

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 15, 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.

### 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, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—39.

Quorum present.

*(NOTE: Senator Runner will be excused this day on legislative business.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

In 1864, in a letter to a group that disagreed with his course of action, President Lincoln responded to them by writing: "I desire so to conduct the affairs of this administration that if at the end, when I come to lay down the reins of power, I have lost every other friend on earth, I shall at least have one friend left, and that friend shall be down inside of me."

What Lincoln referred to as a friend "down inside" himself, the Prophet Elijah would have known as the "still small voice" - others might call it our conscience, or moral compass.

But by whatever name we call it, at the end of the day each of us will have to take an accounting of all our actions and of all our words, and face ourselves and our Maker for all that we have done while on this earth.

We pray to the Holy One that our words and deeds to be found worthy of our highest aspirations, and that we be remembered for having acted with honor and integrity. May this be God's will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Banking, Finance and Insurance**

Senate Chamber, June 15, 2009

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

AB 389

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 389**—An act to amend Sections 10236.1 and 10236.13 of, and to repeal and add Section 10236.12 of, the Insurance Code, relating to insurance.

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 15, 2009

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

AB 130

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 130**—An act to amend Sections 102230, 102231, 103525, 103525.5, 103526, 103526.5, and 103527 of the Health and Safety Code, relating to vital records.

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**

Date of Hearing, June 9, 2009

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

AB 561

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.

Senate Chamber, June 15, 2009

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

AB 61

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 61**—An act to amend Section 790 of the Welfare and Institutions Code, relating to juveniles.

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**

Senate Chamber, June 15, 2009

Mr. President: The Chair of the Committee on Natural Resources and Water, to which were referred:

AB 1217

AB 1443

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

PAVLEY, Chair

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

**Assembly Bill 1217**—An act to amend Section 35550 of, and to add Section 35617 to, the Public Resources Code, relating to ocean resources.

Bill read second time.



**Assembly Bill 1443**—An act to add Sections 392, 393, 2020, and 12014 to the Fish and Game Code, relating to fish and wildlife.

Bill read second time.

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

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

Senate Chamber, June 15, 2009

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

AB 356

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

NEGRETE McLEOD, Chair

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

**Assembly Bill 356**—An act to amend Section 114850 of the Health and Safety Code, relating to radiologic technology.

Bill read second time.

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

Date of Hearing, June 8, 2009

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

AB 124

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

**Committee on Health**

Senate Chamber, June 15, 2009

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

AB 1003

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 1003**—An act to amend Section 13823.17 of the Penal Code, relating to domestic violence.

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**

Senate Chamber, June 15, 2009

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

AB 138

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

NEGRETE McLEOD, Chair

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

**Assembly Bill 138**—An act to amend Section 5076 of, and to add Sections 5076.1 and 5076.2 to, the Business and Professions Code, relating to accountants.

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 15, 2009

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

AB 663

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 663**—An act to add Article 9.6 (commencing with Section 6159.5) to Chapter 4 of Division 3 of the Business and Professions Code, to add Section 367.6 to the Code of Civil Procedure, to add Sections 756 and 756.5 to the Evidence Code, and to amend, repeal, and add Section 68563 of the Government Code, relating to legal services.

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**

Senate Chamber, June 15, 2009

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

AB 1442

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

PAVLEY, Chair



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

**Assembly Bill 1442**—An act to amend Sections 1053, 1345, 1348, 2003, 3004, 3050, 4011, 5654, 7149.45, 8035, 8036, 8280.6, 8405.4, 12002.1, 12159, 12160, and 12161 of, and to add Sections 859 and 2011.5 to, the Fish and Game Code, and to amend Sections 8670.3, 8670.61.5, and 8670.67 of the Government Code, relating to natural resources.

Bill read second time.

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

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

**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, ordered engrossed, and to third reading.

**Senate Constitutional Amendment 12**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 18 of Article XVI thereof, relating to public safety services funding.

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

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1475**—An act to amend Section 1797.98a of the Health and Safety Code, relating to emergency medical services.

Bill read second time and ordered to third reading.

**Assembly Bill 96**—An act to amend Sections 25299.81, 25299.105, 25299.109, and 25299.117 of the Health and Safety Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 180**—An act relating to the Budget Act of 2009.

Bill read second time and ordered to third reading.

**Assembly Bill 181**—An act relating to the Budget Act of 2009.

Bill read second time and ordered to third reading.

**Assembly Bill 182**—An act relating to the Budget Act of 2009.

Bill read second time and ordered to third reading.



**Assembly Bill 183**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 184**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 185**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 186**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 187**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 188**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 189**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 190**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 191**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 192**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 193**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 194**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 195**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 196**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 197**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 198**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 199**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.



**Assembly Bill 200**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 201**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 202**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 203**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 204**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 205**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 206**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 207**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 208**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 209**—An act relating to the Budget Act of 2009.  
Bill read second time and ordered to third reading.

**Assembly Bill 117**—An act to amend Section 5028 of, and to add Section 5058.2 to, the Business and Professions Code, relating to accountants.

Bill read second time.

The amendments proposed by the Committee on Business, Professions and Economic Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 83**—An act to amend Section 1799.102 of the Health and Safety Code, relating to personal liability, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

**Assembly Bill 459**—An act to amend Sections 2104, 2106, and 2107 of the Family Code, relating to dissolution.

Bill read second time.

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





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

Bill read second time.

The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed and to third reading.

**Assembly Bill 570**—An act to amend Sections 50843.5 and 53545.9 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

#### UNANIMOUS CONSENT TO PRINT IN JOURNAL

Without objection, the following letter was printed in the Journal.

June 2, 2009

*Greg Schmidt*

*Secretary of the Senate*

Re: Explanation of my votes on SB 41 and SB 449

Dear Secretary Schmidt:

I wanted to explain the reasons for my abstention on SB 41 (Lowenthal) on June 1, 2009, and my expectations as to Assembly Amendments to that measure, as well as amendments to SB 449 by Senator Padilla—which I voted to move to the Assembly. My concerns about both bills relate to the possibilities of “double reporting” and “duplicative fees”. As such, it is important that we maintain the current “either or” reporting system and the current fee structure.

SB 41, SB 175 by Senator Aanestad [which I voted for and has passed the Senate unanimously], and SB 449, are a *de facto* three bill package to improve the firearm verification-transaction systems in California—particularly as to handguns.

The purpose of SB 41 is to make a series of changes to clarify handgun registration procedures while providing additional protections to consumers and to better enforce the existing SB 950 program created by former Senator Jim Brulte. For that reason, I support the “second signature” line in SB 41. The “4473” alternative raises a number of very troubling concerns and issues. Of particular concern to me is that the 4473 proposal would likely result in an intrusive and unnecessary system whereby there would be mandatory rifle and shotgun registration.

As noted above, my concerns with SB 41 and SB 449 are the impact of these bills on second hand dealers who are *also* state licensed firearms dealers. Since 1994, if a state licensed firearms dealer acquires ownership of a handgun from another person, the dealer as a condition of dealer licensure must report the acquisition to the California Department of Justice which re-registers the same in the dealership name. The



Department of Justice can charge the same \$19.00 fee for re-registration per handgun it can for any other re-registration. *However*, these re-registration and fee requirements do not apply if various conditions exist—one of which is that the dealer is also licensed as a second hand dealer.

The current “either or” reporting process makes sense. Second hand dealers already report under that law which is provided to the Department of Justice. I am concerned that because of the interaction of SB 449 and SB 41 there may be dual reporting and unnecessary fees. While Senator Lowenthal correctly stated in his floor presentation that SB 41 is intended to preserve the “either or” reporting system, I am not yet convinced it fully does so.

In making the reforms that SB 41 and SB 449 propose, it is imperative that second hand dealers not be subject to duplicative reporting requirements and double fees. Senators Lowenthal and Padilla have indicated that both SB 41 and SB 449 in tandem will be amended in the Assembly to preserve the current system while maintaining the status quo on fees and double reporting. If this issue is resolved as indicated above, I will be supporting both SB 41 and SB 449 on concurrence. If not, I will request that the Governor veto both bills.

Sincerely,

ROY ASHBURN

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS**

**Consideration of Governor’s Appointment**

Senator Steinberg placed the following Governor’s appointment before the Senate:

Rachel Rios, Director, Juvenile Parole Operations, Department of Corrections and Rehabilitation.

The President put the question: “Will the Senate advise and consent to the appointment by the Governor?”

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (36)—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, Padilla, Pavley, Price, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.



**Consideration of Governor's Appointments**

Senator Steinberg placed the following Governor's appointments before the Senate:

Bo Derek, Member, California Horse Racing Board.

David J. Israel, Member, California Horse Racing Board.

Bradley R. Franklin, Member, Off-Highway Motor Vehicle Recreation Commission.

Kane L. Silverberg, Member, Off-Highway Motor Vehicle Recreation Commission.

Paul J. Slavik, Member, Off-Highway Motor Vehicle Recreation Commission.

Steven J. PonTell, Member, Water Quality Control Board, Santa Ana Region.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (36)—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, Padilla, Pavley, Price, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

**Consideration of Governor's Appointments**

Senator Steinberg placed the following Governor's appointments before the Senate:

Adam B. Hubbard, Member, California Arts Council.

Robert T. Doyle, Member, Commission on Peace Officer Standards and Training.

Bonnie M. Dumanis, Member, Commission on Peace Officer Standards and Training.

Jeffrey A. Lundgren, Member, Commission on Peace Officer Standards and Training.

Laurie R. Smith, Member, Commission on Peace Officer Standards and Training.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

**Roll Call**

The roll was called and the appointments were confirmed by the following vote:

AYES (36)—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, Padilla, Pavley, Price, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.  
NOES (0)—None.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Joint Resolution 9**—Relative to the Ryan White HIV/AIDS Treatment Modernization Act of 2006.

Resolution read third time.

#### Roll Call

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

AYES (35)—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, Padilla, Pavley, Price, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

### CONSENT CALENDAR

**Assembly Bill 486**—An act to amend Section 8630 of the Government Code, relating to local emergencies.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 5**—An act to amend Sections 2016.020, 2031.010, 2031.020, 2031.030, 2031.040, 2031.050, 2031.060, 2031.210, 2031.220, 2031.230, 2031.240, 2031.250, 2031.260, 2031.270, 2031.280, 2031.290, 2031.300, 2031.310, and 2031.320 of, and to add Sections 1985.8 and 2031.285 to, the Code of Civil Procedure, relating to civil discovery, 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)*

**Assembly Bill 176**—An act to amend Sections 2293, 3635, 4846.5, 8027, 17539.55, 19513, 19576, 19861, 19870, 21701.1, and 25658.4 of the Business and Professions Code, to amend Sections 916, 922, 1799.3, and 3344.1 of the Civil Code, to amend Sections 129, 1033.5, and 2025.560 of the Code of Civil Procedure, to amend Sections 8971, 17002, 18032, 19323, 32255, 49091.10, 52740, 52742, 52743, 56341.1, and 60204 of the Education Code, to amend Sections 2052, 2053, 9082.5, and 18541 of the Elections Code, to amend Sections 795, 1118, and 1294 of the Evidence Code, to amend Sections 3170, 7572, 10005, and 20034 of the Family Code, to amend Sections 8880.30, 11124.1, 11130, 12811.3, 14999.31, 26202.6, 26206.7, 26206.8, 27491.47, 34090.6, 34090.7, 34090.8, 50028, 53160, 53161, 53162, 54953.5, 54960, and 68151 of the Government

Code, to amend Sections 1569.69, 1736.5, 7158.3, 13220, 13221, 25201.11, 40828, 100171, and 127240 of the Health and Safety Code, to amend Sections 1758.97 and 2071.1 of the Insurance Code, to amend Sections 298.1, 599aa, 868.7, and 1203.098 of the Penal Code, to amend Section 4423.1 of the Public Resources Code, to amend Section 1611 of the Revenue and Taxation Code, and to amend Section 19639 of the Welfare and Institutions Code, relating to the maintenance of the codes.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 927**—An act to amend Section 1375 of the Civil Code, relating to common interest developments.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1163**—An act to amend Sections 953 and 957 of the Evidence Code, and to amend Section 12252 of the Probate Code, relating to attorney-client privilege.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1164**—An act to amend Sections 315, 650, 809, 1627.5, 1754.5, 1915, 1925, 1950, 2361, 2660.3, 3041, 4060, 4200, 4301, 4989.54, 7403, 7847, 8027, 17533.6, 17537.12, 21606.5, 23356.2, 24045.4, and 24045.6 of the Business and Professions Code, to amend Sections 1675, 1770, 1780, 1936, 1993, 1993.02, 1993.03, 1993.04, 1993.05, 1993.07, 1993.08, 1993.09, and 2782.96 of the Civil Code, to amend Sections 416.80 and 697.350 of the Code of Civil Procedure, to amend Sections 8210 and 31155 of the Corporations Code, to amend Sections 8300, 8447, 8483.7, 10802, 17078.57, 17282.5, 35400, 41003.3, 42133.5, 42238, 48646, 51241, 52055.650, 54712, 60200.1, 69613, and 69662 of, to amend the heading of Article 14 (commencing with Section 69785) of Chapter 2 of Part 42 of Division 5 of Title 3 of, to repeal Section 35294.1 of, to repeal Chapter 5 (commencing with Section 35900) of Part 21 of Division 3 of Title 2 of, and to amend and renumber Sections 219 and 66269 of, the Education Code, to amend Sections 9604 and 10704 of the Elections Code, to amend Sections 3041.5 and 17706 of the Family Code, to amend Sections 287, 550, 767, and 17409 of, and to amend the heading of Chapter 4.5 (commencing with Section 550) of Division 1 of, the Financial Code, to amend Sections 2302 and 5655 of the Fish and Game Code, to amend Sections 35783.1, 47000, 52891.1, 52892, 52931, and 52932 of the Food and Agriculture Code, to amend Sections 8206, 8299.01, 8879.73, 8880.321, 11011.1, 14679, 31485.14, 53075.9, 65080, 66704, 70321, and 70374 of , and to repeal the heading of Article 2.1 (commencing with Section 65892.13) of Chapter 4 of Division 1 of Title 7 of, the Government Code, to amend Section 1760 of the Harbors and Navigation Code, to amend Sections 442.5, 1266, 1324.21, 1361.1, 1371, 1371.1, 1522.41, 1798.200, 11752.1, 11758.46, 18931.7, 19997,



25214.12, 25252, 25253, 33684, 42310, 50707, 52013, 103526.5, 107115, 112877, 114094, 130501, and 130506 of, to repeal Sections 1373.65, 1373.95, and 1373.96 of, and to amend and renumber Section 1571.71 of, the Health and Safety Code, to amend Sections 779.11, 790.037, 1063.1, 1063.2, 1765, 10123.145, 12693.43, and 12957 of, and to repeal Section 10232.2 of, the Insurance Code, to amend Sections 87, 2699.5, and 3702.1 of the Labor Code, to amend Section 1023 of the Military and Veterans Code, to amend Sections 166, 326.4, 599f, 626.2, 626.8, 653.2, 831.5, 1170.3, 1369.1, 12011, 12071, 12076, and 13777.2 of the Penal Code, to amend Section 3140 of the Probate Code, to amend Section 7103 of the Public Contract Code, to amend Sections 4291, 14514.7, 14581, 29735, 41825, 71205.3, and 75125 of the Public Resources Code, to amend Sections 739, 99171, 101223, 103311, 120508, 130680, 130720, and 240308 of, and to amend and renumber Section 281 of, the Public Utilities Code, to amend Sections 7093.6, 18862, and 19551.5 of the Revenue and Taxation Code, to amend Sections 164.53, 1967.10, and 30914 of the Streets and Highways Code, to amend Sections 1808.4, 4156, 22651, and 26708 of the Vehicle Code, to amend Sections 35521, 79441, and 83002 of the Water Code, to amend Sections 223.1, 241.1, 391, 903.1, 4688.6, 4691, 4783, 4860, 5777, 11402.6, 12315, 14005.25, 14007.9, 14011.16, 14091.3, 14105.19, 14105.191, 14105.3, 14105.86, 14107.2, 14126.033, 14126.034, 14132.725, 14154, 14154.5, 14166.9, 14166.25, 14199.2, 14301.1, 14526.1, and 15660 of, and to amend and renumber Section 618.5 of, the Welfare and Institutions Code, and to amend Section 5 of Chapter 898 of the Statutes of 1997, Section 2 of Chapter 235 of the Statutes of 2008, and Section 65 of Chapter 758 of the Statutes of 2008, and to add Section 3 to Chapter 635 of the Statutes of 1999, relating to the maintenance of the codes.

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 (36)—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, Padilla, Pavley, Price, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

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

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



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

At 12:39 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 16, 2009.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 15, 2009

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

SCR 31

SCR 45

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Senate Chamber, June 15, 2009

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

AB 322

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**

**Assembly Bill 322**—An act to amend Sections 171b, 171.5, 245.5, 626.10, 11160, and 12650 of the Penal Code, relating to electronic control devices.

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**

Date of Hearing, June 9, 2009

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

ACR 20





Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, June 9, 2009

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

AB 22

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

LENO, Chair

Above measure ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, June 9, 2009

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

AB 732

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Senate Chamber, June 15, 2009

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

AB 1464

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 1464**—An act to add Article 2.5 (commencing with Section 889) to Chapter 8 of Division 1 of the Streets and Highways 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 Labor and Industrial Relations**

Senate Chamber, June 15, 2009

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 1227





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

DE SAULNIER, Chair

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

**Assembly Bill 1227**—An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

Bill read second time.

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

**Committee on Governmental Organization**

Senate Chamber, June 15, 2009

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

AB 400

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 400**—An act to amend Section 15849.20 of, and to add Section 15849.23 to, the Government Code, relating to state funds, and making an appropriation therefor.

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**

Date of Hearing, June 10, 2009

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 107

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

WOLK, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, June 15, 2009

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

AB 131

AB 1319

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 131**—An act to amend Section 68085.1 of the Government Code, and to amend Sections 317, 903.1, and 903.45 of the Welfare and Institutions Code, relating to juvenile court costs.

Bill read second time.

**Assembly Bill 1319**—An act to repeal and add Chapter 4.5 (commencing with Section 1701) of Part 6 of Division 2 of the Labor Code, relating to talent services.

Bill read second time.

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

**Committee on Health**

Date of Hearing, June 10, 2009

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

ACR 29

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

ALQUIST, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, June 10, 2009

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

AB 239

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

ROMERO, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, June 15, 2009

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

AB 1366

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 1366**—An act to add Section 13148 to the Water Code, relating to water softeners.

Bill read second time.

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

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 811** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Public Safety;

**AB 1443** was withdrawn from the Committee on Natural Resources and Water and re-referred to the Committee on Rules; and

**AB 1326** was withdrawn from the Committee on Elections, Reapportionment and Constitutional Amendments and re-referred to the Committees on Judiciary and Elections, Reapportionment and Constitutional Amendments.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of Milo E. Hall and Robert J. Self of Bakersfield.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Delbert Ray Ford of Placerville.

Senators Cox and Denham requested that when the Senate adjourns this day it do so in memory of Trevor Hogue of Granite Bay.

Senator Denham requested that when the Senate adjourns this day it do so in memory of 101st Airborne Division soldier, Eduardo Silva, who died in Afghanistan.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Luke Cole of San Francisco.

Senator Liu requested that when the Senate adjourns this day it do so in memory of William D. Burrows of Pasadena.

**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 16, 2009.

PAULA K. ROSSETTO, Minute Clerk

