

CALIFORNIA LEGISLATURE

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SENATE DAILY JOURNAL

EIGHTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 26, 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, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, 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—39.

Quorum present.



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi.

In the Book of Ecclesiastes we are taught: “To every thing there is a season, and a time to every purpose under heaven: A time to be born, and a time to die; a time to plant, and a time for uprooting the planted . . . a time for tearing down and a time for building up . . . (Ecc. 3:1–3).” In these difficult times that try our nation and our state, it is important for us to remember, to everything there is a season.

Through the decades, in times of peace and in times of war, in times of prosperity and in times of economic crises, this body has continued to meet and plant creative ideas in the fertile soil of California so that future generations might reap the rewards of a rich bounty made possible by the leadership shown by people like those in our government.

These words from Ecclesiastes were meant to remind us of the possibilities of a better tomorrow, that after the winter, the spring will come again, after a famine, there will again someday be a feast, and after a tearing down, a building up again.

We pray to the Holy One, the Creator of us all, to grant us the strength to sustain us through dark times, to grant us inspiration to build a brighter tomorrow, and the determination to make our dreams a reality. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Health**

Senate Chamber, May 26, 2009

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

AB 577

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

ALQUIST, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 577—An act to amend Sections 1580.1 and 100315 of the Health and Safety Code, and to amend Sections 14590 , 14591, and 14598 of the Welfare and Institutions Code, relating to the elderly.

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

Senate Chamber, May 26, 2009

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

SB 777

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

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 777—An act to amend Section 13320 of, and to add Section 13335.5 to, the Government Code, relating to the state budget.

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

Senate Chamber, May 26, 2009

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

ACR 24

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

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Assembly Concurrent Resolution 24—Relative to the John Knabenbauer Fifth Street Bridge.

Resolution read second time.

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

Committee on Education

Senate Chamber, May 26, 2009

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

SB 307

SCR 34

AB 20

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 307—An act to add Section 35031.3 to the Education Code, relating to school districts.

Bill read second time.

Senate Concurrent Resolution 34—Relative to Educational Opportunity Programs and Services Month.

Resolution read second time.

Assembly Bill 20—An act to add Article 6 (commencing with Section 92060) to Chapter 1 of Part 57 of Division 9 of Title 3 of the Education Code, relating to the University of California.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 20 pursuant to Joint Rule 58.

ASSEMBLY MEMBER SOLORIO

Permission of Rules Committee

Senate Chamber, May 26, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 20.

STEINBERG, Chair

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Constitutional Amendment 21: By Senators Yee and Ashburn (Principal coauthors: Assembly Members Nestande and Portantino) (Coauthor: Senator Romero)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 9 of Article IX thereof, relating to the University of California.

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

Senate Bill 183—An act to amend Sections 1102.6 and 1102.6d of the Civil Code, and to add Sections 17926, 17926.1, and 17926.2 to, and to add Chapter 8 (commencing with Section 13260) to Part 2 of Division 12 of, the Health and Safety Code, relating to residential building safety.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.



Senate Bill 273—An act to amend Sections 124250 and 124251 of the Health and Safety Code, and to amend Section 13823.15 of the Penal Code, relating to domestic violence.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 555—An act to add Section 1240.055 to the Code of Civil Procedure, relating to eminent domain.

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

Senate Bill 626—An act to add Section 740.2 to the Public Utilities Code, relating to electrical infrastructure.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

THIRD READING OF SENATE BILLS

Senate Bill 231—An act to amend Sections 25205.5 and 25205.9 of the Health and Safety Code, relating to hazardous waste.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 546—An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections 48100, 48620, 48623, 48624, 48631, 48632, 48645, 48650, 48651, 48652, 48653, 48656, 48660, 48660.5, 48661, 48662, 48670, 48673, 48674, 48690, and 48691 of, to add Sections 48620.2 and 48651.5 to, and to repeal Sections 48633 and 48634 of, the Public Resources Code, relating to oil , and making an appropriation therefor.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 656—An act to amend Section 3511 of the Government Code, relating to public employment.

Bill read third time and presented by Senator DeSaulnier.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 262—An act to amend Section 30315 of, and to add Section 30315.2 to, the Public Resources Code, relating to coastal resources.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 635—An act to add and repeal Section 26840.12 of the Government Code, to add and repeal Section 103628.2 of the Health and Safety Code, and to add and repeal Section 18309.6 of the Welfare and Institutions Code, relating to domestic violence.

Bill read third time and presented by Senator Wiggins.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 581—An act to amend Section 2828 of the Public Utilities Code, relating to electricity.

Bill read third time and presented by Senator Leno.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 124—An act to amend Section 42407 of, and to add Chapter 3.4 (commencing with Section 39640) to Part 2 of Division 26 of, the Health and Safety Code, relating to air pollution.

Bill read third time and presented by Senator Oropeza.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

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

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

Senator Romero Presiding**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill 135—An act to amend Section 597n of the Penal Code, relating to animal abuse.

Bill read third time and presented by Senator Florez.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 716—An act to amend Sections 99232, 99400, and 99401.6 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Wolk.

Roll Call

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

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 201—An act to amend Section 21100.4 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Oropeza.

Roll Call

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

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Romero, Simitian, Steinberg, Wiggins, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 19—An act to amend Section 10804 of the Education Code, relating to education data.

Bill read third time and presented by Senator Simitian.

Roll Call

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

AYES (35)—Senators Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Aanestad and Hollingsworth.

Bill ordered transmitted to the Assembly.



Senate Bill 138—An act to amend Section 7287 of the Revenue and Taxation Code, relating to local taxation.

Bill read third time and presented by Senator Liu.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

Senator Simitian Presiding

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 126—An act to amend Sections 326.3 and 326.5 of the Penal Code, relating to bingo, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Cedillo.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Florez, 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.

NOES (1)—Senator Cox.

Roll Call

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

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Florez, 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.

NOES (1)—Senator Cox.

Bill ordered transmitted to the Assembly.

Senate Bill 545—An act to amend Section 100.4 of, and to add Section 622.2 to, the Streets and Highways Code, relating to transportation.

Bill read third time and presented by Senator Cedillo.

Roll Call

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

AYES (38)—Senators Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton,

Florez, 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.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 37—Relative to California Public Safety Telecommunicators Week.

Resolution read third time and presented by Senator Ducheny.

Roll Call

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

AYES (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, 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.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 254—An act to repeal and add Section 19525 of the Business and Professions Code, relating to horse racing.

Bill read third time and presented by Senator Wiggins.

Roll Call

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

AYES (30)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Wiggins, Wright, Wyland, and Yee.

NOES (8)—Senators Aanestad, Ashburn, Benoit, Cox, Dutton, Hollingsworth, Runner, and Walters.

Bill ordered transmitted to the Assembly.

Senate Bill 670—An act to add Section 5653.1 to the Fish and Game Code, relating to dredging, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Wiggins.



Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (31)—Senators Alquist, Benoit, Calderon, Cedillo, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (8)—Senators Aanestad, Ashburn, Cogdill, Cox, Hollingsworth, Huff, Runner, and Wyland.

Roll Call

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

AYES (31)—Senators Alquist, Benoit, Calderon, Cedillo, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (8)—Senators Aanestad, Ashburn, Cogdill, Cox, Hollingsworth, Huff, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 217—An act to add Section 89500.5 to, and to add Article 2 (commencing with Section 92010) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the Education Code, relating to public postsecondary education.

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

NOES (3)—Senators Liu, Simitian, and Wolk.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 231)**

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



Roll Call

The names of the absentees were called and SB 231 was passed by the following vote:

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (17)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Negrete McLeod, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 546)**

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

Roll Call

The names of the absentees were called and SB 546 was passed by the following vote:

AYES (23)—Senators Alquist, Cedillo, Corbett, DeSaulnier, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (15)—Senators Aanestad, Ashburn, Benoit, Calderon, Cogdill, Correa, Cox, Denham, Dutton, Hollingsworth, Huff, Maldonado, Runner, Strickland, and Walters.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 656)**

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

Roll Call

The names of the absentees were called and SB 656 was passed by the following vote:

AYES (30)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Denham, DeSaulnier, Dutton, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (8)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Hollingsworth, Huff, and Walters.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 635)**

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

Roll Call

The names of the absentees were called and SB 635 was passed by the following vote:

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (17)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Negrete McLeod, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 581)**

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

Roll Call

The names of the absentees were called and SB 581 was passed by the following vote:

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

NOES (14)—Senators Aanestad, Ashburn, Benoit, Calderon, Cogdill, Cox, Denham, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 124)**

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

Roll Call

The names of the absentees were called and SB 124 was passed by the following vote:

AYES (26)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Denham, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu,



Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

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

Above bill 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 passed by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 728)**

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

Roll Call

The names of the absentees were called and SB 728 was passed by the following vote:

AYES (21)—Senators Alquist, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 135)**

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



Roll Call

The names of the absentees were called and SB 135 was passed by the following vote:

AYES (27)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, and Yee.

NOES (12)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Hollingsworth, Huff, Runner, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 138)**

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

Roll Call

The names of the absentees were called and SB 138 was refused passage by the following vote:

AYES (19)—Senators Alquist, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, and Wright.

NOES (19)—Senators Aanestad, Ashburn, Benoit, Calderon, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Negrete McLeod, Runner, Strickland, Walters, Wyland, and Yee.

Motion to Reconsider

Senator Liu moved to reconsider the vote whereby SB 138 was refused passage.

Roll Call

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

AYES (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, 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.

NOES (0)—None.

Bill ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 262)**

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



Roll Call

The names of the absentees were called and SB 262 was passed by the following vote:

AYES (21)—Senators Alquist, Cedillo, Corbett, DeSaulnier, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (18)—Senators Aanestad, Ashburn, Benoit, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 23—Relative to Chabad Day.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 21—Relative to the Joint Legislative Committee on Emergency Management.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

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, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 99—An act to amend Sections 6503.5 and 6547 of, to add Sections 6548.5, 6592.1, and 53895.7 to, and to add Chapter 10.7 (commencing with Section 5870) to Division 6 of Title 1 of, the Government Code, relating to joint exercise of powers.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 133—An act to add Article 9.3 (commencing with Section 31142.20) to Chapter 1 of Part 5 of Division 12 of the Water Code, relating to the Alameda County Water District.

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

(NOTE: See Consent Calendar Roll Call)



Senate Bill 154—An act to amend Section 668 of the Harbors and Navigation Code, to amend Section 11836 of the Health and Safety Code, and to amend Section 13352 of the Vehicle Code, relating to vessels.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 174—An act to amend Section 21606.5 of the Business and Professions Code, to amend Section 1670.7 of the Civil Code, to amend Section 1219 of the Code of Civil Procedure, to amend Section 27388 of the Government Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 290.011, 290.4, 290.46, 484b, 830.2, 1094, 1369.1, 6125, 6126, 6126.1, 6126.2, 6126.3, 6126.5, 6127.3, 6128, 6129, 6131, 6132, 6133, 11102.1, 12076, 12650, 13010, and 13202 of the Penal Code, to amend Section 40519 of the Vehicle Code, and to amend Sections 827.9, 1767.35, and 6603.5 of the Welfare and Institutions Code, relating to public safety.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 175—An act to amend Sections 12070, 12072, 12078, and 12083 of the Penal Code, relating to firearms.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 223—An act to add Section 33542 to the Education Code, relating to education.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 239—An act to repeal and add Section 532f of the Penal Code, relating to crimes.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 313—An act to amend Sections 62.5 and 3722 of the Labor Code, relating to workers' compensation .

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 321—An act to amend Section 53753 of the Government Code, relating to local government.

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

(NOTE: See Consent Calendar Roll Call)



Senate Bill 337—An act to amend Section 1280.15 of the Health and Safety Code, relating to health facilities.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 361—An act to amend Section 66025.8 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 557—An act to add Section 236.3 to the Penal Code, relating to human trafficking.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 605—An act to add and repeal Section 21080.23.5 of the Public Resources Code, relating to the environment.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 627—An act to add Section 21610 to the Business and Professions Code, relating to junk.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 649—An act relating to transportation.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 717—An act to amend Sections 70, 70.2, 70.4, 70.8, 71.2, 71.4, 71.8, 72, 72.2, 76, 76.3, 76.5, 76.6, 86, 131, 133, 264, 300, 301, 302, 304, 305, 306, 307, 308, 505.5, 571, 652, 654.5, 658.3, 668.1, 738, and 780 of, to add Sections 71.45, 71.46, 309, and 310 to, to repeal Section 660.2 of, and to repeal Chapter 2.5 (commencing with Section 110) of Division 1.5 of, the Harbors and Navigation Code, relating to boating and waterways.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 748—An act to add Section 14029.5 to the Penal Code, relating to witness relocation and assistance.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 761—An act to add Section 128196 to the Health and Safety Code, relating to health care workforce.

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

(NOTE: See Consent Calendar Roll Call)



Senate Bill 829—An act to amend Section 19805 of, and to add Section 19824.5 to, the Business and Professions Code, relating to gambling.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 832—An act to amend Sections 44510, 44525, and 44525.7 of, and to repeal Section 44525.5 of, the Health and Safety Code, and to amend Sections 6206.5 and 41780 of the Public Resources Code, relating to resources, 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 821—An act to amend Sections 805, 2530.2, 2532.2, 2532.7, 2570.2, 2570.3, 2570.4, 2570.5, 2570.6, 2570.7, 2570.9, 2570.10, 2570.13, 2570.16, 2570.18, 2570.20, 2570.26, 2570.28, 2571, 2872.2, 3357, 3362, 3366, 3456, 3740, 3750.5, 3773, 4101, 4112, 4113, 4160, 4196, 4510.1, 4933, 4980.45, 4980.48, 4982, 4982.2, 4989.22, 4989.54, 4992.1, 4992.3, 4996.23, 4996.28, 4996.5, and 4999.2 of, to add Sections 2532.25, 2570.17, 4013, 4146, 4989.49, 4992.2, and 4996.24 to, and to repeal Sections 821.5 and 821.6 of, the Business and Professions Code, to amend Section 123105 of the Health and Safety Code, and to amend Section 3 of Chapter 294 of the Statutes of 2004, relating to healing arts.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 143—An act to amend Sections 25395.109 and 25395.110 of the Health and Safety Code, relating to hazardous materials.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 641—An act to amend Sections 6008.6 and 6140 of, to add Sections 6140.37 and 6161.2 to, to add Article 10.2 (commencing with Section 6174) to Chapter 4 of Division 3 of, and to add and repeal Section 6140.38 of, the Business and Professions Code, relating to the State Bar Act.

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 (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny,



Dutton, Florez, 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.

NOES (0)—None.

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

At 1:50 p.m., on motion of Senator Aanestad, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Aanestad 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, May 27, 2009.

Motion carried.

**REPORTS OF STANDING COMMITTEES
Committee on Transportation and Housing**

Senate Chamber, May 26, 2009

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

SB 652

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

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 652—An act to add Article 5.3 (commencing with Section 14073) to Chapter 1 of Part 5 of Division 3 of Title 2 of the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

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

Senate Chamber, May 26, 2009

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 49

SB 206

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 49—An act to amend Section 17059 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 206—An act to add and repeal Section 17059.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

Committee on Public Employment and Retirement

Senate Chamber, May 26, 2009

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 399

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

CORREA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 399—An act to amend Section 20731 of the Government Code, relating to public employees' retirement.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 399 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BROWNLEY

Permission of Rules Committee

Senate Chamber, May 26, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 399.

STEINBERG, Chair

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

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 400** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

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

Senate Bill 165—An act to amend Section 14528.55 of the Government Code, to amend Section 44126 of the Health and Safety Code,



and to amend Sections 12810.3 and 21800 of the Vehicle Code, relating to transportation.

Bill read third time.

Amendments Adopted

Amendments to SB 165 proposed by Senator Lowenthal were read and adopted and the measure ordered printed, engrossed, and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Romulo “Romy” Bautista Reynosa of San Leandro.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Fred McLean of Imperial Beach.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Aaron Clingman of Bend, Oregon, Roberto Martinez and Herb York of San Diego.

Senator Romero requested that when the Senate adjourns this day it do so in memory of SSgt. Esau Ivan De La Peña-Hernández of La Puente.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Aanestad, the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Wednesday, May 27, 2009.

PAULA K. ROSSETTO, Minute Clerk

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