

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, June 4, 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:

Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wright, and Wyland—34.

Quorum present.

*(NOTE: Senators Aanestad, Wolk, and Yee will be excused this day on legislative business, Senator Maldonado will be excused this day on legislative business (waiving per diem), and Senator DeSaulnier will be excused this day on personal business.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, June 3, 2009

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

AB 962

AB 1404

AB 1405



## Assembly Chamber, June 3, 2009

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

AB 2	AB 314	AB 682	AB 1066
AB 3	AB 315	AB 711	AB 1079
AB 13	AB 324	AB 716	AB 1087
AB 17	AB 337	AB 744	AB 1115
AB 39	AB 369	AB 756	AB 1175
AB 42	AB 402	AB 764	AB 1177
AB 49	AB 423	AB 779	AB 1209
AB 56	AB 434	AB 786	AB 1291
AB 64	AB 476	AB 790	AB 1303
AB 65	AB 482	AB 814	AB 1316
AB 88	AB 502	AB 815	AB 1320
AB 97	AB 548	AB 823	AB 1329
AB 120	AB 552	AB 846	AB 1360
AB 122	AB 573	AB 867	AB 1373
AB 125	AB 609	AB 911	AB 1409
AB 147	AB 627	AB 912	AB 1500
AB 155	AB 643	AB 970	AB 1570
AB 267	AB 657	AB 965	AB 135
AB 286	AB 666	AB 1048	
AB 302	AB 672	AB 1058	

## Assembly Chamber, June 3, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 30

ACR 34

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 962**—An act to amend Sections 11106 and 12316 of, to add Sections 12317 and 12318 to, to add Article 3.5 (commencing with Section 12060) to Chapter 1 of, to add a heading for Chapter 2.6 (commencing with Section 12316) to, and to repeal the heading of Chapter 2.6 (commencing with Section 12320) of, Title 2 of Part 4 of, the Penal Code, relating to ammunition.

**Assembly Bill 1404**—An act to amend Section 38505 of, and to add Section 38573 to, the Health and Safety Code, relating to air pollution.

**Assembly Bill 1405**—An act to add Section 38597.4 to the Health and Safety Code, relating to air pollution.

**Assembly Bill 2**—An act to add Sections 1389.9, 1389.10, 1389.11, 1389.13, 1389.14, 1389.15, 1389.16, 1389.17, 1389.18, 1389.19, 1389.20,



1389.22, and 1389.24 to, and to repeal and add Section 1389.1 of, the Health and Safety Code, and to amend Sections 10270.95, 10291.5, and 12957 of, and to add Sections 10384.1, 10384.12, 10384.14, 10384.16, 10384.18, 10384.2, 10384.22, 10384.24, 10384.26, 10384.28, 10384.29, 10384.3, 10384.32, and 10396 to, the Insurance Code, relating to health care coverage.

**Assembly Bill 3**—An act to add Section 14013.5 to the Unemployment Insurance Code, relating to workforce development.

**Assembly Bill 13**—An act to add Division 29 (commencing with Section 80500) to the Water Code, relating to the Sacramento-San Joaquin Delta.

**Assembly Bill 17**—An act to amend Sections 186.2, 266k, and 13837 of the Penal Code, relating to human trafficking, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 39**—An act to add Division 34 (commencing with Section 84000) to the Water Code, relating to the Sacramento-San Joaquin Delta.

**Assembly Bill 42**—An act to add Section 565 to the Public Utilities Code, relating to electricity.

**Assembly Bill 49**—An act to add Part 2.55 (commencing with Section 10608) to, and to repeal and add Part 2.8 (commencing with Section 10800) of, Division 6 of the Water Code, relating to water.

**Assembly Bill 56**—An act to add Section 1367.651 to the Health and Safety Code, and to amend Section 10123.81 of, and to add Section 10123.815 to, the Insurance Code, relating to health care coverage.

**Assembly Bill 64**—An act to add Article 7.3 (commencing with Section 12078) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to amend Sections 25107, 25123, 25324, 25333, 25500, 25501, 25502, 25503, 25516, 25517, 25531, 25540.6, 25740, 25740.5, 25741, and 25742 of, and to add Section 25108.5 to, the Public Resources Code, and to amend Sections 454.5 and 1002 of, to amend and repeal Section 387 of, to add Sections 399.23 and 1004.5 to, to add Chapter 4.5 (commencing with Section 950) to Part 1 of Division 1 of, and to repeal Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of, the Public Utilities Code, relating to energy, and making an appropriation therefor.

**Assembly Bill 65**—An act to add Part 6.7 (commencing with Section 22959.90) to Division 5 of Title 2 of the Government Code, relating to public employee health benefits, and making an appropriation therefor.

**Assembly Bill 88**—An act relating to state employees .



**Assembly Bill 97**—An act to amend and repeal Section 60605 of, and to add and repeal Section 60605.4 of, the Education Code, relating to school curriculum.

**Assembly Bill 120**—An act to amend Sections 809, 809.2, and 809.3 of, and to add Sections 809.04, 809.07, and 809.08 to, the Business and Professions Code, relating to healing arts.

**Assembly Bill 122**—An act to add and repeal Chapter 3.2 (commencing with Section 58530) of Part 31 of Division 4 of Title 2 of the Education Code, relating to small schools.

**Assembly Bill 125**—An act to add Title 25 (commencing with Section 100000) to the Government Code, relating to retirement, and making an appropriation therefor.

**Assembly Bill 147**—An act to amend Section 25214.10.1 of, and to add Section 25214.10.3 to, the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 155**—An act to amend Section 53760 of, and to add Sections 8860, 8861, 8862, 8863, and 8864 to, the Government Code, relating to local government.

**Assembly Bill 267**—An act to amend Section 50079 of, to amend and renumber Section 50079.1 of, and to add Section 50079.3 to, the Government Code, relating to taxation.

**Assembly Bill 286**—An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

**Assembly Bill 302**—An act to amend Section 4434 of the Welfare and Institutions Code, relating to developmental services.

**Assembly Bill 314**—An act to amend Sections 60005, 60061, 60200, 60204, 60421, and 60422 of the Education Code, relating to instructional materials. .

**Assembly Bill 315**—An act to add Section 8222.2 to the Education Code, relating to child care and development services.

**Assembly Bill 324**—An act to amend Sections 9002, 9014, 9100, 9102, 9400, and 9545 of, and to add Section 9009 to, the Welfare and Institutions Code, relating to aging.

**Assembly Bill 337**—An act to amend Section 781 of the Welfare and Institutions Code, relating to juvenile court records.

**Assembly Bill 369**—An act to amend Section 14043.46 of the Welfare and Institutions Code, relating to adult day health care centers.

**Assembly Bill 402**—An act to add Section 1308.10 to the Labor Code, relating to employment, and making an appropriation therefor.



**Assembly Bill 423**—An act to amend Sections 53114.2, 53115.1, and 53115.2 of the Government Code, relating to emergency telephone systems.

**Assembly Bill 434**—An act to amend Sections 8483.7, 8483.75, and 8483.9 of the Education Code, relating to after school programs.

**Assembly Bill 476**—An act to add Section 60649.1 to the Education Code, relating to the Standardized Testing and Reporting Program.

**Assembly Bill 482**—An act to add Sections 60200.7 and 60200.8 to the Education Code, relating to instructional materials.

**Assembly Bill 502**—An act relating to state employees.

**Assembly Bill 548**—An act to amend Section 17558.5 of the Government Code, relating to state mandates.

**Assembly Bill 552**—An act to add Chapter 9 (commencing with Section 85500) to Part 50 of Division 7 of Title 3 of the Education Code, relating to community colleges, and making an appropriation therefor.

**Assembly Bill 573**—An act to add Section 8924.5 to the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 609**—An act to amend Sections 31580.2 and 31580.3 of the Government Code, relating to county employees' retirement.

**Assembly Bill 627**—An act to add Section 49546.5 to the Education Code, and to add Section 1596.804 to the Health and Safety Code, relating to child nutrition.

**Assembly Bill 643**—An act to amend Section 11053 of the Welfare and Institutions Code, relating to public social services.

**Assembly Bill 657**—An act to add Section 127162 to the Health and Safety Code, relating to public health.

**Assembly Bill 666**—An act to add Section 66474.02 to the Government Code, and to amend Section 4290 of the Public Resources Code, relating to subdivisions.

**Assembly Bill 672**—An act to amend Section 8879.72 of, and to add Section 8879.501 to, the Government Code, relating to transportation.

**Assembly Bill 682**—An act to add and repeal Section 12305.84 of the Welfare and Institutions Code, relating to in-home supportive services.

**Assembly Bill 711**—An act to add Section 6225 to the Revenue and Taxation Code, relating to sales and use taxes.

**Assembly Bill 716**—An act to add Section 722 to the Military and Veterans Code, relating to veterans.



**Assembly Bill 744**—An act to amend Section 30913 of, and to add Sections 30914.6 and 30914.7 to, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

**Assembly Bill 756**—An act to add Section 10111.5 to the Public Contract Code, relating to public contracts.

**Assembly Bill 764**—An act to amend Section 10085 of, to amend, repeal, and add Section 10085.5 of, and to add and repeal Section 6106.4 of, the Business and Professions Code, relating to real estate brokers.

**Assembly Bill 779**—An act relating to state employees.

**Assembly Bill 786**—An act to add Sections 1399.819 and 127664.5 to the Health and Safety Code, and to add Section 10903 to the Insurance Code, relating to health care coverage.

**Assembly Bill 790**—An act relating to state scientists.

**Assembly Bill 814**—An act to amend Sections 12010 and 12021 of the Penal Code, relating to firearms.

**Assembly Bill 815**—An act to amend Section 1104 of the Public Contract Code, relating to public contracts.

**Assembly Bill 823**—An act to amend Section 44062.3 of the Health and Safety Code, relating to air pollution.

**Assembly Bill 846**—An act to add Sections 25196.5 and 42402.6 to the Health and Safety Code, to add Section 6437 to the Labor Code, and to add Section 13363 to the Water Code, relating to civil and administrative penalties.

**Assembly Bill 867**—An act to add Article 9 (commencing with Section 89280) to Chapter 2 of Part 55 of Division 8 of Title 3 of the Education Code, relating to nursing degrees.

**Assembly Bill 911**—An act to add Section 1257.10 to the Health and Safety Code, relating to health facilities.

**Assembly Bill 912**—An act to amend Section 41136 of the Revenue and Taxation Code, relating to emergency telephone systems.

**Assembly Bill 970**—An act to add Section 51204.7 to the Education Code, relating to public schools.

**Assembly Bill 965**—An act relating to state employees .

**Assembly Bill 1048**—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to child protection.

**Assembly Bill 1058**—An act to repeal Sections 11155, 11155.1, and 11155.2 of, and to add Section 11258 to, the Welfare and Institutions Code, relating to CalWORKs.



**Assembly Bill 1066**—An act to amend Section 4590 of the Public Resources Code, relating to forest practices.

**Assembly Bill 1079**—An act to add Section 71103.5 to the Public Resources Code, relating to the environment.

**Assembly Bill 1087**—An act to amend Sections 6011 and 6012 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1115**—An act to amend Section 5099.12 of the Public Resources Code, relating to natural resources, and making an appropriation therefor.

**Assembly Bill 1175**—An act to add Section 12419.12 to the Government Code, and to amend Section 30918 of, and to add Sections 188.61, 188.62, 30914.1, 30921.5, and 30959 to, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

**Assembly Bill 1177**—An act to add Chapter 7 (commencing with Section 8260) to Division 8 of the Welfare and Institutions Code, relating to homelessness.

**Assembly Bill 1209**—An act to amend Section 853.6 of the Penal Code, relating to criminal procedure.

**Assembly Bill 1291**—An act to amend Sections 1513, 1513.5, 1516, 1520, 1532, 1560, 1565, and 1577 of the Code of Civil Procedure, relating to unclaimed property.

**Assembly Bill 1303**—An act to add Section 1254.3 to the Health and Safety Code, relating to the Martin Luther King, Jr. Hospital.

**Assembly Bill 1316**—An act to amend Sections 382 and 382.1 of the Public Utilities Code, relating to public utilities.

**Assembly Bill 1320**—An act to add Chapter 6 (commencing with Section 14550) to Division 7 of the Unemployment Insurance Code, relating to workforce development.

**Assembly Bill 1329**—An act to add Part 9 (commencing with Section 49750) to Division 30 of the Public Resources Code, relating to product management.

**Assembly Bill 1360**—An act to amend Section 273.5 of the Penal Code, relating to domestic violence.

**Assembly Bill 1373**—An act to add Chapter 11.1 (commencing with Section 25970) to Division 15 of the Public Resources Code, relating to global warming.

**Assembly Bill 1409**—An act to amend Section 20395 of the Public Contract Code, relating to public contracts.



**Assembly Bill 1500**—An act to amend Section 21655.9 of, to amend and repeal Section 40000.13 of, and to add and repeal Section 5205.5 of, the Vehicle Code, relating to vehicles.

**Assembly Bill 1570**—An act to add Article 8 (commencing with Section 999.75) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to veterans.

**Assembly Bill 135**—An act to amend Sections 4464, 4475, 4475.5, 4799.04, and 4799.12 of the Public Resources Code, relating to public resources, and declaring the urgency thereof, to take effect immediately.

#### **REPORTS OF STANDING COMMITTEES** **Committee on Governmental Organization**

Senate Chamber, June 4, 2009

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

AB 1494

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

WRIGHT, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1494**—An act to amend Section 11122.5 of the Government Code, relating to public meetings.

Bill read second time.

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

#### **Committee on Local Government**

Senate Chamber, June 4, 2009

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

AB 1172

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

WIGGINS, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Bill 1172**—An act to amend Section 75470 of, to amend the heading of Chapter 5 (commencing with Section 75470) of Part 8 of Division 21 of, and to add Chapter 8 (commencing with Section 74660) to Part 5 of Division 21 of, the Water Code, relating to the Eastern San Joaquin County Water District.

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, June 4, 2009

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

AB 1447

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 1447**—An act to add Section 8543.8 to the Government Code, relating to the State Compensation Insurance Fund.

Bill read second time.

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

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, June 3, 2009

The Committee on Rules has referred the following measures to committee:

**Banking, Finance and Insurance**—AB 43, AB 389, AB 800.

**Budget and Fiscal Review**—AB 349.

**Business, Professions and Economic Development**—AB 85, AB 490, AB 667, AB 1113, AB 1116, AB 1123.

**Education**—AB 296, AB 386, AB 440, AB 492, AB 673, AB 685, AB 690, AB 769, AB 851, AB 980, AB 1007, AB 1080, AB 1099, AB 1215, AB 1240, AB 1400.

**Elections, Reapportionment and Constitutional Amendments**—AB 6, AB 9, AB 30, AB 257, AB 330, AB 436, AB 686, AB 894, AB 1228, AB 1274, AB 1335, AB 1514.

**Energy, Utilities and Communications**—AB 228, AB 1110, AB 1184, AB 1553.

**Environmental Quality**—AB 289, AB 473, AB 914, AB 1395.

**Food and Agriculture**—AB 557, AB 1216, AB 1249, AB 1255.

**Governmental Organization**—AB 59, AB 172, AB 472, AB 605, AB 625, AB 888, AB 1191, AB 1282, AB 1444, AB 1448, AB 1577.

**Health**—AB 57, AB 215, AB 249, AB 342, AB 354, AB 574, AB 684, AB 818, AB 1317, AB 1457, AB 1462.

**Human Services**—AB 287.



**Judiciary**—AB 32, AB 129, AB 331, AB 530, AB 632, AB 792, AB 793, AB 898, AB 1143, AB 1185, AB 1233, AB 1245, AB 1531.

**Labor and Industrial Relations**—AB 361, AB 569, AB 933, AB 1227, AB 1562, AB 1563.

**Local Government**—AB 18, AB 333, AB 474, AB 746, AB 810, AB 863, AB 1084, AB 1232, AB 1582.

**Natural Resources and Water**—AB 291, AB 1465.

**Public Employment and Retirement**—AB 755.

**Public Safety**—AB 114, AB 250, AB 362, AB 532, AB 640, AB 955, AB 999, AB 1129, AB 1286, AB 1363, AB 1487.

**Revenue and Taxation**—AB 311, AB 404, AB 1341, AB 1545.

**Rules**—AB 278, AB 446, AB 465, AB 830.

**Transportation and Housing**—AB 144, AB 254, AB 277, AB 497, AB 564, AB 644, AB 1246, AB 1361, AB 1464, AB 1471.

The Committee on Rules has referred the following measures to two committees:

**Banking, Finance and Insurance and Judiciary**—AB 483.

**Business, Professions and Economic Development and Judiciary**—AB 1312.

**Business, Professions and Economic Development and Public Safety**—AB 241.

**Business, Professions and Economic Development and Rules**—AB 620.

**Energy, Utilities and Communications and Environmental Quality**—AB 234.

**Governmental Organization and Rules**—AB 1311.

**Health and Business, Professions and Economic Development**—AB 175.

**Health and Judiciary**—AB 839.

**Health and Public Safety**—AB 599.

**Human Services and Health**—AB 398.

**Human Services and Public Safety**—AB 438.

**Labor and Industrial Relations and Judiciary**—AB 335.

**Local Government and Environmental Quality**—AB 45, AB 1272.

**Local Government and Natural Resources and Water**—AB 300.



**Natural Resources and Water** and **Public Safety**—AB 708.

**Public Safety** and **Judiciary**—AB 428.

**Transportation and Housing** and **Judiciary**—AB 519.

**Veterans Affairs** and **Banking, Finance and Insurance**—AB 1051.

**Veterans Affairs** and **Education**—AB 1463, AB 1569.

**Veterans Affairs** and **Labor and Industrial Relations**—AB 1567.

The Committee on Rules has re-referred the following measures to committees:

**Revenue and Taxation**—SB 622; AB 697, AB 1565.

**Transportation and Housing**—AB 1554.

The Committee on Rules has re-referred the following measure to two committees:

**Health** and **Business, Professions and Economic Development**—AB 718.

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

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Wolk, and Yee.

The following Senator was granted leave of absence for the day due to legislative business: Senator Maldonado (waiving per diem).

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

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 12 p.m., Monday, June 8, 2009.

PAULA K. ROSSETTO, Minute Clerk

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