

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, August 20, 2009

The Senate met at 9 a.m.
Hon. S. Joseph Simitian, of the 11th 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 Roderick Wright.

This summer the California Museum is celebrating the 200th birthday of our 16th president, Abraham Lincoln. In these days where civility seems so often to be lacking in our public discourse, we have much to learn from President Lincoln, who even during our most acrimonious times was dedicated to bringing reconciliation and healing to our nation.

In an address on October 16, 1854, President Lincoln said: “. . . let all Americans—let all lovers of liberty everywhere—join in the great and good work. If we do this,” he said, “we shall not only have saved the Union; but we shall have so saved it, as to make, and to keep it, forever worthy of the saving. We shall have saved it, that the succeeding millions of free happy people, the world over, shall rise up, and call us blessed, to the latest generations.”

We pray to the Creator of us all that we might act in such a way that we will be remembered as not just lovers of liberty, but defenders of it. May our tongues be guided with kindness and wisdom. May our hearts and minds be open to beliefs different than our own. And may the work we do now be remembered until the last generation as a blessing.

May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 20, 2009

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day rescinded the action whereby they concurred in Senate amendments to AB 681, and pursuant to the instructions of the Assembly, I am herewith returning AB 681 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.



REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, August 20, 2009

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

AB 1563

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

KEHOE, Chair

Above measure ordered to second reading.

Senate Chamber, August 20, 2009

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

AB 836

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 836—An act to add Article 15.1 (commencing with Section 51875) to Chapter 5 of Part 28 of Division 4 of Title 2 of the Education Code, relating to education technology.

Bill read second time.

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

Date of Hearing, August 17, 2009

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

AB 402

AB 543

AB 568

AB 911

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

KEHOE, Chair

Above measures ordered to second reading.

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

Assembly Bill 472—An act to add Section 8596.5 to the Government Code, relating to earthquake and emergency preparedness.

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 240—An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.

Bill read second time and ordered to third reading.

Assembly Bill 1317—An act to add Chapter 1.5 (commencing with Section 125325) to Part 5.5 of Division 106 of the Health and Safety Code, relating to public health.

Bill read second time and ordered to third reading.

Assembly Bill 503—An act to amend Section 124250 of the Health and Safety Code, relating to domestic violence.

Bill read second time and ordered to third reading.

Assembly Bill 644—An act to add Part 17 (commencing with Section 106000) to Division 10 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 1116—An act to add Sections 1638.2 and 2259.8 to the Business and Professions Code, relating to cosmetic surgery.

Bill read second time and ordered to third reading.

MOTION TO REFER MEASURE TO INACTIVE FILE

Without objection, **AB 1329** was placed on the inactive file.

Senator Ducheny moved that **AB 180, AB 185, AB 186, AB 187, AB 188, AB 189, AB 190, AB 191, AB 192, AB 193, AB 194, AB 195, AB 196, AB 197, AB 198, AB 199, AB 200, AB 201, AB 202, AB 203, AB 204, AB 205, AB 206, AB 207, AB 208, and AB 209** be placed on the inactive file.

Above motions carried.

MOTION TO TAKE MEASURE FROM INACTIVE FILE

Senator Kehoe moved that **AB 129** be taken from the inactive file and placed on the second reading file.

Senator Negrete McLeod moved that **AB 1396** be taken from the inactive file and placed on the second reading file.

Above motions carried.



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

Consideration of Assembly Amendments

Senate Bill 348—An act to amend Section 1936.015 of the Civil Code, relating to passenger vehicle rentals, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Cogdill.

The question being: Shall the Senate concur in the Assembly amendments to SB 348?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, 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, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

RECESS

At 10:15 a.m., on motion of Senator Ducheny the Senate recessed in order to convene the Third Extraordinary Session.

REASSEMBLED

At 1:51 p.m., the Senate reconvened.

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

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

Consideration of Assembly Amendments

Senate Bill 481—An act to add Article 8 (commencing with Section 3470) to Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, relating to wildlife.

Bill presented by Senator Cox.

The question being: Shall the Senate concur in the Assembly amendments to SB 481?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

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

Bill read third time and presented by Senator Leno.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Correa, Cox, Denham, DeSaulnier, Dutton, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Maldonado, Negrete McLeod, Oropeza, Padilla, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wright, Wyland, and Yee.

NOES (1)—Senator Ashburn.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Senate Joint Resolution 15—Relative to public health laboratories.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 804—An act to amend Section 2301 of the Fish and Game Code, relating to invasive aquatic species.

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.



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

At 2 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 Monday, August 24, 2009.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, August 18, 2009

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

SB 474

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 Public Safety

Senate Chamber, August 20, 2009

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

AB 307

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 307—An act to add Section 653.5 to the Penal Code, relating to business licenses.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 307 pursuant to Joint Rule 58.

ASSEMBLY MEMBER COOK



Permission of Rules Committee

Senate Chamber, August 20, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 307.

STEINBERG, Chair

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, August 20, 2009

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

AB 88

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 88**—An act relating to state employees.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 88 pursuant to Joint Rule 58.

ASSEMBLY MEMBER HERNANDEZ

Permission of Rules Committee

Senate Chamber, August 20, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 88.

STEINBERG, Chair

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 56: By Senator Oropeza—Relative to coastal development and Marina del Rey.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 711** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 51**, **SCR 52**, and **ACR 85** were withdrawn from Committee and placed on third reading.



SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, August 24:

SB 169	AB 42	AB 1203	AB 753
SB 571	AB 162	AB 1447	AB 665
SB 113	AB 404	AB 1525	AB 1222
SB 247	AB 544	AB 1531	AB 1061
SB 288	AB 557	ACR 33	AB 213
SB 308	AB 673	ACR 61	AB 1268
SB 320	AB 698	ACR 62	AB 1233
SB 345	AB 735	AB 356	AB 688
SB 783	AB 894	AB 515	AB 1214
AB 1385	AB 905	AB 1465	AB 1059
AB 487	AB 1015	AB 386	AB 1209
AB 1080	AB 1166	AB 488	

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

Assembly Bill 99—An act to amend Section 21628 of the Business and Professions Code, relating to secondhand goods.

Bill read third time.

Amendments Adopted

Amendments to AB 99 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 628—An act to amend Sections 23302 and 40255 of, and to add Section 23301.5 to, the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 628 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 590—An act to add Article 9.6 (commencing with Section 6159.5) to Chapter 4 of Division 3 of the Business and Professions Code, relating to the practice of law.

Bill read third time.

Amendments Adopted

Amendments to AB 590 proposed by Senator Corbett were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1442—An act to amend Sections 1345, 1348, 1796, 2003, 3004, 4011, 5654, 7149.45, 8035, 8036, 8276.2, 8276.3, 8279.1, 8280.1, 8280.2, 8280.3, 8280.4, 8280.5, 8280.6, 8405.4, 12002.1, 12159,



12160, and 12161 of, and to add Sections 392, 393, 859, 860, 1050.8, 2011.5, 2020, and 12014 to, the Fish and Game Code, and to amend Sections 8670.3, 8670.61.5, and 8670.67 of the Government Code, relating to natural resources.

Bill read third time.

Amendments Adopted

Amendments to AB 1442 proposed by Senator Pavley were read and adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Correa requested that when the Senate adjourns this day it do so in memory of Iola Gallardo of Santa Ana.

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Joseph McMahon of Martinez.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Robert Rosas of El Centro.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Laura B. Dennison, Ph.D. and Carmen Cervantes of Poplar.

Senator Oropeza requested that when the Senate adjourns this day it do so in memory of Officer Steve Kroesen of Torrance.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of John H. Barton of Los Altos.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Patricia Williams of Davis.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 12 p.m., Monday, August 24, 2009.

PAULA K. ROSSETTO, Minute Clerk

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