

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento

Tuesday, March 23, 2010

The Senate met at 9 a.m.

Hon. Leland Yee, of the 8th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, 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—37.

Quorum present.

*(NOTE: Senator Denham will be excused this day on personal business and Senator Dutton will be excused this day due to a death in the family.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Transportation and Housing

Senate Chamber, March 23, 2010

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

SB 1295

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**

**Senate Bill 1295**—An act to amend Sections 5101.4 and 5101.8 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 Environmental Quality**

Senate Chamber, March 23, 2010

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

SB 1402

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**

**Senate Bill 1402**—An act to amend Sections 43008.6, 43016, 43020, 43023, 43154, and 43212 of, to amend and renumber Section 43031 of, to add Sections 39619.7, 42413, and 43024.5 to, and to repeal Section 43031.5 of, the Health and Safety Code, relating to air pollution.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 1402 pursuant to Joint Rule 58.

SENATOR DUTTON

**Permission of Rules Committee**

Senate Chamber, March 23, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1402.

STEINBERG, Chair

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

**Committee on Governmental Organization**

Date of Hearing, March 23, 2010

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

SB 1044

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.

WRIGHT, Chair

Above measure re-referred to the Committee on Appropriations.



Date of Hearing, March 23, 2010

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

SB 1096

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

WRIGHT, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, March 23, 2010

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

SB 1269	SB 1259	SB 1450	SB 980
SB 1457	SB 1282	SB 1180	SB 989
SB 1196	SB 1326	SB 1372	

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 1269**—An act relating to liability.

Bill read second time.

**Senate Bill 1457**—An act to amend Section 11120 of the Government Code, relating to open meetings.

Bill read second time.

**Senate Bill 1196**—An act relating to developmental services.

Bill read second time.

**Senate Bill 1259**—An act to amend Section 51 of the Labor Code, relating to employment.

Bill read second time.

**Senate Bill 1282**—An act relating to healing arts.

Bill read second time.

**Senate Bill 1326**—An act relating to workers' rights.

Bill read second time.

**Senate Bill 1450**—An act to amend Section 116762.60 of the Health and Safety Code, relating to drinking water.

Bill read second time.

**Senate Bill 1180**—An act relating to employment.

Bill read second time.



**Senate Bill 1372**—An act to amend Section 12080.7 of the Government Code, relating to state government reorganization.

Bill read second time.

**Senate Bill 980**—An act to amend Section 38225 of the Vehicle Code, relating to off-highway vehicles.

Bill read second time.

**Senate Bill 989**—An act to amend Section 4660 of the Labor Code, relating to workers' compensation.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 989 pursuant to Joint Rule 58.

SENATOR HOLLINGSWORTH

**Permission of Rules Committee**

Senate Chamber, March 23, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 989.

STEINBERG, Chair

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

Senate Chamber, March 23, 2010

Mr. President: The Committee on Rules has examined:

SB 71

SB 205

And reports that the same have been correctly enrolled, and presented to the Governor on the 23rd day of March, 2010, at 11:45 a.m.

STEINBERG, Chair

**Committee on Natural Resources and Water**

Date of Hearing, March 23, 2010

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

SB 889

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

PAVLEY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 23, 2010

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

SB 1034



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

PAVLEY, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, March 23, 2010

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

SB 1058

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.

PAVLEY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 23, 2010

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

SB 1173

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

PAVLEY, Chair

Above measure ordered to second reading.

#### **Committee on Local Government**

Senate Chamber, March 23, 2010

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

SB 1290

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

COX, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 1290**—An act to amend Section 8685.9 of the Government Code, relating to disaster assistance.

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, March 23, 2010

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

SB 1101



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**

**Senate Bill 1101**—An act to amend Section 25503.4 of the Business and Professions Code, relating to alcoholic beverages.

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, March 23, 2010

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

SB 1469

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**

**Senate Bill 1469**—An act to amend Section 13242 of the Water Code, relating to water quality.

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, March 23, 2010

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

SB 1067

SB 1266

SB 1452

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**

**Senate Bill 1067**—An act to amend Section 12838.3 of the Government Code, and to add Section 1710.5 to the Welfare and Institutions Code, relating to juveniles.

Bill read second time.

**Senate Bill 1266**—An act to add Section 1170.05 to the Penal Code, relating to inmates.

Bill read second time.



**Senate Bill 1452**—An act to amend Section 3000.03 of the Penal Code, relating to parole.

Bill read second time.

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

#### **Committee on Appropriations**

Senate Chamber, March 23, 2010

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

AB 586

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 586**—An act to amend Sections 3212, 3212.1, 3212.5, 3212.6, 3212.8, and 3212.9 of the Labor Code, relating to workers' compensation.

Bill read second time.

#### **Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 586 pursuant to Joint Rule 58.

ASSEMBLY MEMBER HUBER

#### **Permission of Rules Committee**

Senate Chamber, March 23, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 586.

STEINBERG, Chair

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

#### **Committee on Public Safety**

Date of Hearing, March 23, 2010

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

SB 962

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

LENO, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, March 23, 2010

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

SB 839

SB 973

SB 1447



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

LENO, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, March 23, 2010

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

SB 1080

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**

**Senate Bill 1080**—An act to add Sections 626.91 and 830.95 to, to add Title 2 (commencing with Section 12001) to Part 4 of, to add Part 6 (commencing with Section 16000) to, to repeal Section 653k of, and to repeal Title 2 (commencing with Section 12000) of Part 4 of, the Penal Code, relating to nonsubstantive reorganization of deadly weapon statutes.

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, March 23, 2010

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

SB 1091

SB 1119

SB 1456

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 1091**—An act relating to Medi-Cal.

Bill read second time.

**Senate Bill 1119**—An act relating to health care.

Bill read second time.

**Senate Bill 1456**—An act to add Section 21081.8 to the Public Resources Code, relating to environmental quality, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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





**Committee on Education**

Senate Chamber, March 23, 2010

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

SB 1381

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**

**Senate Bill 1381**—An act to amend Section 48005.55 of the Education Code, relating to the Kindergarten Readiness Pilot Program.

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, March 23, 2010

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

SB 886

SB 1214

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

LIU, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Public Safety**

Senate Chamber, March 23, 2010

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

SB 1018

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**

**Senate Bill 1018**—An act to amend Section 3604 of the Penal Code, relating to the death penalty.

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, March 23, 2010

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

SB 1274

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**

**Senate Bill 1274**—An act to amend Section 1010.6 of the Code of Civil Procedure, relating to service of process.

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, March 23, 2010

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

SB 1362

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 1362**—An act to amend Section 21455.5 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 Judiciary**

Date of Hearing, March 23, 2010

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

SB 885

SB 906

SB 1178

Reports the same back with the recommendation: Do pass.

CORBETT, Chair

Above bills ordered to second reading.

Date of Hearing, March 23, 2010

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

SB 1330



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

CORBETT, Chair

Above measure ordered to second reading.

Date of Hearing, March 23, 2010

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

SB 1166

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

CORBETT, Chair

Above measure re-referred to the Committee on Appropriations.

#### **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 92:** By Senator Liu—Relative to taxation.

**Senate Concurrent Resolution 93:** By Senators DeSaulnier and Cedillo—Relative to Summer Learning and Wellness Month.

**Senate Joint Resolution 26:** By Senators Simitian and Liu (Principal coauthors: Assembly Members De León and Portantino)—Relative to the Armenian Genocide.

#### **CONSIDERATION OF DAILY FILE**

##### **SECOND READING OF SENATE BILLS**

**Senate Bill 1084**—An act relating to poverty.

Bill read second time.

The amendments proposed by the Committee on Business, Professions and Economic Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

##### **SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 898**—An act to amend Sections 17533.6 and 17537.9 of the Business and Professions Code, to amend Section 1195 of the Civil Code, to amend Section 3505 of the Commercial Code, to amend Sections 8205, 8208, 8211, and 27287 of, and to add Section 12181 to, the Government Code, relating to documents.

Bill read second time and ordered to third reading.

**Assembly Bill 190**—An act relating to the Budget Act of 2009.

Bill read second time and ordered to third reading.

**Assembly Bill 191**—An act relating to the Budget Act of 2009.

Bill read second time and ordered to third reading.



**Assembly Bill 192**—An act relating to the Budget Act of 2009.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 194**—An act relating to the Budget Act of 2009.

Bill read second time and ordered to third reading.

**Assembly Bill 604**—An act to amend Section 52891 of, and to repeal Sections 52879, 52951, 52952, and 52953 of, the Food and Agriculture Code, relating to cotton.

Bill read second time and ordered to third reading.

**Assembly Bill 1235**—An act to amend Sections 809, 809.2, and 809.3 of, and to add Sections 809.04, 809.07, and 809.08 to, the Business and Professions Code, relating to healing arts.

Bill read second time and ordered to third reading.

#### RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 898** was re-referred to the Committee on Appropriations.

#### MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1317** was withdrawn from the Committee on Education and re-referred to the Committee on Public Safety.

#### SENATE COMMITTEE ROLL CALLS

##### Committee on Governmental Organization

**SB 907**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Florez, Negrete McLeod, Oropeza, Padilla, Price, Wright, and Yee.

NOES (2)—Senators Harman and Wyland.

**SB 1044**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wright, Wyland, and Yee.

NOES (0)—None.



**SB 1090**—Do pass as amended, to Consent Calendar

AYES (9)—Senators Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wright, Wyland, and Yee.

NOES (0)—None.

**SB 1096**—Do pass, to Consent Calendar

AYES (9)—Senators Florez, Harman, Negrete McLeod, Oropeza, Padilla, Price, Wright, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 3/23/2010

Wright (Chair)

**Committee on Judiciary****SB 885**—Do pass

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

NOES (2)—Senators Harman and Walters.

**SB 906**—Do pass

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

NOES (2)—Senators Harman and Walters.

**SB 1149**—Do pass as amended

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

NOES (2)—Senators Harman and Walters.

**SB 1166**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Corbett, Hancock, Harman, and Leno.

NOES (1)—Senator Walters.

**SB 1178**—Do pass

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

NOES (1)—Senator Walters.

**SB 1221**—Do pass as amended, to Consent Calendar

AYES (5)—Senators Corbett, Hancock, Harman, Leno, and Walters.

NOES (0)—None.

**SB 1330**—Do pass, to Consent Calendar

AYES (5)—Senators Corbett, Hancock, Harman, Leno, and Walters.

NOES (0)—None.

Date of Hearing: 3/23/2010

Corbett (Chair)

**Committee on Natural Resources and Water****SB 889**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cogdill, Hollingsworth, Huff, Lowenthal, Padilla, Simitian, and Wolk.

NOES (1)—Senator Kehoe.



**SB 904**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Cogdill, Hollingsworth, Huff, Kehoe, Lowenthal, Padilla, Pavley, Simitian, and Wolk.

NOES (0)—None.

**SB 1034**—Do pass and re-refer to Committee on Public Safety

AYES (6)—Senators Kehoe, Lowenthal, Padilla, Pavley, Simitian, and Wolk.

NOES (3)—Senators Cogdill, Hollingsworth, and Huff.

**SB 1058**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Cogdill, Hollingsworth, Huff, Kehoe, Lowenthal, Padilla, Pavley, Simitian, and Wolk.

NOES (0)—None.

**SB 1103**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Cogdill, Huff, Lowenthal, Padilla, Pavley, Simitian, and Wolk.

NOES (1)—Senator Kehoe.

**SB 1173**—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (5)—Senators Kehoe, Lowenthal, Padilla, Pavley, and Wolk.

NOES (3)—Senators Cogdill, Hollingsworth, and Huff.

**SB 1349**—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Cogdill, Hollingsworth, Huff, Kehoe, Lowenthal, Pavley, Simitian, and Wolk.

NOES (0)—None.

**SJR 18**—Do pass as amended

AYES (5)—Senators Kehoe, Lowenthal, Pavley, Simitian, and Wolk.

NOES (3)—Senators Cogdill, Hollingsworth, and Huff.

Date of Hearing: 3/23/2010

Pavley (Chair)

#### **Committee on Public Safety**

**SB 839**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Cogdill, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

**SB 840**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Cogdill, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.



**SB 962**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Cedillo, Cogdill, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

**SB 973**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Cogdill, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

**SB 1447**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Cogdill, Hancock, Huff, Leno, Steinberg, and Wright.

NOES (0)—None.

**AB 552**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Hancock, Leno, Steinberg, and Wright.

NOES (0)—None.

Date of Hearing: 3/23/2010

Leno (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day on personal business: Senator Denham.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Dutton.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, March 24, 2010.

PAULA K. ROSSETTO, Minute Clerk

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