

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDREDTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, June 26, 2009

The Senate met at 9 a.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, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wyland, and Yee—39.

Quorum present.

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



PRAYER

Upon invitation of the President, the following prayer was offered by Reverend Jim Richardson:

Holy and Gracious God, Be with our governor and lawmakers as they confront the issues that perplex them. Give to them clarity in vision, creativity in thought, and openness to listening. Give to all of these leaders here gathered patience and forbearance with each other, and the courage to act not in their own self-interest, but for the good of all your people in our state and nation.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, June 25, 2009

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

AJR 17

ACR 81

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:

Assembly Joint Resolution 17—Relative to HIV/AIDS health disparities.

Assembly Concurrent Resolution 81—Relative to Yellow Ribbon Week.

REPORTS OF STANDING COMMITTEES**Committee on Natural Resources and Water**

Date of Hearing, June 23, 2009

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

AB 1442

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

PAVLEY, Chair

Above measure ordered to second reading.

Committee on Health

Date of Hearing, June 25, 2009

Madam President: The Committee on Health, to which were referred:

AB 57

AB 1045

AB 1083

AB 1462



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

ALQUIST, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Judiciary

Date of Hearing, June 23, 2009

Madam President: The Committee on Judiciary, to which was referred:
AB 1319

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

CORBETT, Chair

Above measure ordered to second reading.

Senate Chamber, June 26, 2009

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

AB 108

AB 226

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 108—An act to add Section 1389.21 to the Health and Safety Code, and to add Section 10384.17 to the Insurance Code, relating to health care coverage.

Bill read second time.

Assembly Bill 226—An act to amend Section 30823 of, and to add Section 30821 to, the Public Resources Code, relating to coastal resources.

Bill read second time.

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

Committee on Food and Agriculture

Senate Chamber, June 26, 2009

Madam President: The Chair of the Committee on Food and Agriculture, to which was referred:

AB 281

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

FLOREZ, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 281—An act to add Article 2 (commencing with Section 5911) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to agriculture.

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

Date of Hearing, June 17, 2009

Madam President: The Committee on Banking, Finance and Insurance, to which was referred:

AB 1117

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

CALDERON, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Senate Chamber, June 26, 2009

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

AB 1438

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 1438—An act to amend Sections 116760.20, 116760.40, and 116761.23 of the Health and Safety Code, relating to drinking water.

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 26, 2009

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

AB 636

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 636—An act to amend Section 5387 of the Public Utilities Code, and to amend Section 13369 of, and to add Section 13369.5 to, the Vehicle Code, relating to charter-party carriers.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, June 26, 2009

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

AB 458

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 458—An act to amend Section 1324.1 of the Penal Code, relating to criminal procedure.

Bill read second time.

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

Committee on Health

Senate Chamber, June 26, 2009

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

AB 710

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

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 25, 2009

Madam President: The Committee on Health, to which was referred:

AB 718



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Business, Professions and Economic Development.

ALQUIST, Chair

Above measure re-referred to the Committee on Business, Professions and Economic Development.

Date of Hearing, June 24, 2009

Madam President: The Committee on Health, to which was referred:

AB 1142

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

ALQUIST, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Water

Date of Hearing, June 23, 2009

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

AB 1217

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

PAVLEY, Chair

Above measure ordered to second reading.

Committee on Labor and Industrial Relations

Date of Hearing, June 25, 2009

Madam President: The Committee on Labor and Industrial Relations, to which were referred:

AB 335 AB 485 AB 943 AB 1093

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

DE SAULNIER, Chair

Above measures re-referred to the Committee on Judiciary.

Date of Hearing, June 25, 2009

Madam President: The Committee on Labor and Industrial Relations, to which were referred:

AB 361 AB 1227 AB 1288

Reports the same back with the recommendation: Do pass.

DE SAULNIER, Chair

Above bills ordered to second reading.



Date of Hearing, June 25, 2009

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

AB 271

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

DE SAULNIER, Chair

Above measure ordered to second reading.

Date of Hearing, June 25, 2009

Madam President: The Committee on Labor and Industrial Relations, to which were referred:

AB 381

AB 395

AB 1394

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

DE SAULNIER, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Transportation and Housing

Senate Chamber, June 25, 2009

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

AB 564

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 564—An act to amend Section 40802 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

Committee on Energy, Utilities and Communications

Senate Chamber, June 25, 2009

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

AB 1110

AB 1184

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 1110—An act to amend Section 216.6 of the Public Utilities Code, relating to energy.

Bill read second time.

Assembly Bill 1184—An act to amend Section 2872 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1184 pursuant to Joint Rule 58.

ASSEMBLY MEMBER ADAMS

Permission of Rules Committee

Senate Chamber, June 25, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1184.

STEINBERG, Chair

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

Committee on Environmental Quality

Senate Chamber, June 25, 2009

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

AB 274

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 274—An act to add Section 43501.2 to the Public Resources Code, relating to solid waste.

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 23, 2009

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

AB 316

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 26, 2009

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

AB 708

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 708—An act to amend Sections 12012 and 12157 of, and to repeal and add Sections 12013 and 12154 of, the Fish and Game Code, relating to fish and wildlife.

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 26, 2009

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

AB 1196

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 1196—An act to amend Sections 12650, 12651, 12652, and 12654 of the Government Code, relating to the False Claims Act.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, June 26, 2009

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

AB 1084

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 1084—An act to amend Section 66023 of, and to add Section 66019 to, the Government Code, relating to local planning.

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 26, 2009

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

AB 1242

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 1242—An act to add Section 106.3 to 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 Public Safety

Date of Hearing, June 23, 2009

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

AB 362

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 26, 2009

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

AB 1439

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

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 26, 2009

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

AB 231

AB 410

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 231—An act to amend Section 38597 of, and to add Sections 38597.2 and 38597.5 to, the Health and Safety Code, relating to air pollution.

Bill read second time.

Assembly Bill 410—An act to amend Section 75027 of the Public Resources Code, and to amend Section 13577 of the Water Code, relating to water resources.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, June 26, 2009

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

AB 335

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 335—An act to add Section 924 to the Labor Code, relating to employment.

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 16, 2009

Madam President: The Committee on Judiciary, to which was referred:

AB 530

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

CORBETT, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Senate Chamber, June 26, 2009

Madam President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1580

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

Assembly Bill 1580—An act to amend Sections 17054, 19136, 19136.8, 25128, and 25128.5 of the Revenue and Taxation Code, relating to taxation.

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 26, 2009

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

AB 1561

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1561—An act to add Section 6333 to the Labor Code, relating to employment.

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 Joint Resolution 8—Relative to electronic cigarettes.

Resolution read second time and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 85—An act to amend Section (21606.5 of, and to repeal and amend Section 21608.5 of,) the Business and Professions Code, relating to junk dealers and recyclers.

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 to third reading.

Assembly Bill 889—An act to amend Sections 5832, 5833, 5834, 5841, 5841.5, and 5842 of, and to repeal Section 5842.5 of, the Public Resources Code, relating to open-space preservation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Assembly Bill 660—An act to amend Section 7145.5 of the Business and Professions Code, and to add Chapter 1.9 (commencing with Section 13200) to Part 2 of Division 12 of, and to repeal Sections 13200.02 and 13200.05 of, the Health and Safety Code, relating to fire suppression.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

Assembly Bill 246—An act to add Sections 19597.5 and 19601.3 to the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Assembly Bill 532—An act to amend Section 1524 of the Penal Code, relating to search warrants.

Bill read second time.

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



Assembly Bill 1214—An act to add Section 16031 to the Insurance Code, relating to fire insurance.

Bill read second time.

The amendments proposed by the Committee on Banking, Finance and Insurance were read and adopted and the measure ordered printed and to third reading.

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

Assembly Bill 899—An act to amend Sections 1350.7 and 1365.2.5 of, and to add Section 1363.005 to, the Civil Code, relating to common interest developments.

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 519—An act to add Section 22651.07 to amend Section 3068.1 of the Civil Code, and 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 re-referred to the Committee on Judiciary.

Assembly Bill 254—An act to amend Section 23301 of, and to add Section 23301.5 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 re-referred to the Committee on Appropriations.

UNFINISHED BUSINESS

Consideration of Governor's Appointments

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

Geoffrey L. Baum, Member, California Community Colleges Board of Governors



Scott B. Himelstein, Member, California Community Colleges Board of Governors

Lance T. Izumi, Member, California Community Colleges Board of Governors

Gary E. Reed, Member, California Community Colleges Board of Governors.

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 (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointments

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

William Hauck, Member, Trustees of the California State University

Henry Mendoza, Member, Trustees of the California State University

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 (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, and Wyland.

NOES (0)—None.

Consideration of Governor's Appointment

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

Hadi Makarechian, Member, The Regents of the University of California

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 (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, and Wyland.

NOES (1)—Senator Yee.

Consideration of Governor's Appointments

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

Lea A. Chrones, Member, Board of Parole Hearings
Hollis H. Gillingham, Member, Board of Parole Hearings
Michael F. Prizmich, Member, Board of Parole Hearings

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 (32)—Senators Aanestad, Alquist, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

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

Jack E. Garner, Member, Board of Parole Hearings

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 (31)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Cox, DeSaulnier, Dutton, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, and Yee.

NOES (3)—Senators Correa, Denham, and Wyland.



MEASURES REMOVED FROM CONSENT CALENDAR

Without objection, **AB 870**, **AB 1270**, and **AB 1406** were removed from Special Consent Calendar and placed on the third reading file.

THIRD READING OF ASSEMBLY BILLS**Consideration of Assembly Bill 193**

Assembly Bill 193—An act relating to the Budget Act of 2009.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 193 pursuant to Joint Rule 58.

ASSEMBLY MEMBER EVANS

Permission of Rules Committee

Senate Chamber, June 26, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 193.

STEINBERG, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 193.

Amendments read and adopted.

Consideration of Assembly Bill 195

Assembly Bill 195—An act relating to the Budget Act of 2009.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 195 pursuant to Joint Rule 58.

ASSEMBLY MEMBER EVANS

Permission of Rules Committee

Senate Chamber, June 28, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 195.

STEINBERG, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 195.

Amendments read and adopted.

Consideration of Assembly Bill 196

Assembly Bill 196—An act relating to the Budget Act of 2009.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 196 pursuant to Joint Rule 58.

ASSEMBLY MEMBER EVANS



Permission of Rules Committee

Senate Chamber, June 28, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 196.

STEINBERG, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 196.

Amendments read and adopted.

MOTION TO RE-REFER TO COMMITTEE

Pursuant to Joint Rule 10.5, Senator Ducheny moved that **AB 193**, **AB 195**, and **AB 196** be re-referred to the Committee on Budget and Fiscal Review.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete, McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (12)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

RECESS

At 1:16 p.m., on motion of Senator Ducheny the Senate recessed in order to convene as the Committee on Budget and Fiscal Review.

REASSEMBLED

At 1:18 p.m., the Senate reconvened.

Hon. Gloria Romero, of the 24th District, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Budget and Fiscal Review**

Date of Hearing, June 26, 2009

Madam President: The Committee on Budget and Fiscal Review, to which were referred:

AB 193

AB 195

AB 196

Reports the same back with the recommendation: Do pass.

DUCHENY, Chair

Above bills ordered to third reading.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 193, 195, and 196 at this time, as amended, in print, and properly before the Senate.

Senator Harman objected.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

REQUEST FOR UNANIMOUS CONSENT (AB 193)

Senator Ducheny asked for, and was granted, unanimous consent to take up AB 193 at this time, without reference to file.

Consideration of Assembly Bill 193 as Amended

Assembly Bill 193—An act to amend Sections 31 and 7145.5 of the Business and Professions Code, to amend Sections 6203, 18661, 18663, 19025, 19116, 19136, 19136.1, 19504, 19571, 19755, and 19777 of, and to add Sections 6225, 18407.5, 18662.5, 18664, 19265, 19266, 19560.5, and 19777.1 to, the Revenue and Taxation Code, and to amend Section 13020 of the Unemployment Insurance Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read.

CALL OF THE SENATE

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

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (AB 195)

Senator Ducheny asked for, and was granted, unanimous consent to take up AB 195 at this time, without reference to file.

Consideration of Assembly Bill 195 as Amended

Assembly Bill 195—An act to add Section 5010.3 to the Public Resources Code, and to add Section 10751.5 to the Revenue and Taxation Code, relating to public resources, and declaring the urgency thereof, to take effect immediately.

Bill read.



Urgency Clause

Urgency clause read and refused adoption by the following vote:

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to AB 195 was refused adoption.

Roll Call

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

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Bill ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT (AB 196)

Senator Ducheny asked for, and was granted, unanimous consent to take up AB 196 at this time, without reference to file.

Consideration of Assembly Bill 196 as Amended

Assembly Bill 196—An act to add Sections 8587.3 and 8587.4 to the Government Code, and to add Section 16031 to the Insurance Code, relating to emergency services, and declaring the urgency thereof, to take effect immediately.

Bill read.

Urgency Clause

Urgency clause read and refused adoption by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to AB 196 was refused adoption.



Roll Call

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

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Bill ordered to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 193)**

On motion of Senator Ducheny, further proceedings under the call of the Senate were dispensed with.

Urgency Clause

The names of the absentees were called and the urgency clause to AB 193 refused adoption by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to AB 193 was refused adoption.

Roll Call

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

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wyland, and Yee.

NOES (0)—None.

Bill ordered to third reading.

SPECIAL CONSENT CALENDAR

Senate Joint Resolution 10—Relative to military health care.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Concurrent Resolution 7—Relative to Dr. Martin Luther King, Jr. Day.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 23—Relative to Black History Month.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 28—Relative to Eating Disorders Awareness Week.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 43—Relative to Motorcycle Awareness Month.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 1—Relative to natural catastrophes.

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 adopted by the following vote:

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, 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 Wright.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:24 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 upon call of the President pro Tempore.

Motion carried.

SENATE COMMITTEE ROLL CALLS
Committee on Budget and Fiscal Review

AB 193—Do pass

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

AB 195—Do pass

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

AB 196—Do pass

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Runner, Strickland, Walters, and Wyland.

Date of Hearing: 6/26/2009

Ducheny (Chair)

Committee on Labor and Industrial Relations

AB 271—Do pass, to Consent Calendar

AYES (6)—Senators DeSaulnier, Ducheny, Hollingsworth, Leno, Wyland, and Yee.

NOES (0)—None.

AB 335—Do pass and re-refer to Committee on Judiciary

AYES (4)—Senators DeSaulnier, Ducheny, Leno, and Yee.

NOES (2)—Senators Hollingsworth and Wyland.

AB 361—Do pass

AYES (4)—Senators DeSaulnier, Ducheny, Leno, and Yee.

NOES (1)—Senator Hollingsworth.

AB 381—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators DeSaulnier, Ducheny, Hollingsworth, Leno, Wyland and Yee.

NOES (0)—None.



AB 395—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators DeSaulnier, Ducheny, Leno, Wyland, and Yee.

NOES (1)—Senator Hollingsworth.

AB 485—Do pass and re-refer to Committee on Judiciary

AYES (6)—Senators DeSaulnier, Ducheny, Hollingsworth, Leno, Wyland, and Yee.

NOES (0)—None.

AB 569—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators DeSaulnier, Ducheny, Hollingsworth, Leno, Wyland, and Yee.

NOES (0)—None.

AB 943—Do pass and re-refer to Committee on Judiciary

AYES (4)—Senators DeSaulnier, Ducheny, Leno, and Yee.

NOES (2)—Senators Hollingsworth and Wyland.

AB 1093—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators DeSaulnier, Ducheny, Leno, Wyland, and Yee.

NOES (0)—None.

AB 1227—Do pass

AYES (5)—Senators DeSaulnier, Ducheny, Leno, Wyland, and Yee.

NOES (1)—Senator Hollingsworth.

AB 1288—Do pass

AYES (4)—Senators DeSaulnier, Ducheny, Leno, and Yee.

NOES (2)—Senators Hollingsworth and Wyland.

AB 1394—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators DeSaulnier, Ducheny, Leno, Wyland, and Yee.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 6/25/2009

DeSaulnier (Chair)

Committee on Health**AB 57**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alquist, Cedillo, DeSaulnier, Leno, Negrete McLeod, Pavley, and Wolk.

NOES (4)—Senators Aanestad, Cox, Maldonado, and Strickland.

AB 718—Do pass and re-refer to Committee on Business, Professions and Economic Development

AYES (11)—Senators Aanestad, Alquist, Cedillo, Cox, DeSaulnier, Leno, Maldonado, Negrete McLeod, Pavley, Strickland, and Wolk.

NOES (0)—None.



AB 1003—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alquist, Cedillo, DeSaulnier, Leno, Negrete McLeod, Pavley, and Wolk.

NOES (3)—Senators Aanestad, Cox, and Strickland.

AB 1045—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alquist, Cedillo, Cox, DeSaulnier, Leno, Maldonado, Negrete McLeod, Pavley, Strickland, and Wolk.

NOES (0)—None.

AB 1083—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alquist, Cedillo, Cox, DeSaulnier, Leno, Maldonado, Negrete McLeod, Pavley, and Strickland.

NOES (0)—None.

AB 1142—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Alquist, Cedillo, DeSaulnier, Leno, Negrete McLeod, Pavley, and Wolk.

NOES (3)—Senators Cox, Maldonado, and Strickland.

AB 1317—Do pass as amended

AYES (8)—Senators Aanestad, Alquist, Cedillo, DeSaulnier, Leno, Maldonado, Negrete McLeod, and Pavley.

NOES (2)—Senators Cox and Strickland.

AB 1462—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alquist, Cedillo, Cox, DeSaulnier, Leno, Maldonado, Negrete McLeod, Pavley, Strickland, and Wolk.

NOES (0)—None.

Date of Hearing: 6/25/2009

Alquist (Chair)

ADJOURNMENT

At 3:30 p.m., the President declared the Senate adjourned.

PAULA K. ROSSETTO, Minute Clerk

O

