

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

EIGHTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, May 27, 2009

The Senate met at 9 a.m.

Hon. Darrell Steinberg, of the 6th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee—36.

Quorum present.

(NOTE: Senators Corbett and Harman will be excused this day on legislative business and Senator Wright will be excused this day on personal business.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
May 27, 2009

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation



and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

SHEILA M. PETRAKIS, previous deputy commissioner for the Board of Parole Hearings since March 2009. Formerly worked for the California Department of Corrections and Rehabilitation at San Quentin State Prison as associate warden for business services from 2007 to 2008, associate warden for reception center operations from 2006 to 2007, associate warden of health care services from 2005 to 2006, associate warden-death row and for administrative segregation programs and business services from 2002 to 2005 and was the associate warden for central operations from 2000 to 2002. Petrakis served as facility captain, correctional lieutenant, correctional sergeant and correctional officer from 1982 to 2000. Appointed 05/19/09. Effective 05/19/09.

Commissioner, Board of Parole Hearings, vice, Sandra Bryson, resigned, term ending 07/01/11.

Above appointment referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 26, 2009

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

SCR 32

Above resolution ordered enrolled.

Assembly Chamber, May 26, 2009

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

AB 114	AB 720	AB 957	AB 1369
AB 330	AB 734	AB 988	AB 1406
AB 469	AB 811	AB 992	AB 1437
AB 485	AB 824	AB 1025	AB 1439
AB 517	AB 853	AB 1142	AB 1516
AB 571	AB 882	AB 1152	AB 1575
AB 706	AB 926	AB 1281	AB 1579
AB 710	AB 930	AB 1368	

Assembly Chamber, May 26, 2009

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

ACR 64

ACR 68

ACR 73

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 Bill 114—An act to add Section 237 to the Welfare and Institutions Code, relating to juveniles.

Assembly Bill 330—An act to add Section 15005 to the Elections Code, relating to elections.

Assembly Bill 469—An act to amend Sections 6452.1, 6453, 6487.3, and 18510 of the Revenue and Taxation Code, relating to taxation.

Assembly Bill 485—An act to add Part 5 (commencing with Section 1500) to Division 2 of the Labor Code, relating to the Civil Air Patrol.

Assembly Bill 517—An act to repeal and add Chapter 7 (commencing with Section 119300) of Part 15 of Division 104 of the Health and Safety Code, relating to body art.

Assembly Bill 571—An act to amend Section 8254 of, to add and repeal Section 8254.5 of, and to add and repeal Article 5.5 (commencing with Section 8260) of Chapter 2 of Part 3 of Division 6 of, the Fish and Game Code, relating to commercial fishing, and making an appropriation therefor.

Assembly Bill 706—An act to amend Sections 361.5, 366.21, and 11404.1 of, and to add Section 361.49 to, the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 710—An act to add Section 703 to the Military and Veterans Code, relating to military and veterans.

Assembly Bill 720—An act to amend Section 65583.1 of the Government Code, relating to land use.

Assembly Bill 734—An act to amend Section 19601.4 of the Business and Professions Code, relating to horse racing.

Assembly Bill 811—An act to amend Sections 1789.30 and 1789.35 of the Civil Code, and to amend Sections 13004.1 and 14610.1 of the Vehicle Code, relating to identification documents.

Assembly Bill 824—An act to amend Section 1622.6 of, and to repeal and add Sections 1612.5 and 1612.7 of, the Revenue and Taxation Code, relating to taxation.

Assembly Bill 853—An act to add Sections 56375.6 and 56375.7 to the Government Code, relating to local government.

Assembly Bill 882—An act to amend Section 101.10 of the Streets and Highways Code, relating to highways.



Assembly Bill 926—An act to amend Section 14837 of the Government Code, to amend Section 999 of the Military and Veterans Code, and to amend Sections 10302, 10344, and 12104.5 of the Public Contract Code, relating to public contracts.

Assembly Bill 930—An act to amend Section 14615.1 of the Government Code, relating to state government.

Assembly Bill 957—An act to add Article 1.8 (commencing with Section 1103.20) to Chapter 2 of Title 4 of Part 4 of Division 2 of, and to repeal Section 1103.21 of, the Civil Code, relating to real property.

Assembly Bill 988—An act to amend Section 13519.14 of the Penal Code, relating to human trafficking.

Assembly Bill 992—An act to amend Section 17537.9 of the Business and Professions Code, relating to unfair business practices.

Assembly Bill 1025—An act to amend Section 44258.7 of, and to add Section 49024 to, the Education Code, relating to school employees and volunteers.

Assembly Bill 1142—An act to amend Sections 14018.2 and 14019.4 of the Welfare and Institutions Code, relating to Medi-Cal.

Assembly Bill 1152—An act to amend Section 2406 of the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

Assembly Bill 1281—An act to add Section 49062.5 to the Education Code, relating to pupil data.

Assembly Bill 1368—An act to amend Section 1596.866 of the Health and Safety Code, relating to child day care.

Assembly Bill 1369—An act to amend Sections 1203.017 and 4532 of the Penal Code, relating to home detention.

Assembly Bill 1406—An act to amend Section 31529.9 of, and to add Section 31522.7 to, the Government Code, relating to county employees' retirement.

Assembly Bill 1437—An act to add Chapter 14 (commencing with Section 25995) to Division 20 of the Health and Safety Code, relating to public health.

Assembly Bill 1439—An act to add Section 13827.3 to the Penal Code, relating to gangs.

Assembly Bill 1516—An act to amend Section 1054.3 of the Penal Code, relating to criminal procedure.



Assembly Bill 1575—An act to amend Sections 19510 and 19513 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Assembly Bill 1579—An act to amend Section 24044.5 of the Business and Professions Code, relating to alcoholic beverages.

Assembly Concurrent Resolution 64—Relative to Hepatitis B Awareness Month.

Assembly Concurrent Resolution 68—Relative to Public Service Recognition Week.

Assembly Concurrent Resolution 73—Relative to the Early College High School Initiative.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing, May 26, 2009

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

SB 17	SB 326	SB 586	SB 826
SB 31	SB 346	SB 726	
SB 161	SB 455	SB 730	
SB 190	SB 578	SB 744	

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bills ordered to second reading.

Senate Chamber, May 26, 2009

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

SB 142	SB 459	SB 765	ACR 30
SB 212	SB 517	SB 792	ACR 34
SB 234	SB 583	SB 809	
SB 283	SB 625	SCR 30	

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.

Committee on Rules

Senate Chamber, May 27, 2009

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

AB 718



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

Assembly Bill 718—An act relating to healing arts.

Bill read second time.

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

Committee on Appropriations

Date of Hearing, May 26, 2009

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

SB 149 SB 318 SB 352 SB 653

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

KEHOE, Chair

Above measures ordered to second reading.

Senate Chamber, May 27, 2009

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

SB 372 SB 524 SB 679
SB 769 SCR 20

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

KEHOE, Chair

Above measures ordered to second reading.

Senate Chamber, May 21, 2009

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

SB 23

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

KEHOE, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Senate Chamber, May 27, 2009

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

AB 1061

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 Bill 1061—An act to repeal and add Section 1353.8 of the Civil Code, relating to common interest developments.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, May 27, 2009

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

AB 430

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

LENO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 430—An act to add Section 5056.1 to the Penal Code, relating to corrections.

Bill read second time.

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

Committee on Banking, Finance and Insurance

Senate Chamber, May 27, 2009

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which was referred:

AB 329

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

CALDERON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 329—An act to amend Sections 1923.2 and 1923.5 of the Civil Code, relating to reverse mortgages.

Bill read second time.

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



Committee on Energy, Utilities and Communications

Senate Chamber, May 27, 2009

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 1551

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

PADILLA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1551—An act to amend Sections 26003 and 26011 of the Public Resources Code, relating to energy.

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 27, 2009

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

AB 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

Assembly Bill 652—An act to add Section 35400.7 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure 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 Resolution 23: By Senators Kehoe and Leno—Relative to hate crimes.

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

Senate Bill 165—An act to amend Section 44126 of the Health and Safety Code, and to amend Sections 12810.3 and 21800 of the Vehicle Code, relating to vehicles.

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



MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 622** was withdrawn from the Committee on Transportation and Housing and re-referred to the Committee on Rules; and

AB 1554 was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 17—Do pass**

AYES (8)—Senators Corbett, Cox, DeSaulnier, Kehoe, Leno, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 31—Do pass

AYES (8)—Senators Corbett, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Wolk, and Yee.

NOES (5)—Senators Cox, Denham, Runner, Walters, and Wyland.

SB 108—Do pass as amended

AYES (12)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 149—Do pass as amended

AYES (12)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, and Yee.

NOES (0)—None.

SB 161—Do pass

AYES (10)—Senators Corbett, Cox, Denham, DeSaulnier, Kehoe, Leno, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 190—Do pass

AYES (8)—Senators Corbett, Cox, Denham, DeSaulnier, Kehoe, Leno, Wolk, and Yee.

NOES (1)—Senator Walters.

SB 310—Do pass as amended

AYES (8)—Senators Corbett, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Wolk, and Yee.

NOES (5)—Senators Cox, Denham, Runner, Walters, and Wyland.

SB 318—Do pass as amended

AYES (13)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.



SB 326—Do pass

AYES (13)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 346—Do pass

AYES (8)—Senators Corbett, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Wolk, and Yee.

NOES (5)—Senators Cox, Denham, Runner, Walters, and Wyland.

SB 352—Do pass as amended

AYES (13)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 455—Do pass

AYES (9)—Senators Corbett, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Wolk, and Yee.

NOES (4)—Senators Cox, Runner, Walters, and Wyland.

SB 578—Do pass

AYES (13)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 586—Do pass

AYES (13)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 653—Do pass as amended

AYES (13)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

SB 726—Do pass

AYES (11)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Wolk, and Yee.

NOES (1)—Senator Walters.

SB 730—Do pass

AYES (8)—Senators Corbett, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Wolk, and Yee.

NOES (5)—Senators Cox, Denham, Runner, Walters, and Wyland.

SB 744—Do pass

AYES (13)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.



SB 783—Do pass as amended

AYES (12)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Oropeza, Runner, Walters, Wolk, and Yee.

NOES (1)—Senator Wyland.

SB 826—Do pass

AYES (12)—Senators Corbett, Cox, Denham, DeSaulnier, Hancock, Kehoe, Leno, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 5/26/2009

Kehoe (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Corbett and Harman.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, May 28, 2009.

PAULA K. ROSSETTO, Minute Clerk

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