

CALIFORNIA LEGISLATURE
2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, July 6, 2009

The Senate met at 12 p.m.
Hon. S. Joseph Simitian, of the 11th District, presiding.
Chief Assistant Secretary David Valverde 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, Corbett, Correa,
Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman,
Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete
McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg,
Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—38.
Quorum present.

*(NOTE: Senator Oropeza will be excused this day due to family illness and
Senator Cogdill will be excused this day due to illness.)*



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Michael Moran, Senior Minister, Spiritual Life Center

This weekend the nation celebrated our 233rd birthday. The American dream was set in motion, the freedom seed was planted into the fertile soil of this young nation's soul.

Langston Hughes, the brilliant American poet and author wrote a poem called "Freedoms Plow" which offered hope that even though this great experiment called American Democracy was not perfect yet, it was in process. Let me share just a few lines from "Freedoms Plow".

America is a dream.

The poet says it was promises.

The people say it is promises—that will come true.

The people do not always say things out loud,

Nor write them down on paper.

The people often hold

Great thoughts in their deepest hearts

And sometimes only blunderingly express them,

Haltingly and stumblingly say them

And faultingly put them into practice.

The people do not always understand each other,

But there is, somewhere there,

Always the trying to understand,

And the trying to say,

"You are a man. Together we are building our land."

America!

Land created in common.

Dream nourished in common.

Keep your hand on the plow! Hold on!

If the house is not yet finished,

Don't be discouraged builder!

If the fight is not yet won,

Do not be weary, soldier!

The plan and pattern is here,

Woven from the beginning

Into the warp and woof of America!

My dear brothers and sisters, entrusted with the good will of those who elected you, we believe in you, and pray that you will be guided to rebuild trust and bring order back to the great State of California.

May the God of Order and Peace be with each of you chosen to guide the destiny of our great state's citizens and industry. May the God of Wisdom and Understanding imbue you with the humility to listen to reason, and the courage to act in the best interest for all concerned. May you



work in harmony with one another, as you blaze a new road to a bright future for all our people. We have faith in you and ask this in the name and through the power of All that is Good, Sacred and Holy.

Om Shanti, Shalom, Salam, Peace.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES

Committee on Health

Senate Chamber, July 6, 2009

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

AB 830

AB 1571

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 830—An act to amend Sections 13, 4025, 4053, and 4342 of the Business and Professions Code, to amend Sections 1367.21, 1370.4, 11014, 109920, 109985, 111225, 111235, 111656.4, and 150204 of the Health and Safety Code, to amend Sections 10123.195 and 10145.3 of the Insurance Code, to amend Section 383 of the Penal Code, to amend Section 47121 of the Public Resources Code, and to amend Sections 14105.43 and 14133.2 of the Welfare and Institutions Code, relating to drugs and devices.

Bill read second time.

Assembly Bill 1571—An act to amend Sections 5847 and 5848 of the Welfare and Institutions Code, relating to mental health .

Bill read second time.

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

Committee on Governmental Organization

Senate Chamber, July 6, 2009

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

AB 1282

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 1282—An act to amend Section 25600 of the Business and Professions Code, relating to alcoholic beverages, 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 Environmental Quality

Senate Chamber, July 6, 2009

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

AB 1272

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 1272—An act to amend Section 1798.161 of, and to add Section 1797.259 to, the Health and Safety Code, and to add Section 21099.7 to the Public Resources Code, relating to public health.

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 was referred:

AB 827

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

WIGGINS, Chair

Above measure ordered to second reading.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Banking, Finance and Insurance to meet on July 9 to hear AB 299, AB 601, AB 725, AB 764, AB 800, AB 1051 and AB 1200, without four days notice in the Daily File; and

for the purpose of allowing the Committee on Public Employment and Retirement to meet on July 9 to hear AB 755, without four days notice in the Daily File.

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

Assembly Bill 1165—An act to amend Section 65007 of the Government Code, and to amend Sections 8502, 8559, 8560, 8610.5, and



8709.4 of, to add Sections 8709.5, 8709.6, 8709.7, 12645, 12646, and 12647 to, to add the heading of Article 2 (commencing with Section 12645) to Chapter 2 of Part 6 of Division 6 of, to repeal Sections 8562 and 8577 of, to repeal the heading of Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 of, and to repeal and amend Sections 8522.3, 8522.5, 8523, and 8578 of, the Water Code, relating to flood protection.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Water were read and adopted and the measure ordered printed and re-referred to the Committee on Appropriations.

Assembly Bill 1317—An act to add Chapter 1.5 (commencing with Section 125325.10) to Part 5.5 of Division 106 of the Health and Safety Code, relating to public health.

Bill read second time.

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

CONSENT CALENDAR Objections Raised

Senator Pavley objected to **SB 171** being on the Special Consent Calendar.

The President ordered the above measure placed on the Unfinished Business File.

Senator Cox objected to **AB 941** being on the Special Consent Calendar.

Senator Wiggins objected to **AB 1510** being on the Consent Calendar.

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

Senator Lowenthal objected to **AB 752** being on the Special Consent Calendar.

The President ordered the above measure placed on the Inactive File.

RECESS

At 1:40 p.m., on motion of Senator Ducheny the Senate recessed in order to convene in Third Extraordinary Session.

REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. S. Joseph Simitian, of the 11th District, presiding.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to family illness: Senator Oropeza.

The following Senator was granted leave of absence for the day due to illness: Senator Cogdill.



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

At 1:52 p.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, July 7, 2009.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 6, 2009

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

SB 633

Above measure ordered enrolled.

Assembly Chamber, July 6, 2009

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 306

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, July 6, 2009

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

AJR 16

Assembly Chamber, July 6, 2009

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 22	AB 124	AB 430
AB 528	AB 681	AB 706
AB 1129	AB 1337	AB 1582



Assembly Chamber, July 6, 2009

*The Honorable David Valverde
Acting Secretary of the Senate*

Dear David: Pursuant to the instructions of the Assembly, I am herewith returning AB 688 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Joint Resolution 16—Relative to journalism shield laws.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, July 6, 2009

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

AB 32	AB 154	AB 625	AB 873
AB 43	AB 254	AB 644	AB 888
AB 59	AB 293	AB 665	AB 1084
AB 129	AB 362	AB 762	AB 1268
AB 131	AB 368	AB 770	AB 1393
AB 136	AB 468	AB 797	AB 1515

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 Local Government

Date of Hearing, July 1, 2009

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

AB 958

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

WIGGINS, Chair

Above measure ordered to second reading.



Committee on Appropriations

Date of Hearing, July 6, 2009

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

AB 86	AB 318	AB 381
AB 400	AB 501	

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bills ordered to second reading.

Senate Chamber, July 6, 2009

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

AB 395

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 395—An act to amend Section 3072 of 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, July 6, 2009

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

AB 825

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

KEHOE, Chair

Above measure ordered to second reading.

Committee on Public Employment and Retirement

Senate Chamber, July 6, 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 Judiciary

Senate Chamber, July 6, 2009

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

AB 1291

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 1291—An act to amend Sections 1513, 1513.5, 1516, 1520, 1532, 1560, 1565, and 1577 of the Code of Civil Procedure, relating to unclaimed property.

Bill read second time.

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

Date of Hearing, July 1, 2009

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

AB 572

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

CORBETT, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, July 6, 2009

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

AB 856

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

SIMITIAN, Chair

Above measure re-referred to the Committee on Food and Agriculture.



MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1569** was withdrawn from the Committee on Education and re-referred to the Committee on Rules; and

AB 245 was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 1093** was withdrawn from Committee and placed on second reading.

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 1459—An act to amend Section 50675.1 of the Health and Safety Code, relating to housing.

Bill read third time.

Amendments Adopted

Amendments to AB 1459 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

**SENATE COMMITTEE ROLL CALLS
Committee on Appropriations****AB 86**—Do pass

AYES (9)—Senators Corbett, Hancock, Kehoe, Leno, Price, Runner, Walters, Wyland, and Yee.

NOES (1)—Senator Cox.

AB 248—Do pass as amended

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 318—Do pass

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 356—Do pass as amended

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 381—Do pass

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 400—Do pass

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.



AB 501—Do pass

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 825—Do pass as amended

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 1071—Do pass as (corrected 7/6/2009)

AYES (10)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 1361—Do pass as amended

AYES (11)—Senators Corbett, Cox, Hancock, Kehoe, Leno, Price, Runner, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

AB 1394—Do pass as amended

AYES (8)—Senators Corbett, Hancock, Kehoe, Leno, Price, Wolk, Wyland, and Yee.

NOES (3)—Senators Cox, Runner, and Walters.

Date of Hearing: 7/6/2009

Kehoe (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of David Zweigle of Tehachapi.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Melanie A. Flynn of Murrieta.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Sheldon Allen, of Canyon Country.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Robert McNamara of Washington, D.C.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned until 9 a.m., Tuesday, July 7, 2009.

PAULA K. ROSSETTO, Minute Clerk

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