

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, June 29, 2009

The Senate met at 9:30 a.m.

Hon. Dean Florez, of the 16th 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, Wright, Wyland, and Yee—40.

Quorum present.



PRAYER

Upon invitation of the President, the following prayer was offered by Dr. David Thompson:

Loving God of Us All, We come into your presence with hope and anticipation that we will see the best in each other today. Help us never to say no to an opportunity even if it is something that does not seem at first to be what we wanted to do. May we work as hard as we can. May we never give up on being kind. May we care about something greater than ourselves. May we learn to share with others around us. May we be resolute and cordial.

Solomon who knew the art of good governance once said “Hold to sound judgment and to prudence, do not let them out of your sight, they will prove the life of your soul, an ornament around your neck. You will go your way in safety. Your feet will not stumble. God will be your guarantor.” In the fiscal crisis which is on everyone’s mind, with all the checks and balances in California governance that weigh us down, help us to take off our ideological glasses which prevent us from seeing the obvious but cast out solutions. Deliver us from going around the mazes of our own constructions and take us instead into the freedom of decision making. Guide us so that our feet do not stumble, that we may take the state of California forward with the integrity that will allow God to be our guarantor. For in God we trust and in God we are not dismayed.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor’s Office, State Capitol
June 29, 2009

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective June 30, 2009, the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Archie “Joe” Biggers	Commissioner, Board of Parole Hearings
Richard B. Shapiro	Member, California Horse Racing Board
Stephen W. Kessler	Chief Deputy Director, Operations, California Department of Public Health

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
June 29, 2009

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

PAUL R. CHABOT, ED.D, is a combat veteran, recently returning from a tour of duty in Iraq serving as an intelligence officer with the U.S. and British Special Operation Forces. Previous commissioner on the Juvenile Parole Board from 2006 to 2008 and currently serves as a reserve deputy sheriff with the San Bernardino Sheriff's Department and a reserve officer for the U.S. Naval Reserve since 2001. Appointed 06/02/09. Effective 06/17/09.

Commissioner, Board of Parole Hearings, vice, Douglas Drummond, resigned, term ending 07/01/11.

Above appointment referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Energy, Utilities and Communications

Senate Chamber, June 29, 2009

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

AB 1108

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 1108—An act to amend Sections 739.5, 2791, 2796, and 2797 of, to repeal Sections 2792, 2793, 2794, 2795, and 2799 of, and to repeal and add Section 2798 of, the Public Utilities Code, relating to utility service.

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 29, 2009

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

SCR 34	AB 249	AB 561	AB 1113
AB 27	AB 333	AB 570	AB 1123
AB 112	AB 339	AB 637	AB 1182
AB 115	AB 389	AB 645	AB 1363
AB 117	AB 407	AB 667	AB 1381
AB 119	AB 463	AB 752	AB 1494
AB 134	AB 466	AB 794	ACR 2
AB 143	AB 499	AB 805	ACR 12
AB 169	AB 538	AB 941	ACR 20
AB 215	AB 539	AB 947	
AB 239	AB 540	AB 966	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

KEHOE, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, June 29, 2009

Mr. President: The Committee on Rules has examined:

SCR 39	SCR 41
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And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 29th day of June, 2009, at 10 a.m.

STEINBERG, Chair

Senate Chamber, June 29, 2009

Mr. President: The Committee on Rules has examined:

SB 673	SB 823
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And reports that the same have been correctly enrolled, and presented to the Governor on the 29th day of June, 2009, at 10 a.m.

STEINBERG, Chair

Committee on Veterans Affairs

Date of Hearing, June 23, 2009

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

AB 563

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

DENHAM, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, June 29, 2009

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

SB 570

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 570—An act to add Section 22358.1 to the Vehicle Code, relating to vehicles.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 570 pursuant to Joint Rule 58.

SENATOR MALDONADO

Permission of Rules Committee

Senate Chamber, June 29, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 570.

STEINBERG, Chair

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 23, 2009

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

AB 1464

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.

Committee on Judiciary

Senate Chamber, June 29, 2009

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

AB 524

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 524—An act to amend Section 1708.8 of the Civil Code, relating to privacy.

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 29, 2009

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

AB 854

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 854—An act to add Section 273 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.

Committee on Business, Professions and Economic Development

Senate Chamber, June 29, 2009

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

AB 1310

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 1310—An act to add Section 857 to the Business and Professions Code, relating to healing arts.

Bill read second time.

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

Senate Chamber, June 29, 2009

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

AB 1009

AB 1555



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 1009—An act to amend Section 14030 of, and to add and repeal Section 14077 of, the Corporations Code, relating to small business, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1555—An act to amend Section 13997.2 of the Government Code, relating to economic development.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1555 pursuant to Joint Rule 58.

ASSEMBLY MEMBER V. MANUEL PÉREZ

Permission of Rules Committee

Senate Chamber, June 29, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1555.

STEINBERG, Chair

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

Committee on Revenue and Taxation

Senate Chamber, June 29, 2009

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

AB 1049

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 1049—An act to add and repeal Article 18 (commencing with Section 18887) of Chapter 3 of Part 10.2 of Division 2 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 Public Safety

Senate Chamber, June 29, 2009

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

AB 370

AB 1122

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 370—An act to amend Sections 7028 and 7028.16 of the Business and Professions Code, relating to contractors.

Bill read second time.

Assembly Bill 1122—An act to add Section 597.4 to the Penal Code, relating to animals.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, June 29, 2009

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

AB 49

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 49—An act to add Part 2.55 (commencing with Section 10608) to, to amend and repeal Section 10631.5 of, and to repeal and add Part 2.8 (commencing with Section 10800) of, Division 6 of the Water Code, relating to water.

Bill read second time.

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

Committee on Human Services

Date of Hearing, June 23, 2009

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

AB 682

AB 1169



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

LIU, Chair

Above measures ordered to second reading.

Committee on Local Government

Senate Chamber, June 29, 2009

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

AB 929

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 929—An act to add Section 10252.5 to the Public Resources Code, relating to agricultural resources.

Bill read second time.

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

Committee on Education

Senate Chamber, June 29, 2009

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

AB 1400

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

ROMERO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1400—An act to add Section 76038 to the Education Code, relating to community college districts.

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 29, 2009

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

AB 48

AB 496

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 48—An act to amend Sections 27, 101, 146, 149, and 473.1 of the Business and Professions Code, and to add and repeal Chapter 8 (commencing with Section 94800) of Part 59 of Division 10 of Title 3 of the Education Code, relating to private postsecondary education, and making an appropriation therefor.

Bill read second time.

Assembly Bill 496—An act to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

Bill read second time.

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

Committee on Public Employment and Retirement

Senate Chamber, June 29, 2009

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

AB 755

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

CORREA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 755—An act to amend Section 19050.8 of the Government Code, relating to civil service appointments.

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 23, 2009

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

AB 729

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.

Committee on Environmental Quality

Senate Chamber, June 29, 2009

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

AB 1079



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

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 29, 2009

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

AB 756

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

Bill read second time.

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

Committee on Human Services

Date of Hearing, June 23, 2009

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

AB 643

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

LIU, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, June 29, 2009

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

AB 179

AB 1011

AB 1443

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 179—An act add Section 290.024 to the Penal Code, relating to sex offender registration.

Bill read second time.

Assembly Bill 1011—An act to add Section 130206 to the Health and Safety Code, relating to public health.

Bill read second time.

Assembly Bill 1443—An act to add Section 12012.87 to the Government Code, relating to gaming.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, June 29, 2009

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

AB 1243

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 1243—An act to add and repeal Section 34503.5 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 Rules

Senate Chamber, June 29, 2009

Mr. President: The Committee on Rules has examined:

SB 263

SB 430

SB 762

And reports that the same have been correctly enrolled, and presented to the Governor on the 29th day of June, 2009, at 4:30 p.m.

STEINBERG, Chair

Committee on Public Safety

Senate Chamber, June 29, 2009

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

AB 1516

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 1516—An act to amend Section 1054.3 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 Natural Resources and Water

Senate Chamber, June 29, 2009

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

AB 1253

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 1253—An act relating to the Sacramento-San Joaquin Delta.

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 29, 2009

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

AB 1173

AB 1395

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 1173—An act to add Chapter 7.3 (commencing with Section 42420) to Part 3 of Division 30 of the Public Resources Code, relating to recycling.

Bill read second time.

Assembly Bill 1395—An act to add Section 39601.3 to the Health and Safety Code, relating to air pollution.

Bill read second time.

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



Committee on Rules

Senate Chamber, June 29, 2009

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

AB 759

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 759—An act to amend Section 10111 of the Public Contract Code, relating to public contracts.

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 23, 2009

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

AB 898

AB 1094

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

CORBETT, Chair

Above measures ordered to second reading.

Committee on Business, Professions and Economic Development

Date of Hearing, June 29, 2009

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

AB 245

AB 1070

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

NEGRETE McLEOD, Chair

Above measures re-referred to the Committee on Judiciary.

Date of Hearing, June 29, 2009

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

AB 138

AB 175

AB 501

AB 797

AB 1071

AB 1276

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

NEGRETE McLEOD, Chair

Above measures re-referred to the Committee on Appropriations.



Committee on Natural Resources and Water

Senate Chamber, June 29, 2009

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

AB 1300

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 1300—An act to add Chapter 3.1 (commencing with Section 4310) of Part 2 of Division 4 of the Public Resources Code, relating to fire protection.

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 29, 2009

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

SB 460

AB 515

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 460—An act to add Part 2.11 (commencing with Section 10920) to Division 6 of the Water Code, relating to water conservation.

Bill read second time.

Assembly Bill 515—An act to amend Sections 7502.1, 7504, 7505.1, and 7507.10 of the Business and Professions Code, and to amend Sections 14602.6, 14602.7, 14602.8, 21100.4, 22651.1, 22658, 24605, and 29004 of, and to add Section 23118 to, the Vehicle Code, relating to collateral recovery.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, June 23, 2009

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

AB 20

AB 130

AB 171

AB 471

AB 992

AB 1222

AB 1245



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 measures ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 51: By Senator Corbett—Relative to earthquakes.

Senate Joint Resolution 16: By Senator Denham (Coauthors: Senators Aanestad, Alquist, Correa, Cox, Huff, Maldonado, Negrete McLeod, Runner, Strickland, Wiggins, Wright, and Wyland) (Coauthors: Assembly Members Tom Berryhill, Cook, Davis, DeVore, Fletcher, Fong, Gaines, Gilmore, Jeffries, Knight, Logue, Salas, and Smyth)—Relative to veterans' educational benefits.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1191—An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

RECESS

At 10:56 a.m., on motion of Senator Ducheny the Senate recessed in order to convene in third extraordinary session.

REASSEMBLED

At 12:51 p.m., the Senate reconvened.

Hon. Dean Florez, of the 16th District, presiding.

CONSENT CALENDAR

Objection Raised

Senator Hancock objected to **AB 753** being on the Special Consent Calendar.

The President ordered the above measure placed on the third reading file.

Assembly Bill 470—An act to amend Section 791.13 of the Insurance Code, relating to insurance information.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 706—An act to amend Sections 361.5, 366.21, 388, and 11404.1 of, and to add Section 361.49 to, the Welfare and Institutions



Code, relating to dependent children, 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)

SPECIAL CONSENT CALENDAR

Senate Bill 121—An act to amend Section 14183 of the Penal Code, relating to crime prevention.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 490—An act to amend Section 830.1 of the Penal Code, relating to peace officers.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 124—An act to add Section 9723.3 to the Business and Professions Code, relating to cemeteries, 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 681—An act to amend Section 56.104 of the Civil Code, relating to confidentiality of medical information.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 58—An act to amend Section 337a of, and to add Section 336.9 to, the Penal Code, relating to sports betting pools.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 123—An act to amend Sections 1505, 1568.03, and 1569.145 of the Health and Safety Code, relating to community care facilities.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Bill 140—An act to add Article 2.5 (commencing with Section 4659.5) to Chapter 5 of Division 4.5 of the Welfare and Institutions Code, relating to services for persons with developmental disabilities.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 232—An act to amend Section 24604 of, and to add Section 22011 to, the Education Code, relating to retirement.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 247—An act to amend Section 11170 of the Penal Code, relating to child abuse.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 269—An act to add Section 18562.5 to the Elections Code, relating to elections.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 297—An act to amend Section 11105 of, and to add Section 11105.06 to, the Penal Code, relating to criminal history information.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 388—An act to amend Section 538e of the Penal Code, relating to firefighting uniforms.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 403—An act to amend Section 1917 of the Business and Professions Code, relating to dental hygienists.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 412—An act to amend Section 11411 of the Penal Code, relating to hate crimes.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 430—An act to add Section 5056.1 to the Penal Code, relating to corrections.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Bill 608—An act relating to state real property.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 714—An act to amend Section 12020.1 of the Penal Code, relating to composite knuckles.

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1490—An act to amend Sections 15375, 15501, 15503, and 15505 of the Elections Code, relating to elections.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 15—Relative to the John Sanford Todd Memorial Highway.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 24—Relative to the John Knabenbauer Fifth Street Bridge.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 36—Relative to the Greatest Generation Memorial Highway.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 48—Relative to the Deputy James Throne Memorial Highway.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 60—Relative to the Larry Stanley Pierce Memorial Highway.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 265—An act to amend Section 3003 of the Government Code, relating to forfeiture of office.

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 (40)—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, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Yee moved that **AB 1455** be placed on the inactive file.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill 64—An act to amend Sections 2550, 2558.46, 17070.766, 42238.146, 42605, 44259, 45023.1, 45023.4, 46010.2, and 52124.3 of, to amend, repeal, and add Section 17587 of, and to add and repeal Section 52055.60 of, the Education Code, to amend Sections 7906 and 8880.5 of the Government Code, to amend Items 6110-488, 6440-001-0001, 6610-001-0001, and 6870-101-0001 of Section 2.00 of, and to amend Section 12.42 of, the Budget Act of 2008 (Chapters 268 and 269 of the Statutes of 2008), and to amend Section 42 of Chapter 12 of the Statutes of 2009, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 64?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

**UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments**

Senate Bill 74—An act to amend Sections 14041, 14041.6, and 52055.770 of, and to add Section 14401.1 to, the Education Code, to amend Sections 927.2, 927.4, 927.6, 927.7, 927.11, 8880.61, 13943.1, and 13943.2 of, and to add Sections 13311.1, 16583.1 and 16583.2 to, the Government Code, to amend Section 7104.2 of the Revenue and Taxation Code, to amend Section 35 of Chapter 757 of the Statutes of 2008, and to amend Sections 39, 40, and 41 of, Chapter 12 of the Statutes of 2009,



relating to state finances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 74?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 80—An act to amend Section 33685 of the Health and Safety Code, relating to community redevelopment, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 80?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 64)

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 SB 64 was refused adoption by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Simitian, Steinberg, Wiggins, Wolk, and Wright.

NOES (15)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, Wyland, and Yee.

MOTION TO SUSPEND SENATE RULES

Senator Ducheny moved to suspend Senate Rule 43 as it relates to SB 64.

Roll call requested by Senator Harman.



Roll Call

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

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

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

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to SB 64 was refused passage.

Roll Call

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

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

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

Bill ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 74)**

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 SB 74 was 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, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

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

MOTION TO SUSPEND SENATE RULES

Senator Ducheny moved to suspend Senate Rule 43 as it relates to SB 74. Roll call requested by Senator Harman.



Roll Call

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

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

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

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to SB 74 was refused passage.

Roll Call

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

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

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

Bill ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 80)**

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 SB 80 was refused adoption by the following vote:

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

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

MOTION TO SUSPEND SENATE RULES

Senator Ducheny moved to suspend Senate Rule 43 as it relates to SB 80. Roll call requested by Senator Harman.



Roll Call

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

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

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

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to SB 80 was refused passage.

Roll Call

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

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

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

Bill ordered returned to third reading.

REQUEST FOR UNANIMOUS CONSENT (AB 399)

Senator Correa asked for, and was granted, unanimous consent that AB 399 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 399

Assembly Bill 399—An act to amend Section 20731 of, and to amend, repeal, and add Section 22864 of, the Government Code, relating to public employee benefits, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Amendments to AB 399 proposed by Senator Correa were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1061—An act to repeal and add Section 1353.8 of the Civil Code, relating to common interest developments.

Bill read third time.

Amendments Adopted

Amendments to AB 1061 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.



Assembly Bill 14—An act to repeal and add Section 22659.5 of the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 14 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

AB 1280 was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules;

AB 660 was withdrawn from the Committee on Public Safety and re-referred to the Committee on Appropriations;

AB 564 was withdrawn from the Committee on Transportation and Housing and re-referred to the Committee on Rules; and

AB 595 was withdrawn from the Committee on Public Safety and re-referred to the Committee on Appropriations.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 48** was withdrawn from the Committee on Rules and placed on file.

SENATE COMMITTEE ROLL CALLS

Committee on Business, Professions and Economic Development

AB 138—Do pass and re-referred to Committee on Appropriations

AYES (9)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Wyland, and Yee.

NOES (0)—None.

AB 175—Do pass and re-referred to Committee on Appropriations

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

AB 245—Do pass and re-referred to Committee on Judiciary

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

AB 490—Do pass as amended and re-referred to Committee on Appropriations

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

AB 501—Do pass and re-referred to Committee on Appropriations

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.



AB 583—Do pass as amended

AYES (8)—Senators Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Wyland, and Yee.

NOES (2)—Senators Aanestad and Walters.

AB 646—Do pass and re-referred to Committee on Health

AYES (5)—Senators Correa, Florez, Negrete McLeod, Romero, and Yee.

NOES (3)—Senators Aanestad, Walters, and Wyland.

Failed Passage

AB 646—Reconsideration granted

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

AB 648—Do pass and re-referred to Committee on Health

AYES (4)—Senators Correa, Florez, Negrete McLeod, and Romero.

NOES (4)—Senators Aanestad, Walters, Wyland, and Yee.

Failed passage

AB 648—Reconsideration granted

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

AB 797—Do pass and re-referred to Committee on Appropriations

AYES (10)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Walters, Wyland, and Yee.

NOES (0)—None.

AB 1070—Do pass and re-referred to Committee on Judiciary

AYES (7)—Senators Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, and Yee.

NOES (3)—Senators Aanestad, Walters, and Wyland.

AB 1071—Do pass and re-referred to Committee on Appropriations

AYES (9)—Senators Aanestad, Corbett, Correa, Florez, Negrete McLeod, Oropeza, Romero, Wyland, and Yee.

NOES (0)—None.

AB 1276—Do pass and re-referred to Committee on Appropriations

AYES (7)—Senators Corbett, Florez, Negrete McLeod, Oropeza, Romero, Wyland, and Yee.

NOES (2)—Senators Aanestad and Walters.

Date of Hearing: 6/29/2009

Negrete McLeod (Chair)

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

At 10:05 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 adjourn until Tuesday June 30, 2009.

Motion carried.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Jim Purcell of Fair Oaks and Sevarino Cimaroli of Folsom.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of John Greaves of Walnut Creek.

ADJOURNMENT

At 10:05 p.m., on motion of Senator Steinberg, the Senate adjourned until 9 a.m., Tuesday, June 30, 2009.

PAULA K. ROSSETTO, Minute Clerk

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