CALIFORNIA LEGISLATURE

2009-10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento Wednesday, July 1, 2009

The Senate met at 10 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 Senator John J. Benoit:

Colleagues, staff, and guests, let us pray.

Dear Lord, As we gather here today, less that 10 hours after we last departed this hall, we are all somewhat weary, and perhaps disheartened by the magnitude of the problems that appear to confront us. But as serious as these challenges may seem, we should consider that our forefathers endured far worse. Let us today reflect upon, even vigilantly heed, the words of a great fallen leader, who, during one of our country's most trying times, invoked your holy name, when he said:

"With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in."

(Abraham Lincoln, Second Inaugural Address, Saturday, March 4, 1865)

Lord, We pray that we may today strive on anew, thankful for the many blessings we share, and with confident hope in your guiding hand upon our deliberations.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES Committee on Appropriations

Date of Hearing, June 29, 2009

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

ACR 29

Reports the same back with the recommendation: Be adopted as amended.

KEHOE, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Senate Chamber, July 1, 2009

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

AB 852

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

WOLK, Chair

Assembly Bill 852—An act to amend Section 441 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, July 1, 2009

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

AB 24

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 24—An act to add Section 89013 to the Education Code, relating to the California State University.

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, July 1, 2009

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

AB 1136

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 1136—An act to add Section 31760.8 to the Government Code, relating to county employees' retirement.

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, July 1, 2009

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

AB 1542

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 1542—An act to add Part 3.6 (commencing with Section 15950) to Division 9 of the Welfare and Institutions Code, relating to health care services.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, July 1, 2009

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

SB 206

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

WOLK, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 206—An act to add and repeal Section 17059.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, July 1, 2009

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

AB 362 AB 985

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

KEHOE, Chair

Assembly Bill 362—An act to add Section 490.2 to the Penal Code, relating to theft.

Bill read second time.

Assembly Bill 985—An act to amend Sections 12956.1, 12956.2, and 27361 of, and to add Article 3.6 (commencing with Section 27310) to Chapter 6 of Part 3 of Division 2 of Title 3 of, the Government Code, relating to real property.

Bill read second time.

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

Committee on Local Government

Senate Chamber, July 1, 2009

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

AB 494

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 494—An act to amend Section 51230.2 of, and to add Section 65852.12 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 Judiciary

Senate Chamber, July 1, 2009

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

AB 245

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 245—An act to amend Section 2027 of the Business and Professions Code, relating to physicians and surgeons.

Bill read second time.

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

Committee on Public Employment and Retirement

Senate Chamber, July 1, 2009

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

AB 609

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 609—An act to amend Sections 31580.2 and 31580.3 of the Government Code, relating to county employees' retirement.

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, July 1, 2009

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

AB 857

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 857—An act to add Section 14236 to the Unemployment Insurance Code, relating to workforce development, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, July 1, 2009

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

AB 979

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

PAVLEY, Chair

Assembly Bill 979—An act to add Sections 1020 and 1021 to the Fish and Game Code, relating to fish and game.

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, July 29, 2009

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

AB 576

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

KEHOE, Chair

Above measure ordered to second reading.

Committee on Health

Senate Chamber, July 1, 2009

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

AB 1457

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 1457—An act to amend Section 1599.64 of the Health and Safety Code, relating to long-term health care facilities.

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, July 1, 2009

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

AB 846

AB 1577

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

WRIGHT, Chair

Assembly Bill 846—An act to add Sections 25196.5 and 42402.6 to the Health and Safety Code, to add Section 6437 to the Labor Code, and to add Section 13363 to the Water Code, relating to civil and administrative penalties.

Bill read second time.

Assembly Bill 1577—An act to amend Section 19805 of the Business and Professions Code, relating to gambling.

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 24, 2009

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

AB 1003

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

ALOUIST, Chair

Above measure ordered to second reading.

Senate Chamber, July 1, 2009

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

AB 1383

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 1383—An act to add and repeal Articles 5.21 (commencing with Section 14167.1) and 5.22 (commencing with Section 14167.31) of, Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Local Government

Date of Hearing, July 1, 2009

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

AB 444 AB 548

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

WIGGINS, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, July 1, 2009

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

AB 155

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 155—An act to amend Section 53760 of, and to add Sections 8860, 8861, 8862, 8863, and 8864 to, the Government Code, relating to local government.

Bill read second time.

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

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, July 1, 2009

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

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

HANCOCK, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1531—An act to amend Section 14310 of, and to add Article 6 (commencing with Section 14320) to Chapter 3 of Division 14 of, the Elections Code, relating to elections.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, July 1, 2009

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

AB 1093

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 1093—An act to amend Section 3600 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 Natural Resources and Water

Senate Chamber, July 1, 2009

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

AB 1052

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 1052—An act to amend Section 7360 of, and to repeal and add Section 7363 of, the Fish and Game Code, relating to sport fishing. 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, July 1, 2009

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

AB 479

AB 856

AB 890

AB 1329

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 479—An act to amend Sections 41780 and 48000 of, and to add Sections 41780.01, 42649, and 48001.5 to, the Public Resources Code, relating to solid waste.

Bill read second time.

Assembly Bill 856—An act to amend Sections 14501, 14528, 14532, 14533, 14557, 14558, 14591, 14601, 14611, 14623, 14641, 14642, 14651, 14652, 14655, 14681, and 14682 of, and to add Sections 14550.5, 14651.5,

and 14661 to, the Food and Agricultural Code, relating to fertilizer, and making an appropriation therefor.

Bill read second time.

Assembly Bill 890—An act to add Chapter 4.1 (commencing with Section 116755) to Part 12 of Division 104 of the Health and Safety Code, relating to the City of Maywood.

Bill read second time.

Assembly Bill 1329—An act to add Part 9 (commencing with Section 49750) to Division 30 of the Public Resources Code, relating to product management.

Bill read second time.

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

Committee on Education

Date of Hearing, July 1, 2009

Mr. President: The Committee on Education, to which was referred: AB 487

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

ROMERO, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 1, 2009

Mr. President: The Committee on Education, to which was referred: AB 343

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

ROMERO, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, July 1, 2009

Mr. President: The Committee on Education, to which were referred: AB 1215 AB 1510

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

ROMERO, Chair

Above measures ordered to second reading.

Date of Hearing, July 1, 2009

Mr. President: The Committee on Education, to which was referred: AB 211

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

ROMERO, Chair

Above measure re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

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

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 76—An act to amend Section 10127.17 of the Insurance Code, relating to life insurance and annuity products.

Bill read second time and ordered to third reading.

Assembly Bill 84—An act to amend Section 3019 of the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 92—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 93—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 107—An act to amend Sections 4802, 4808, 4810, 4848, 4848.3, 4849, 4875, 4875.2, 4875.6, 4876, 4883, 4885, 4886, 4887, 4900, 4901, 4901.1, and 4901.2 of, to amend, repeal, and add Section 4839 of, and to add Section 4841.4 to, the Business and Professions Code, relating to veterinary medicine, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 116—An act to amend Sections 20211 and 20301 of, and to add Section 20916.1 to, the Public Contract Code, and to repeal and add Section 103222 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 235—An act to amend Section 1317.1 of, and to add Section 1317.4a to, the Health and Safety Code, relating to emergency services.

Bill read second time and ordered to third reading.

Assembly Bill 292—An act to amend Sections 18761, 18765, and 18766 of the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 306—An act to add Section 9094.5 to the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 425—An act to amend Section 4000.38 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 574—An act to add Section 1286.5 to the Health and Safety Code, relating to health facilities.

Bill read second time and ordered to third reading.

Assembly Bill 767—An act to amend Section 53545 of the Health and Safety Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 820—An act to amend Sections 19889.7 and 22959.6 of the Government Code, relating to public employees, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1499—An act to add and repeal Section 19605.78 of the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1550—An act to amend Section 80130 of the Water Code, relating to electricity.

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, and to amend and repeal Section 41964 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 Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 569—An act to amend Section 512 of the Labor Code, relating to employment.

Bill read second time.

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

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

Bill read second time and ordered to third reading.

RECESS

At 10:20 a.m., the Senate recessed in order to convene the Third Extraordinary session.

REASSEMBLED

At 4:10 p.m., the Senate reconvened.

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

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1046—An act to amend Sections 703.150 and 704.730 of the Code of Civil Procedure, relating to enforcement of judgments.

Bill read third time.

Amendments Adopted

Amendments to AB 1046 proposed by Senator Wyland were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 34—Relative to Extended Opportunity Programs and Services Month.

Resolution read third time.

Amendments Adopted

Amendments to SCR 34 proposed by Senator Ducheny were read and adopted and the measure ordered printed, engrossed, and to second reading.

SENATE COMMITTEE ROLL CALLS Committee on Education

SCR 44—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, and Simitian.

NOES (0)—None.

AB 211—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, Huff, Maldonado, Padilla, Romero, and Simitian.

NOES (0)—None.

AB 343—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (8)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, Simitian, and Wyland.

NOES (0)—None.

AB 386—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, Simitian, and Wyland.

NOES (0)—None.

AB 487—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, Simitian, and Wyland.

NOES (0)—None.

AB 544—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, Simitian, and Wyland.

NOES (0)—None.

AB 1022—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, Simitian, and Wyland.

NOES (0)—None.

AB 1215—Do pass, to Consent Calendar

AYES (8)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, Simitian, and Wyland.

NOES (0)—None.

AB 1510—Do pass, to Consent Calendar

AYES (8)—Senators Alquist, Huff, Liu, Maldonado, Padilla, Romero, Simitian, and Wyland.

NOES (0)—None.

Date of Hearing: 7/1/2009

Romero (Chair)

Committee on Judiciary

AB 572—Do pass as amended

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

NOES (2)—Senators Harman and Walters.

Date of Hearing: 7/1/2009

Corbett (Chair)

Committee on Local Government

AB 444—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Aanestad, Cox, Kehoe, Wiggins, and Wolk.

NOES (0)—None.

AB 548—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Aanestad, Cox, Kehoe, Wiggins, and Wolk.

NOES (0)—None.

AB 827—Do pass as amended

AYES (3)—Senators Kehoe, Wiggins, and Wolk.

NOES (2)—Senators Aanestad and Cox.

AB 958—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Kehoe, Wiggins, and Wolk.

NOES (2)—Senators Aanestad and Cox.

Date of Hearing: 7/1/2009

Wiggins (Chair)

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 4:10 p.m., on motion of Senator Romero, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Romero moved that the Senate stand in recess until the hour of 4:10 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 4:10 p.m., the Senate will adjourn until Thursday, July 2, 2009.

Motion carried.

ADJOURNMENT

At 4:10 p.m., the President declared the Senate adjourned.

PAULA K. ROSSETTO, Minute Clerk