD READING OF SENATE BILLS**

**Senate Bill 182**—An act to amend Sections 87482, 87482.6, and 87482.7 of the Education Code, relating to community colleges.

Bill read third time and presented by Senator Ashburn.

#### **Roll Call**

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

AYES (26)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth,



Huff, Kehoe, Liu, Maldonado, Padilla, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Wyland.

NOES (5)—Senators Corbett, DeSaulnier, Hancock, Wiggins, and Yee.  
Bill ordered transmitted to the Assembly.

**Senate Bill 447**—An act to add Section 11102.2 to the Penal Code, relating to criminal records.

Bill read third time and presented by Senator Yee.

#### Roll Call

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

AYES (33)—Senators Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Aanestad.

Bill ordered transmitted to the Assembly.

**Senate Bill 678**—An act to add Chapter 3 (commencing with Section 1228) to Title 8 of Part 2 of the Penal Code, relating to probation, and making an appropriation therefor.

Bill read third time and presented by Senator Leno.

#### Roll Call

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 309**—An act to amend Section 14302 of the Public Resources Code, relating to public resources.

Bill read third time and presented by Senator Ducheny.

#### Roll Call

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

AYES (25)—Senators Alquist, Ashburn, Benoit, Calderon, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (6)—Senators Aanestad, Cogdill, Denham, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.



**Senate Bill 757**—An act to add Article 10.5.1 (commencing with Section 25215.6) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to lead.

Bill read third time and presented by Senator Pavley.

**Roll Call**

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

AYES (21)—Senators Alquist, Calderon, Corbett, Correa, DeSaulnier, Ducheny, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

**Senate Bill 816**—An act to amend Sections 408, 480.1, 480.2, and 482 of, and to add Section 11935 to, the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Ducheny.

**Roll Call**

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

AYES (32)—Senators Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Aanestad and Walters.

Bill ordered transmitted to the Assembly.

**Senate Bill 589**—An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Sections 711.1 and 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 third time and presented by Senator Harman.

**Roll Call**

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

AYES (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



**Senate Bill 668**—An act to amend Section 290.018 of the Penal Code, relating to sex offenders.

Bill read third time and presented by Senator Hollingsworth.

**Roll Call**

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

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 527**—An act to amend Section 21204 of the Vehicle Code, relating to bicycles.

Bill read third time and presented by Senator Kehoe.

**Roll Call**

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

AYES (33)—Senators Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Cox.

Bill ordered transmitted to the Assembly.

**Senate Bill 140**—An act to add Article 3 (commencing with Section 6941) to Chapter 2 of Part 3 of Division 4 of the Food and Agricultural Code, relating to nurseries, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Corbett.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (29)—Senators Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (5)—Senators Aanestad, Correa, Dutton, Hollingsworth, and Walters.





**Roll Call**

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

AYES (29)—Senators Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (5)—Senators Aanestad, Correa, Dutton, Hollingsworth, and Walters.

Bill ordered transmitted to the Assembly.

**Senate Bill 662**—An act to amend Sections 19440 and 19616.51 of the Business and Professions Code, relating to horse racing .

Bill read third time and presented by Senator Yee.

**Roll Call**

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

AYES (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 202**—An act to amend Section 7570 of, and to add Section 7560.5 to, the Business and Professions Code, relating to private investigators.

Bill read third time and presented by Senator Harman.

**Roll Call**

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 219**—An act to amend Section 8547.10 of the Government Code, relating to improper governmental activities.

Bill read third time and presented by Senator Yee.

The roll was called.



**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Yee moved a call of the Senate.

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 430**—An act to add Section 34004.1 to the Health and Safety Code, relating to redevelopment.

Bill read third time and presented by Senator Dutton.

**Roll Call**

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Concurrent Resolution 36**—Relative to adolescent health.

Resolution read third time and presented by Senator Alquist.

**Roll Call**

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution 41**—Relative to California Microenterprise Development Month.

Resolution read third time and presented by Senator Yee.

**Roll Call**

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

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



**Senate Joint Resolution 1**—Relative to the Sales Tax Fairness and Simplification Act.

Resolution read third time and presented by Senator Ducheny.

The roll was called.

#### **CALL OF THE SENATE**

Pending the announcement of the vote, Senator Ducheny moved a call of the Senate.

Motion carried.

#### **THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Concurrent Resolution 35**—Relative to Foster Care Month.

Resolution read third time and presented by Senator Steinberg.

#### **Roll Call**

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

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 219)**

On motion of Senator Yee, further proceedings under the call of the Senate were dispensed with.

#### **Roll Call**

The names of the absentees were called and SB 219 was refused passage by the following vote:

AYES (19)—Senators Alquist, Calderon, Corbett, Correa, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Simitian, Steinberg, Wiggins, Wright, and Yee.

NOES (15)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Liu, Runner, Strickland, Walters, and Wyland.

#### **Motion to Reconsider (SB 219)**

Senator Yee moved to reconsider the vote whereby SB 219 failed passage.

#### **Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal,



Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.  
NOES (0)—None.

Measure ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SJR 1)**

On motion of Senator Ducheny, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SJR 1 was refused adoption by the following vote:

AYES (19)—Senators Alquist, Calderon, Corbett, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (16)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, and Wyland.

**Motion to Reconsider (SJR 1)**

Senator Ducheny moved to reconsider the vote whereby SJR 1 failed adoption.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Measure ordered returned to third reading.

**CONSENT CALENDAR**

**Senate Bill 825**—An act to amend Sections 24013 and 25176 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 827**—An act to add Title 16.5 (commencing with Section 98020) to, to repeal Sections 12012.25, 12012.30, 12012.35, 12012.40, 12012.45, 12012.46, 12012.465, 12012.47, 12012.475, 12012.48, 12012.485, 12012.49, 12012.495, 12012.5, 12012.51, 12012.515, 12012.52, 12012.53, 12012.75, 12012.85, and 12012.90 of, to repeal Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of



Title 2 of, and to repeal Chapter 3 (commencing with Section 98055) of Title 16.5 of, the Government Code, relating to gaming.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **SPECIAL CONSENT CALENDAR**

**Senate Bill 176**—An act to amend Section 395.5 of the Public Utilities Code, relating to electricity.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 116**—An act to amend Sections 16430, 17211, 17212, 17222, 17240, 17243, 17244, 17245, 17253, 17271, 17275, and 17276 of the Government Code, relating to public finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 325**—An act to amend Sections 290.05, 290.06, 290.07, and 1203 of the Penal Code, and to amend Section 706 of the Welfare and Institutions Code, relating to sex offenders.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 392**—An act to amend Sections 7025, 7028.5, 7029, 7065, 7065.1, 7065.5, 7068, 7068.1, 7068.2, 7069, 7071, 7071.8, 7071.9, 7071.11, 7071.17, 7072.5, 7075.1, 7076, 7076.2, 7085.6, 7090.1, 7096, 7121, 7121.1, 7121.5, 7121.6, 7122, 7122.1, 7122.2, 7122.5, 7137, 7138, 7152, 7159, and 7159.10 of, and to add Section 7071.19 to, the Business and Professions Code, and to amend Section 17002 of the Corporations Code, relating to contractors, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 760**—An act to add Section 14673.11 to the Government Code, relating to state property, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 766**—An act to add Section 19605.10 to the Business and Professions Code, relating to horse racing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*



**Senate Bill 5**—An act relating to peace officers.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 136**—An act relating to state real property.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 249**—An act to amend Section 120395 of the Health and Safety Code, relating to vaccinations.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 396**—An act to amend Section 1707.7 of the Insurance Code, relating to the insurance commissioner.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 501**—An act to amend Section 8869.85 of the Government Code, relating to government bonds.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 511**—An act to amend Sections 60641, 69613, 69613.6, 69667, 70101, 70104, 70124, 87482, and 87882 of the Education Code, relating to postsecondary education.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 532**—An act to amend Section 501 of the Streets and Highways Code, relating to transportation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 624**—An act to amend Sections 40116 and 40201 of, and to add Section 40103 to, the Public Resources Code, relating to solid waste.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 644**—An act to amend Section 18978 of the Government Code, relating to civil service examinations.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 734**—An act to amend Sections 8879.23, 14530.1, and 14679 of the Government Code, to amend Section 99243 of the Public Utilities Code, and to amend Sections 21650, 22507.8, 22511.7, 22511.8,



40203.5, and 40215 of, and to add Sections 231.5 and 231.6 to, the Vehicle Code, relating to transportation.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 751**—An act to amend Section 44275.4 of, and to add Article 14 (commencing with Section 44401) to Chapter 2 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to teachers.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 781**—An act to add Section 1569.683 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 820**—An act to amend Sections 139, 146, 1632.5, 1634.2, 2493, 4200.3, 4200.4, 4938, 5016, 5021, 5022, 5023, 5651, 7028.7, 7044, 7159, 7159.5, 7159.14, 7303.2, 7500.1, 7505.5, 7507.9, 7507.12, 7606, 7616, 7641, 7643, 7646, 7647, 7662, 7665, 7666, 7671, 7725.5, 7729, 9884.2, 9884.7, 9884.12, 9889.3, and 10146 of, to add Sections 7044.01 and 7507.115 to, and to repeal and add Section 7108.5 of, the Business and Professions Code, to amend Sections 44017.3, 44072.1, and 44072.2 of the Health and Safety Code, and to amend Sections 28, 5201, and 24603 of the Vehicle Code, relating to consumer affairs.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 828**—An act to amend Section 8592.1 of the Government Code, relating to public safety communication.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 830**—An act to amend Section 19401 of the Business and Professions Code, relating to horse racing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 831**—An act to amend Section 8880.321 of the Government Code, relating to the California State Lottery, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*





**Senate Bill 833**—An act to amend Sections 2772.7, 5096.518, and 5097.98 of the Public Resources Code, to amend Sections 7 and 12 of Chapter 543 of the Statutes of 2004, and to amend Sections 1 and 15 of Chapter 660 of the Statutes of 2007, relating to natural resources.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 39**—An act to amend Section 1714.5 of the Civil Code, relating to personal liability, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 481**—An act to add Article 8 (commencing with Section 3470) to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, relating to wildlife.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 359**—An act to amend Sections 6275, 6276.02, 6276.04, 6276.06, 6276.08, 6276.10, 6276.12, 6276.14, 6276.16, 6276.18, 6276.22, 6276.24, 6276.26, 6276.28, 6276.30, 6276.32, 6276.34, 6276.36, 6276.38, 6276.40, 6276.42, 6276.44, 6276.46, and 6276.48 of the Government Code, relating to records.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

#### **LEAVES OF ABSENCE FOR THE DAY**

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

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





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

At 1:10 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, May 19, 2009.

Motion carried.

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 14, 2009

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

ACR 70

Assembly Chamber, May 18, 2009

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

AB 85	AB 59	AB 532	AB 1143
AB 278	AB 144	AB 564	AB 1191
AB 697	AB 215	AB 574	AB 1227
AB 792	AB 228	AB 599	AB 1228
AB 863	AB 250	AB 620	AB 1255
AB 1184	AB 289	AB 625	AB 1282
AB 1215	AB 335	AB 684	AB 1317
AB 1233	AB 361	AB 685	AB 1335
AB 1246	AB 386	AB 686	AB 1363
AB 1312	AB 440	AB 755	AB 1457
AB 1341	AB 465	AB 793	AB 1463
AB 1545	AB 473	AB 1007	AB 1487
AB 1553	AB 497	AB 1113	AB 1562
AB 9	AB 530	AB 1116	AB 1563

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 for assignment:

**Assembly Concurrent Resolution 70**—Relative to Asian and Pacific Islander American Heritage Month.

**Assembly Bill 85**—An act to amend Section (21606.5 of, and to repeal and amend Section 21608.5 of,) the Business and Professions Code, relating to junk dealers and recyclers.

**Assembly Bill 278**—An act to amend Section 18639 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 697**—An act to amend Section 19136.8 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 792**—An act to amend Sections 17514 and 17592 of the Business and Professions Code, relating to business.

**Assembly Bill 863**—An act to amend Section 11887.1 of the Public Utilities Code, relating to municipal utility districts.

**Assembly Bill 1184**—An act to amend Section 2872 of the Public Utilities Code, relating to telecommunications.

**Assembly Bill 1215**—An act to amend Sections 87482 and 87882 of the Education Code, relating to community colleges.

**Assembly Bill 1233**—An act to amend Sections 5047, 5047.5, 5062, 5063.5, 5132, 5150, 5151, 5211, 5212, 5213, 5220, 5222, 5231, 6610, 7132, 7150, 7151, 7211, 7212, 7213, 7220, 7222, 7231, 8610, 9132, 9151, 9211, 9212, 9213, 9220, 9222, 9241, 9680, 9916, 12233, 12241, 12242.5, 12330, 12331, 12351, 12352, 12353, 12360, 12362, 12371, 12630, 12694, 18360, and 24001.5 of, to add Sections 5039.5 and 12228.5 to, and to add Article 6 (commencing with Section 9260) to Chapter 2 of Part 4 of Division 2 of Title 1 of, the Corporations Code, relating to corporations.

**Assembly Bill 1246**—An act to amend Section 11003.4 of the Business and Professions Code, and to amend Section 33007.5 of, to add Sections 33007.6 and 33007.7 to, and to add Article 4 (commencing with Section 33520) to Chapter 5 of Part 1 of Division 24 of, the Health and Safety Code, relating to housing.

**Assembly Bill 1312**—An act to amend and repeal Section 104113 of the Health and Safety Code, relating to defibrillators.

**Assembly Bill 1341**—An act to amend Section 276 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1545**—An act to amend Sections 16361 and 16374 of, and to add Section 16361.1 to, the Probate Code, relating to the Uniform Principal and Income Act.

**Assembly Bill 1553**—An act to amend Section 44273 of the Health and Safety Code, to amend Sections 25620.1, 25620.2, 25620.6, 25620.7, and 25620.15 of the Public Resources Code, and to amend Sections 381, 384, 399, 890, and 895 of the Public Utilities Code, relating to energy.

**Assembly Bill 9**—An act to add Section 82025.5 to the Government Code, relating to the Political Reform Act of 1974.

**Assembly Bill 59**—An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.



**Assembly Bill 144**—An act to amend Section 1465.6 of the Penal Code, and to amend Sections 4461, 4463, 22511.57, 40000.7, and 42001.13 of the Vehicle Code, relating to vehicles.

**Assembly Bill 215**—An act to add Section 1418.21 to the Health and Safety Code, relating to long-term health care facilities.

**Assembly Bill 228**—An act to amend Sections 25402.5 and 25402.5.4 of the Public Resources Code, relating to energy.

**Assembly Bill 250**—An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

**Assembly Bill 289**—An act to amend Section 21080.13 of the Public Resources Code, relating to environmental quality.

**Assembly Bill 335**—An act to add Section 924 to the Labor Code, relating to employment.

**Assembly Bill 361**—An act to add Section 4610.3 to the Labor Code, relating to workers' compensation.

**Assembly Bill 386**—An act to amend Section 67302 of the Education Code, relating to postsecondary education.

**Assembly Bill 440**—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 community colleges.

**Assembly Bill 465**—An act to add Section 11505.5 to the Education Code, relating to schools.

**Assembly Bill 473**—An act to add Section 42913 to the Public Resources Code, relating to recycling.

**Assembly Bill 497**—An act to add Section 21655.11 to the Vehicle Code, relating to vehicles.

**Assembly Bill 530**—An act to amend and repeal Section 3485 of, and to add, repeal, and add Section 3486 of, the Civil Code, to amend Section 1161 of the Code of Civil Procedure, and to repeal Section 11571.1 of the Health and Safety Code, relating to unlawful detainer.

**Assembly Bill 532**—An act to amend Section 1524 of the Penal Code, relating to search warrants.

**Assembly Bill 564**—An act to amend Section 40802 of the Vehicle Code, relating to vehicles.

**Assembly Bill 574**—An act to add Section 1286.5 to the Health and Safety Code, relating to health facilities.

**Assembly Bill 599**—An act to amend Section 100700 of the Health and Safety Code, relating to laboratories.



**Assembly Bill 620**—An act to amend Sections 6407, 17929, 22355, 22452, 22454, and 22457 of the Business and Professions Code, relating to county clerks.

**Assembly Bill 625**—An act to amend Section 14941 of, and to add Section 14944 to, the Health and Safety Code, relating to cigarette lighters.

**Assembly Bill 684**—An act to amend Section 1371 of the Health and Safety Code, and to amend Section 10123.13 of the Insurance Code, relating to health care coverage.

**Assembly Bill 685**—An act to add 17070.54 to the Education Code, relating to school facilities.

**Assembly Bill 686**—An act to amend Section 14224 of, and to repeal Section 19363 of, the Elections Code, relating to voting.

**Assembly Bill 755**—An act to amend Section 19050.8 of the Government Code, relating to civil service appointments.

**Assembly Bill 793**—An act to add Section 355.5 to the Code of Civil Procedure, relating to employment discrimination.

**Assembly Bill 1007**—An act to amend Section 35012 of the Education Code, relating to governing boards.

**Assembly Bill 1113**—An act to amend Section 5068.5 of the Penal Code, relating to prisoners.

**Assembly Bill 1116**—An act to add Sections 1638.2 and 2259.8 to the Business and Professions Code, relating to cosmetic surgery.

**Assembly Bill 1143**—An act to amend Section 306.5 of the Family Code, relating to vital records.

**Assembly Bill 1191**—An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 1227**—An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

**Assembly Bill 1228**—An act to add and repeal Section 4001 of the Elections Code, relating to elections.

**Assembly Bill 1255**—An act to amend Section 52324 of the Food and Agricultural Code, relating to agriculture.

**Assembly Bill 1282**—An act to amend Section 25600 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 1317**—An act to add Chapter 1.5 (commencing with Section 125325.10) to Part 5.5 of Division 106 of the Health and Safety Code, relating to public health.



**Assembly Bill 1335**—An act to amend Section 8600 of the Elections Code, relating to elections.

**Assembly Bill 1363**—An act to amend Sections 12031 and 12050 of the Penal Code, relating to concealed firearms.

**Assembly Bill 1457**—An act to amend Section 1599.64 of the Health and Safety Code, relating to long-term health care facilities.

**Assembly Bill 1463**—An act to add Section 51413 to the Education Code, relating to high school graduation.

**Assembly Bill 1487**—An act to amend Section 4011.2 of the Penal Code, relating to inmate medical costs.

**Assembly Bill 1562**—An act to amend Section 2929 of the Labor Code, relating to employment.

**Assembly Bill 1563**—An act to add Section 2811 to the Labor Code, relating to employment.

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

##### **Committee on Appropriations**

Senate Chamber, May 18, 2009

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

SB 234

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**

**Senate Bill 234**—An act to add Section 33543 to the Education Code, relating to curriculum.

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, May 18, 2009

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

SB 194

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 194**—An act to add Section 65302.10 to the Government Code, to amend Sections 43015 and 50829 of, and to add Section 50834.5 to, the Health and Safety Code, to add Sections 75067 and 75130 to the Public Resources Code, to amend Section 2333.5 of the Streets and Highways Code, and to amend Section 13477.6 of the Water Code, relating to community development.

Bill read second time.

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

**Committee on Revenue and Taxation**

Date of Hearing, May 13, 2009

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 534

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

WOLK, Chair

Above measure ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, May 12, 2009

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

SB 201

Reports the same back with the recommendation: Do pass as amended.

LOWENTHAL, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 22:** By Senator Alquist—Relative to the 80th Anniversary of the Daughters of Penelope.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SCR 40** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Public Safety.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 52**—An act to repeal Sections 3404 and 3405 of, and to repeal and add Sections 3401, 3402, and 3403 of, the Government Code, relating to the Public Safety Officer Medal of Valor.

Bill read third time.



**Amendments Adopted**

Amendments to SB 52 proposed by Senator Correa were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 93**—An act to amend Section 33445 of, and to add Sections 33445.1 and 33505 to, the Health and Safety Code, relating to redevelopment.

Bill read third time.

**Amendments Adopted**

Amendments to SB 93 proposed by Senator Kehoe were read and adopted and the measure ordered printed, engrossed, and to second reading.

**SENATE COMMITTEE ROLL CALLS****Committee on Transportation and Housing**

**SB 728**—Do pass

AYES (6)—Senators DeSaulnier, Kehoe, Lowenthal, Oropeza, Pavley, and Wolk.

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

Date of Hearing: 5/14/2009

Lowenthal (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Betty G. Sherman of San Diego.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Brian O'Neill of Novato.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Ann Norton Davis of Palo Alto.

Senator Wright requested that when the Senate adjourns this day it do so in memory of Loren L. Roberts of Long Beach.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, May 19, 2009.

PAULA K. ROSSETTO, Minute Clerk

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