

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 24, 2010

The Senate met at 9 a.m.

Hon. Curren Price, of the 26th 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, 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, Wolk, Wright, Wyland, and Yee—35.

Quorum present.

(NOTE: Senators Corbett and Wiggins will be excused this day on legislative business, 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 Natural Resources and Water

Senate Chamber, March 24, 2010

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

SB 1179

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

Senate Bill 1179—An act to add Section 3040 to the Fish and Game Code, relating to hunting.

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 24, 2010

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

SB 1071	SB 1175	SB 1195	SB 1230
SB 1453	SB 1464	SB 1026	

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 1071—An act to amend Section 11165 of the Health and Safety Code, relating to controlled substances.

Bill read second time.

Senate Bill 1175—An act to add and repeal Section 13995.95 of the Government Code, relating to economic development.

Bill read second time.

Senate Bill 1195—An act to amend Section 21004 of the Public Resources Code, relating to the environment.

Bill read second time.

Senate Bill 1230—An act relating to human trafficking.

Bill read second time.

Senate Bill 1453—An act to relating to public social services.

Bill read second time.

Senate Bill 1464—An act to amend Section 65919.10 of the Government Code, relating to local planning.

Bill read second time.

Senate Bill 1026—An act to amend Section 4651.2 of the Labor Code, relating to workers' compensation.

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, March 24, 2010

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

SB 1394

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 1394—An act to amend Section 22651 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.

Date of Hearing, March 23, 2010

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

SB 951

SB 1004

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

LOWENTHAL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 23, 2010

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

SCR 69

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

LOWENTHAL, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 23, 2010

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

SB 993

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.

LOWENTHAL, Chair

Above measure re-referred to the Committee on Appropriations.



Committee on Local Government

Senate Chamber, March 24, 2010

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

SB 1141

SB 1205

SB 1445

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 1141—An act to amend Sections 21670, 21670.1, 21670.4, 21671.5, 21674.7, 21675.1, 21678, 21679, and 21679.5 of, to add Section 21679.3. to, and to repeal Section 21677 of, the Public Utilities Code, relating to airports.

Bill read second time.

Senate Bill 1205—An act to add Title 7.26 (commencing with Section 66720) to the Government Code, relating to the Bay Area Post-Recovery Authority Act.

Bill read second time.

Senate Bill 1445—An act to amend Section 65040.6 of, and to add Section 65080.6 to, the Government Code, to amend Section 75125 of the Public Resources Code, and to add Section 9250.20 to the Vehicle Code, relating to planning.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, March 24, 2010

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

AB 761

SB 1417

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 761—An act to add Section 798.47 to the Civil Code, relating to mobilehomes.

Bill read second time.



Senate Bill 1417—An act to amend Sections 10402, 10405, 14501, and 14502 of the Corporations Code, relating to corporations.

Bill read second time.

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

Committee on Labor and Industrial Relations

Date of Hearing, March 24, 2010

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 968

SB 1472

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

DESAULNIER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 24, 2010

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

SB 1213

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

DESAULNIER, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Senate Chamber, March 24, 2010

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

SB 1430

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 1430—An act to amend Sections 218 and 17053.5 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 Education

Date of Hearing, March 24, 2010

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

SB 944

SB 1256



Reports the same back with the recommendation: Do pass.

ROMERO, Chair

Above bills ordered to second reading.

Date of Hearing, March 24, 2010

Mr. President: The Committee on Education, to which was referred:
SB 1353

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

ROMERO, Chair

Above measure re-referred to the Committee on Human Services.

Date of Hearing, March 24, 2010

Mr. President: The Committee on Education, to which was referred:
SB 1046

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, March 24, 2010

Mr. President: The Committee on Education, to which was referred:
SB 898

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.

Committee on Natural Resources and Water

Senate Chamber, March 24, 2010

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

SB 1350

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

Senate Bill 1350—An act to amend Section 5002.3 of the Public Resources Code, relating to parks and recreation.

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

Senate Chamber, March 24, 2010

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

SB 1207

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 1207—An act to amend Sections 65302 and 65302.5 of, and to add Section 65040.7 to, the Government Code, and to add Section 21083.01 to the Public Resources Code, relating to land use.

Bill read second time.

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

Committee on Food and Agriculture

Senate Chamber, March 24, 2010

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

SB 1107

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

FLOREZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1107—An act to add Chapter 7.8 (commencing with Section 13590) to Division 7 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 Environmental Quality

Senate Chamber, March 24, 2010

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

SB 1401

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 1401—An act to amend Section 14574 of the Public Resources Code, relating to beverage containers.

Bill read second time.

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

Committee on Rules

State Capitol, March 24, 2010

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Linda A. Lang, Member, Trustees of the California State University (4-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, March 24, 2010

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Jonah P. Frohlich, Deputy Secretary, Health and Human Services Agency (4-0)

Ronnie G. Caplane, Member, Workers' Compensation Appeals Board (4-0)

Gary E. Willard, Member, Off-Highway Motor Vehicle Recreation Commission (4-0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, March 24, 2010

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Sharon Y. Runner, Member, California Unemployment Insurance Appeals Board (4-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, March 24, 2010

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Senator Patrick Johnston of Stockton as a member to the Delta Stewardship Council for a term ending March 24, 2014.

Appointed Rebecca J. Long of Albany as a Local Agency Representative to the California Transportation Financing Authority for a term ending at the pleasure of the Committee.

Designated Senator DeSaulnier as Chair to the California Task Force on Youth and Workplace Wellness.

STEINBERG, Chair

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 94: By Senator Harman—Relative to Schoolbus Drivers' Day.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 1096—An act to amend Sections 25500.1, 25500.2, and 25502.1 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1173—An act to amend Sections 13550, 13551, 13552.2, and 13552.6 of the Water Code, relating to recycled water.

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 Environmental Quality.

Senate Bill 885—An act to amend Section 1749.5 of the Civil Code, relating to gift certificates.

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

Senate Bill 906—An act to amend Sections 300, 400, 402, 420, 421, 422, 423, 425, and 426 of the Family Code, relating to marriage.

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

Senate Bill 1178—An act to amend Section 580b of the Code of Civil Procedure, relating to real property.

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

Senate Bill 1330—An act to amend Sections 31, 490, 490.5, 654.3, 728, 1246, 1301, 3152, 4040, 4076, 4980.44, 4999.2, 4999.7, 6213, 7028, 7108.5, 8520.2, 8676, 8761, 9889.20, 11344, 19596.2, 19850.6, 23356.2, 25503.42, and 25658.4 of, and to amend and renumber Section 19605.10 of, the Business and Professions Code, to amend Sections 1185, 1363.03,



and 2954 of the Civil Code, to amend Sections 234 and 425.16 of, and to repeal Sections 128.6 and 209 of, the Code of Civil Procedure, to amend Sections 8971, 14035, 33128.3, 42238, 42605, 42606, 44346.5, 44856, 45103.1, 49701, 52055.770, 52165, 53302, 60852.3, 67302.5, 69458, 69460, 69613, 69999.14, 69999.18, 69999.20, 87482, 88003.1, and 89267.5 of, and to repeal Section 51241 of, the Education Code, to amend Sections 354.5, 2225, 11100, and 13307 of the Elections Code, to amend Section 1118 of the Evidence Code, to amend Section 7572 of the Family Code, to amend Sections 2089.12, 2089.23, 5655, 9011, and 12013 of the Fish and Game Code, to amend Sections 3884.2, 5931, 6047.12, 15061, and 71031 of the Food and Agricultural Code, to amend Sections 7906, 8588.1, 8879.72, 11011.1, 11011.2, 11126, 12715, 13302, 15491, 15820.911, 16724.5, 16731.6, 22898, 25331, 31855.9, 53601, 56375.2, 56668, 65080, 65583, 66540.12, 66540.32, 70375, 70391, 76000, 76000.5, 76104.6, 91530, and 91533 of, and to amend and renumber Section 63040 of, the Government Code, to amend Sections 86, 652, 1176, 5864, and 6035 of the Harbors and Navigation Code, to amend Sections 1261.5, 1289.4, 1348.8, 1357, 1357.50, 1358.4, 1358.12, 1358.91, 1367.66, 1418.21, 1429, 1499, 1568.03, 1569.69, 1599.645, 1736.5, 1798.200, 13221, 25396, 44272, 50843.5, 103526.5, 114850, 116064.2, 116540, 124991, 128730, 130060, and 130251 of, and to repeal Section 112877 of, the Health and Safety Code, to amend Sections 38.5, 1063.1, 1063.2, 10136, 10192.4, 10192.81, 10192.12, 10192.20, 10198.6, and 10700 of the Insurance Code, to amend Section 273 of the Labor Code, to amend Section 699.5 of the Military and Veterans Code, to amend Sections 290.011, 293, 336.9, 597.5, 626.10, 831.5, 851.8, 1000.1, 1120, 1170, 1202.4, 1202.8, 1203.098, 1203.4, 1229, 1230, 1231, 1233.1, 1233.7, 1463.23, 6126.1, 6126.5, 6128, 6131, 11170, 11411, 13821, 13823.16, 13848.6, and 14029.5 of, and to repeal Chapter 3 (commencing with Section 1228) of Title 8 of Part 2 of, the Penal Code, to amend Sections 10100, 10101, 10102, 10103, 10103.5, 10104, 10105, 10262.5, and 10344 of the Public Contract Code, to amend Sections 2621.7, 4590, 5842, 25402.10, 48010, and 48027 of the Public Resources Code, to amend Sections 281, 399.20, 777.1, 851, 2881, 5411, 10009.1, 99233.2, 99312, and 185036 of the Public Utilities Code, to amend Sections 69, 69.3, 276, 6018.6, 6248, 6363.4, 7104, 7104.2, 30461.6, 41007, 41011, 41030, and 41136 of the Revenue and Taxation Code, to amend Sections 149.9 and 30918 of the Streets and Highways Code, to amend Sections 1611 and 10214.6 of the Unemployment Insurance Code, to amend Sections 4465, 4466, 11709.4, 13386, 21455.5, 27602, 40002, and 42001.13 of the Vehicle Code, to amend Sections 10608.24, 10608.44, 10853, 10933, 12645, 12647, and 30779 of the Water Code, to amend Sections 4691, 4860, 5806, 14083, 14085.57, 14105.3, 14132.725, 14154, 14163, 14166.221, 14167.3, 14167.6, 14167.7, 14167.10, 14522.4, 14598, 15660, 16124, 18220.1, and 18987.62 of the Welfare and Institutions Code, to amend Section 5.1 of the Castaic Lake Water Agency Law (Chapter 28 of the Statutes of 1962, First Extraordinary Session), to amend Section 1 of



the Osteopathic Act, to amend Section 1 of Chapter 226 of the Statutes of 2009, to amend Section 2 of Chapter 405 of the Statutes of 2009, and to amend Section 3 of Chapter 426 of the Statutes of 2009, relating to the maintenance of the codes.

Bill read second time, ordered engrossed, and to Consent Calendar.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **AB 790**, **SCR 73**, **SCR 80**, **SCR 81**, **SCR 82**, **SCR 91**, and **ACR 133** were withdrawn from Committee and placed on the third reading file.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 586** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules;

SB 1290 was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules; and

SB 1469 was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules.

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

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 third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 604 pursuant to Joint Rule 58.

ASSEMBLY MEMBER FULLER

Permission of Rules Committee

Senate Chamber, March 24, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 604.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 604 proposed by Senator Maldonado were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Education

SB 898—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

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

NOES (0)—None.



SB 944—Do pass

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

NOES (0)—None.

SB 957—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, Huff, Liu, Price, Romero, and Simitian.

NOES (0)—None.

SB 1046—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

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

NOES (0)—None.

SB 1116—Do pass as amended and re-refer to Committee on Public Safety

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

NOES (0)—None.

SB 1126—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Hancock, Huff, Liu, Romero, Simitian, and Wyland.

NOES (0)—None.

SB 1256—Do pass

AYES (8)—Senators Alquist, Hancock, Huff, Liu, Price, Romero, Simitian, and Wyland.

NOES (0)—None.

SB 1353—Do pass and re-refer to Committee on Human Services

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

NOES (0)—None.

ACR 82—Do pass as amended

AYES (6)—Senators Alquist, Hancock, Liu, Maldonado, Price, and Romero.

NOES (1)—Senator Huff.

Date of Hearing: 3/24/2010

Romero (Chair)

Committee on Labor and Industrial Relations**SB 968—Do pass and re-refer to Committee on Appropriations**

AYES (4)—Senators DeSaulnier, Ducheny, Leno, and Yee.

NOES (2)—Senators Hollingsworth and Wyland.

SB 1213—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators DeSaulnier, Ducheny, Leno, and Yee.

NOES (2)—Senators Hollingsworth and Wyland.



SB 1472—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators DeSaulnier, Ducheny, Leno, Wyland, and Yee.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 3/24/2010

DeSaulnier (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Corbett and Wiggins.

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 10 a.m., Thursday, March 25, 2010.

PAULA K. ROSSETTO, Minute Clerk

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