

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

EIGHTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, June 9, 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, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee—38.

Quorum present.

(NOTE: Senator Aanestad will be excused this day on legislative business and Senator Wyland will be excused this day on personal business.)

REPORTS OF STANDING COMMITTEES

Committee on Banking, Finance and Insurance

Senate Chamber, June 9, 2009

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

AB 377

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 377—An act to amend Sections 23001, 23027, and 23035 of, and to add Sections 23005.5, 23010.5, and 23036.5 to, the Financial Code, relating to deferred deposit transactions.

Bill read second time.

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

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, June 9, 2009

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

AB 1440

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 1440—An act to add Section 14313 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.

Senate Chamber, June 9, 2009

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

AB 1525

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 1525—An act to amend Section 15620 of 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 Transportation and Housing

Senate Chamber, June 9, 2009

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

AB 644



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 644—An act to add Part 17 (commencing with Section 106000) to Division 10 of the Public Utilities 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 Energy, Utilities and Communications

Senate Chamber, June 9, 2009

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

AB 162

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 162—An act to amend Sections 398.2, 398.4, and 398.5 of the Public Utilities Code, relating to electrical suppliers.

Bill read second time.

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

Committee on Natural Resources and Water

Date of Hearing, June 9, 2009

Mr. President: The Committee on Natural Resources and Water, to which was referred:

AJR 8

Reports the same back with the recommendation: Be adopted.

PAVLEY, Chair

Above resolution ordered to third reading.

Date of Hearing, June 9, 2009

Mr. President: The Committee on Natural Resources and Water, to which was referred:

AB 889



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

PAVLEY, Chair

Above measure re-referred to the Committee on Governmental Organization.

Committee on Governmental Organization

Date of Hearing, June 9, 2009

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

AB 763

AB 1494

AB 1499

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

WRIGHT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 9, 2009

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

AB 486

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

WRIGHT, Chair

Above measure ordered to second reading.

Date of Hearing, June 9, 2009

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

AB 567

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

WRIGHT, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 9, 2009

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

AB 608

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.

WRIGHT, Chair

Above measure re-referred to the Committee on Appropriations.



Committee on Appropriations

Senate Chamber, June 9, 2009

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

SB 592

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

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 592—An act to amend Sections 17078.57 and 17078.62 of, and to add Section 17078.63 to, the Education Code, relating to school facilities.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 592 pursuant to Joint Rule 58.

SENATOR ROMERO

Permission of Rules Committee

Senate Chamber, June 9, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 592.

STEINBERG, Chair

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 9, 2009

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

SB 696

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

Senate Bill 696—An act to add Sections 40440.12 and 40440.13 to the Health and Safety Code, relating to air quality, 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 Elections, Reapportionment and Constitutional Amendments

Senate Chamber, June 9, 2009

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

AB 753

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 753—An act to amend Sections 303, 336, 342, 9003, 9004, 9005, 9007, 9008, 9034, 9035, 9050, 9053, 9054, 9063, 13247, and 13282 of, to add Sections 303.5, 9016, 9017, and 9018 to, to repeal Sections 9052, 13280, and 13281 of, and to repeal and add Sections 9001, 9002, 9006, 9009, 9012, 9013, 9014, 9015, and 9051 of, 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 9, 2009

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

AB 528

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 528—An act to add Section 56100.05 to, and to amend Sections 56100.1, 56700.1, 57009, and 82035.5 of, the Government Code, relating to local government.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, June 9, 2009

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

AB 355

AB 530

AB 985

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

CORBETT, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 355—An act to amend Section 12590 of, and to add Chapter 3.5 (commencing with Section 12577) to Part 13 of Division 7 of, the Probate Code, relating to decedent's estates.

Bill read second time.

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

Bill read second time.

Assembly Bill 985—An act to add Section 782.6 to the Civil Code, relating to real property.

Bill read second time.

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

Committee on Energy, Utilities and Communications

Senate Chamber, June 9, 2009

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

AB 234

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 234—An act to add Chapter 5.6 (commencing with Section 25460) to Division 15 of the Public Resources Code, relating to energy, and declaring the urgency therefor, 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, June 9, 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 Safety

Date of Hearing, June 9, 2009

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

AB 14 AB 158 AB 258

Reports the same back with the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing, June 9, 2009

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

AB 58 AB 247 AB 297
AB 322 AB 388 AB 412
AB 430 AB 576 AB 1270

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

LENO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 9, 2009

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

AB 538

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

LENO, Chair

Above measure ordered to second reading.

Committee on Health

Senate Chamber, June 9, 2009

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

SB 600



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

Senate Bill 600—An act to add Article 4 (commencing with Section 30135) to Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, to take effect immediately, tax levy.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, June 9, 2009

Mr. President: The Committee on Judiciary, to which was referred:

AB 1046

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.

CORBETT, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 9, 2009

Mr. President: The Committee on Judiciary, to which was referred:

AB 515

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

CORBETT, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, June 9, 2009

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

AB 5 AB 176 AB 712 AB 927

AB 1059 AB 1163 AB 1164

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

CORBETT, Chair

Above measures ordered to second reading.

Date of Hearing, June 9, 2009

Mr. President: The Committee on Judiciary, to which was referred:

AJR 2



Reports the same back with the recommendation: Be adopted.

CORBETT, Chair

Above resolution ordered to third reading.

Date of Hearing, June 9, 2009

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

AB 63	AB 170	AB 285
AB 442	AB 940	AB 1090

Reports the same back with the recommendation: Do pass.

CORBETT, Chair

Above bills ordered to second reading.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1355—An act to amend Sections 31855.5, 31855.6, 31855.7, and 31855.9 of the Government Code, relating to county employees' retirement.

Bill read second time and ordered to Consent Calendar.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 241** was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Public Safety.

SENATE COMMITTEE ROLL CALLS Committee on Governmental Organization

AB 486—Do pass, to Consent Calendar

AYES (9)—Senators Benoit, Calderon, Denham, Harman, Negrete McLeod, Padilla, Wiggins, Wright, and Yee.

NOES (0)—None.

AB 567—Do pass and to Committee on Judiciary

AYES (9)—Senators Benoit, Calderon, Denham, Harman, Negrete McLeod, Padilla, Wiggins, Wright, and Yee.

NOES (0)—None.

AB 608—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Benoit, Calderon, Denham, Harman, Negrete McLeod, Padilla, Wiggins, Wright, and Yee.

NOES (0)—None.

AB 763—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Benoit, Calderon, Denham, Harman, Negrete McLeod, Padilla, Wiggins, Wright, and Yee.

NOES (0)—None.



AB 1494—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Benoit, Calderon, Denham, Harman, Negrete McLeod, Padilla, Wiggins, Wright, and Yee.

NOES (0)—None.

AB 1499—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Benoit, Calderon, Denham, Harman, Negrete McLeod, Padilla, Wiggins, Wright, and Yee.

NOES (0)—None.

Date of Hearing: 6/9/2009

Wright (Chair)

Committee on Judiciary**AB 5—Do pass, to Consent Calendar**

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 63—Do pass

AYES (3)—Senators Corbett, Florez, and Leno.

NOES (2)—Senators Harman and Walters.

AB 83—Do pass as amended

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 170—Do pass

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 176—Do pass, to Consent Calendar

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 285—Do pass

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 442—Do pass

AYES (3)—Senators Corbett, Florez, and Leno.

NOES (2)—Senators Harman and Walters.

AB 457—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 459—Do pass as amended

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.



AB 515—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 712—Do pass, to Consent Calendar

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 927—Do pass, to Consent Calendar

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 940—Do pass

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 1046—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 1059—Do pass, to Consent Calendar

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 1090—Do pass

AYES (4)—Senators Corbett, Florez, Harman, and Leno.

NOES (1)—Senator Walters.

AB 1163—Do pass, to Consent Calendar

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AB 1164—Do pass, to Consent Calendar

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

AJR 2—Be adopted

AYES (5)—Senators Corbett, Florez, Harman, Leno, and Walters.

NOES (0)—None.

Date of Hearing: 6/9/2009

Corbett (Chair)

Committee on Natural Resources and Water**AB 889—Do pass and re-refer to Committee on Governmental Organization, with the recommendation: To Consent Calendar**

AYES (10)—Senators Benoit, Cogdill, Hollingsworth, Huff, Kehoe, Leno, Pavley, Simitian, Wiggins, and Wolk.

NOES (0)—None.



AJR 8—Do pass

AYES (6)—Senators Kehoe, Leno, Pavley, Simitian, Wiggins, and Wolk.

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

Date of Hearing: 6/9/2009

Pavley (Chair)

Committee on Public Safety**AB 14—Do pass**

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 22—Do pass as amended

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 58—Do pass and re-refer to Committee on Appropriations.

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 158—Do pass

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 247—Do pass and re-refer to Committee on Appropriations.

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 258—Do pass

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 297—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 322—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 388—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.



AB 412—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 430—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 458—Do pass

AYES (2)—Senators Benoit and Huff.

NOES (5)—Senators Cedillo, Hancock, Leno, Steinberg, and Wright.

Failed passage

AB 458—Reconsideration granted

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 538—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 561—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 576—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

AB 1270—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Benoit, Cedillo, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

Date of Hearing: 6/9/2009

Leno (Chair)



LEAVES OF ABSENCE FOR THE DAY

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

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, June 10, 2009.

PAULA K. ROSSETTO, Minute Clerk

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