

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 8, 2009

The Senate met at 12 p.m.  
Hon. Gloria Romero, of the 24th 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, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee—35.  
Quorum present.

*(NOTE: Senators Florez and Runner will be excused this day on legislative business, Senator Wyland will be excused this day on personal business, Senator Oropeza will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

No stranger to conflict or pressure, either on the battlefield or in the political arena, President John F. Kennedy observed that “Great crises produce great men, and great deeds of courage.” Our country came into existence and then flourished because of ordinary men and women who in times of crises found within themselves the ability to perform great deeds of courage.

We are living through a time of extraordinary crises and the people of our state look towards those who lead us to find the greatness within themselves to act with courage and creativity, and to lead us forward into a more hopeful and prosperous future.

We pray to the Holy One to grant each of us the ability to draw upon our faith and strength of character to address the task at hand with strong hearts and open minds. May the Holy One strengthen our resolve as we go forward, and may future generations remember this one for its bold ideas and wise solutions. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, June 8, 2009

Madam President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

SCA 6

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

HANCOCK, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Constitutional Amendment 6**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of, and by adding Section 4.5 to, Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to taxation.

Resolution 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 8, 2009

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

AB 466



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 466**—An act to amend Sections 13.2 and 20 of, to add Sections 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, and 8 to, and to repeal and add Sections 7, 7.1, and 7.3 of, the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951), relating to the Santa Clara Valley 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 Environmental Quality**

Senate Chamber, June 8, 2009

Madam President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 752

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

SIMITIAN, Chair

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

**Assembly Bill 752**—An act to amend Section 13476 of the Water Code, relating to water.

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, June 8, 2009

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

SR 21

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 Resolution 21**—Relative to electronic health records.

Resolution read second time.

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



**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 14**, **ACR 64**, and **ACR 73** were withdrawn from Committee and placed on today's Special Consent Calendar.

**SENATE RULE 55 WAIVED**

Without objection Senate Rule 55 was waived to allow lobbyists on the Floor for a special presentation.

**CERTIFICATE OF ELECTION**

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify:

That according to information concerning the statement of the results of the General Election held on the 19th day of May, 2009, on file in my office,

**CURREN D. PRICE, JR.**

was elected to the office of State Senator District 26.

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California at Sacramento, this 29th day of May, 2009.

[SEAL]

DEBRA BOWEN  
Secretary of State

**OATH OF OFFICE ADMINISTERED**

Senator-elect Price appeared at the Dais of the Senate and took and subscribed to the oath of office administered by Senator Darrell Steinberg, President pro Tempore of the Senate.

**ADDRESS BY SENATOR PRICE**

Senator Price addressed the Senate.

**REQUEST FOR UNANIMOUS CONSENT (SJR 5)**

Senator Wiggins asked for, and was granted, unanimous consent that SJR 5 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Joint Resolution 5**

**Senate Joint Resolution 5**—Relative to the federal Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.



**SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 14**—Relative to Prostate Cancer Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

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

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

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

Resolution read, adopted, 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 Special Consent Calendar were adopted by the following vote: :

AYES (31)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (0)—None.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Environmental Quality Committee to meet and hear reorganization proposals on June 10, 2009.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SJR 5)**

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 SJR 5 was refused adoption by the following vote:

AYES (20)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (10)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, and Walters.

**Motion to Reconsider**

Senator Wiggins moved to reconsider the vote whereby SJR 5 was refused adoption.



**Roll Call**

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

AYES (31)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee.

NOES (0)—None.

Resolution ordered returned to third reading.

**LEAVES OF ABSENCE FOR THE DAY**

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

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

The following Senator was granted leave of absence for the day due to illness: Senator Oropeza.

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

At 12:30 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, June 9, 2009.

**REPORTS OF STANDING COMMITTEES****Committee on Public Safety**

Senate Chamber, June 8, 2009

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

AB 1129

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 1129**—An act to amend Section 12027.1 of the Penal Code, relating to firearms.

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 8, 2009

Madam President: The Chair of the Committee on Local Government, to which were referred:

AB 906

AB 918

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 906**—An act to amend Section 1091 of the Government Code, relating to conflict of interest, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 918**—An act to add Chapter 2 (commencing with Section 150) to Division 1 of the Welfare and Institutions Code, relating to charitable donations.

Bill read second time.

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

**Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, June 8, 2009

Madam President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

AB 1337

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

HANCOCK, Chair

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

**Assembly Bill 1337**—An act to amend Section 18370 of, and to add Section 319.5 to, the Elections Code, relating to elections.

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 8, 2009

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

AB 715

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 715**—An act to amend Section 36933 of the Government Code, relating to ordinances.

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, June 8, 2009

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

AB 521

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 521**—An act to add Section 857 to the Public Utilities Code, relating to utility property.

Bill read second time.

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

**Committee on Business, Professions and Economic Development**

Date of Hearing, June 8, 2009

Madam President: The Committee on Business, Professions and Economic Development, to which was referred:

AB 171

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

NEGRETE McLEOD, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 8, 2009

Madam President: The Committee on Business, Professions and Economic Development, to which were referred:

AB 107

AB 252

AB 403

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

NEGRETE McLEOD, Chair

Above measures re-referred to the Committee on Appropriations.





Date of Hearing, June 8, 2009

Madam President: The Committee on Business, Professions and Economic Development, to which was referred:

AB 370

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

NEGRETE McLEOD, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, June 8, 2009

Madam President: The Committee on Business, Professions and Economic Development, to which was referred:

AB 1074

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

NEGRETE McLEOD, Chair

Above measure re-referred to the Committee on Public Safety.

#### **Committee on Public Safety**

Senate Chamber, June 8, 2009

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

AB 688

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 688**—An act to amend Section 853.6 of the Penal Code, relating to crime.

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, June 8, 2009

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

AB 282

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 282**—An act to amend Section 8879.23 of the Government Code, to amend Section 99243 of the Public Utilities Code,



and to amend Sections 546, 13005, 21100.4, and 27602 of the Vehicle Code, relating to transportation.

Bill read second time.

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

#### **Committee on Public Employment and Retirement**

Date of Hearing, June 8, 2009

Madam President: The Committee on Public Employment and Retirement, to which were referred:

AB 86

AB 399

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CORREA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 8, 2009

Madam President: The Committee on Public Employment and Retirement, to which was referred:

AB 1355

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

CORREA, Chair

Above measure ordered to second reading.

Date of Hearing, June 8, 2009

Madam President: The Committee on Public Employment and Retirement, to which were referred:

AB 232

AB 637

AB 820

AB 966

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

CORREA, Chair

Above measures re-referred to the Committee on Appropriations.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 48:** By Senator Yee—Relative to Filipino American History Month.

**Senate Joint Resolution 14:** By Senator Leno—Relative to medical marijuana.



**SENATE COMMITTEE ROLL CALLS****Committee on Business, Professions and Economic Development****AB 107**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 117**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 124**—Do pass as amended

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 171**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 252**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 370**—Do pass and re-refer to Committee on Public Safety

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 403**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 1074**—Do pass and re-refer to Committee on Public Safety

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

**AB 1416**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Aanestad, Correa, Negrete McLeod, and Walters.

NOES (2)—Senators Romero and Yee.

Failed passage



**AB 1416—Reconsideration granted**

AYES (7)—Senators Aanestad, Corbett, Correa, Negrete McLeod, Romero, Walters, and Yee.

NOES (0)—None.

Date of Hearing: 6/8/2009

Negrete McLeod (Chair)

**Committee on Public Employment and Retirement****AB 86—Do pass and re-refer to Committee on Appropriations**

AYES (4)—Senators Ducheny, Liu, Padilla, and Wiggins.

NOES (1)—Senator Ashburn.

**AB 232—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (7)—Senators Ashburn, Benoit, Correa, Ducheny, Liu, Padilla, and Wiggins.

NOES (0)—None.

**AB 399—Do pass and re-refer to Committee on Appropriations**

AYES (7)—Senators Ashburn, Benoit, Correa, Ducheny, Liu, Padilla, and Wiggins.

NOES (0)—None.

**AB 637—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (7)—Senators Ashburn, Benoit, Correa, Ducheny, Liu, Padilla, and Wiggins.

NOES (0)—None.

**AB 820—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (7)—Senators Ashburn, Benoit, Correa, Ducheny, Liu, Padilla, and Wiggins.

NOES (0)—None.

**AB 966—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (7)—Senators Ashburn, Benoit, Correa, Ducheny, Liu, Padilla, and Wiggins.

NOES (0)—None.

**AB 1355—Do pass, to Consent Calendar**

AYES (7)—Senators Ashburn, Benoit, Correa, Ducheny, Liu, Padilla, and Wiggins.

NOES (0)—None.

Date of Hearing: 6/8/2009

Correa (Chair)



**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Rose Marie Goulart of Hayward.

Senator Correa requested that when the Senate adjourns this day it do so in memory of Sheldon Singer of Garden Grove, Noah Krom of Irvine and Jose Guadalupe De Rosas of Orange.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Paul Carr of Sacramento.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Karen Perez of Concord.

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Ronald Takaki and Roselyn Rosenfeld of Berkeley.

Senators Steinberg, Cedillo, DeSaulnier and Leno requested that when the Senate adjourns this day it do so in memory of Jack Henning of San Francisco.

**ADJOURNMENT**

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

PAULA K. ROSSETTO, Minute Clerk

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