

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, April 6, 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, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Yee—34.

Quorum present.

(NOTE: Senators Calderon and Wiggins will be excused this day on legislative business, Senators Maldonado and Wyland will be excused this day on personal business, and Senator Alquist will be excused this day due to a family illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 5, 2010

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

ACR 134

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 134—Relative to Child Abuse Prevention Month.

REPORTS OF STANDING COMMITTEES**Committee on Labor and Industrial Relations**

Senate Chamber, April 6, 2010

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

SB 1335

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

DESAULNIER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1335—An act to amend Section 510 of, and to add Section 511.5 to, 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.

Committee on Environmental Quality

Date of Hearing, April 5, 2010

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

SB 928

Reports the same back with the recommendation: Do pass.

SIMITIAN, Chair

Above bill ordered to second reading.

Date of Hearing, April 5, 2010

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

SB 1456

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

SIMITIAN, Chair

Above measure ordered to second reading.



Date of Hearing, April 5, 2010

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

SR 35

Reports the same back with the recommendation: Be adopted.

SIMITIAN, Chair

Above resolution ordered to third reading.

Date of Hearing, April 5, 2010

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

SB 1100

SB 1326

SB 1401

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

SIMITIAN, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 5, 2010

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

SB 1477

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.

SIMITIAN, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 5, 2010

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

SB 1052

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

SIMITIAN, Chair

Above measure ordered to second reading.

Committee on Health

Date of Hearing, March 24, 2010

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

SB 836



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

ALQUIST, Chair

Above measure ordered to second reading.

Committee on Human Services

Senate Chamber, April 6, 2010

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

SB 1129

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

LIU, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1129—An act to add Section 4510.5 to the Welfare and Institutions Code, relating to developmental disabilities.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, April 6, 2010

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

SB 1162

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 1162—An act to amend Section 11208 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 Business, Professions and Economic Development

Date of Hearing, April 5, 2010

Mr. President: The Committee on Business, Professions and Economic Development, to which was referred:

SB 1050

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.



Committee on Natural Resources and Water

Senate Chamber, April 6, 2010

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

SB 1124

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 1124—An act to amend Section 5919 of the Public Resources Code, relating to land conservation.

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, April 6, 2010

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

SB 890

SB 1332

SB 1470

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 890—An act relating to health care coverage.

Bill read second time.

Senate Bill 1332—An act to amend Section 395 of the Fish and Game Code, relating to falconry.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1332 pursuant to Joint Rule 58.

SENATOR DUTTON

Permission of Rules Committee

Senate Chamber, April 6, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1332.

STEINBERG, Chair

Senate Bill 1470—An act to amend Section 3338 of the Civil Code, relating to personal property.

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, April 6, 2010

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

SB 1148

SB 1161

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 1148—An act to amend Section 48260 of the Education Code, relating to pupil attendance.

Bill read second time.

Senate Bill 1161—An act to amend Section 17070.51 of the Education Code, relating to school finance.

Bill read second time.

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

Committee on Energy, Utilities and Communications

Date of Hearing, April 6, 2010

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 1476

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

PADILLA, Chair

Above measure re-referred to the Committee on Judiciary.

Committee on Public Safety

Date of Hearing, April 6, 2010

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

SB 1080

SB 1115

SB 1190

Reports the same back with the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Committee on Energy, Utilities and Communications

Senate Chamber, April 6, 2010

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 1467



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

PADILLA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1467—An act to amend Section 26003 of, and to add Section 26011.7 to, the Public Resources Code, relating to energy.

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, April 6, 2010

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

SB 1439

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 1439—An act to amend Section 19605.25 of the Business and Professions Code, relating to horse racing.

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

Date of Hearing, April 6, 2010

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

SB 1066

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

LENO, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Senate Chamber, April 6, 2010

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

SB 1036

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 1036—An act to amend Section 19551.1 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 Public Safety

Senate Chamber, April 6, 2010

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

AB 1443

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 1443—An act to amend Sections 23217, 23540, 23546, 23550, 23550.5, 23560, and 23566 of, and to add Section 23595 to, 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.

Senate Chamber, April 6, 2010

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

SB 895

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 895—An act to amend Section 13353.3 of the Vehicle Code, relating to vehicles, 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 Food and Agriculture

Date of Hearing, April 6, 2010

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

SB 1138



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

FLOREZ, Chair

Above measure re-referred to the Committee on Environmental Quality.

Date of Hearing, April 6, 2010

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

SB 1176

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.

FLOREZ, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing, March 24, 2010

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

SB 1029

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

ALQUIST, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, April 6, 2010

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

SB 1391

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 1391—An act to amend Section 17002 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.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

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 1149—An act to amend Sections 1161.2 and 1161a of the Code of Civil Procedure, relating to residential tenancies and foreclosure.

Bill read second time.

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

Senate Bill 904—An act to amend Section 3242 of the Fish and Game Code, relating to hunting.

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.

Senate Bill 1103—An act to amend Section 2207 of the Public Resources Code, relating to surface mining.

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.

Senate Joint Resolution 18—Relative to marine aquaculture.

Resolution read second time.

The amendments proposed by the Committee on Natural Resources and Water were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 958—An act to add Chapter 6.8 (commencing with Section 50676) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

Bill read second time.

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

Senate Bill 907—An act to add Article 6 (commencing with Section 65050) to Chapter 1.5 of Division 1 of Title 7 to the Government Code, relating to the Office of Federal Funding Information and Assistance.

Bill read second time.

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



Senate Bill 1090—An act to amend Section 326.3 of the Penal Code, relating to gaming.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

Senate Bill 957—An act to amend Section 69439 of the Education Code, relating to student financial aid.

Bill read second time.

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

Senate Bill 1329—An act to amend Sections 1569.33 and 1569.682 of, and to add Section 1569.686 to, the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

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

Senate Bill 838—An act to amend Sections 1366.21, 1366.22, 1366.25, and 1366.27 of the Health and Safety Code, and to amend Sections 10128.51, 10128.52, 10128.55, and 10128.57 of the Insurance Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Senate Bill 1221—An act to amend Sections 2924 and 2924c of the Civil Code, relating to mortgages.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

Senate Bill 1126—An act to add Article 3 (commencing with Section 66745) to Chapter 9.2 of Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

Bill read second time.



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

Senate Bill 1116—An act to add Article 6 (commencing with Section 33195) to Chapter 2 of Part 20 of Division 2 of Title 2 of the Education Code, relating to heritage school instruction, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

SECOND READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 82—Relative to public education and discrimination-free zones.

Resolution read second time.

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

Assembly Bill 552—An act to amend Sections 15819.40, 15819.401, 15819.41, and 15819.411 of the Government Code, and to amend Section 7021 of the Penal Code, relating to correctional facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 882** was withdrawn from the Committee on Health and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Energy, Utilities and Communications

SB 1040—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Corbett, Cox, Dutton, Kehoe, Lowenthal, Oropeza, Padilla, Simitian, Strickland, and Wright.

NOES (0)—None.

SB 1437—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Corbett, Cox, Dutton, Kehoe, Lowenthal, Oropeza, Padilla, Simitian, Strickland, and Wright.

NOES (0)—None.



SB 1455—Do pass as amended and re-refer to Committee on Transportation and Housing

AYES (10)—Senators Corbett, Cox, Dutton, Kehoe, Lowenthal, Oropeza, Padilla, Simitian, Strickland, and Wright.

NOES (0)—None.

SB 1476—Do pass and re-refer to Committee on Judiciary

AYES (10)—Senators Corbett, Cox, Dutton, Kehoe, Lowenthal, Oropeza, Padilla, Simitian, Strickland, and Wright.

NOES (0)—None.

Date of Hearing: 4/6/2010

Padilla (Chair)

Committee on Environmental Quality

SB 928—Do pass

AYES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

NOES (1)—Senator Runner.

SB 960—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Runner and Strickland.

NOES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

Failed passage

SB 960—Reconsideration granted

AYES (6)—Senators Corbett, Lowenthal, Pavley, Runner, Simitian, and Strickland.

NOES (0)—None.

SB 1010—Do pass and re-refer to Committee on Judiciary

AYES (2)—Senators Runner and Strickland.

NOES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

Failed passage

SB 1010—Reconsideration granted (Corrected April 7, 2010)

AYES (6)—Senators Corbett, Lowenthal, Pavley, Runner, Simitian, and Strickland.

NOES (0)—None.

SB 1052—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

NOES (2)—Senators Runner and Strickland.

SB 1100—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

NOES (2)—Senators Runner and Strickland.

SB 1120—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Runner and Strickland.

NOES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

Failed passage



SB 1120—Reconsideration granted

AYES (6)—Senators Corbett, Lowenthal, Pavley, Runner, Simitian, and Strickland.

NOES (0)—None.

SB 1326—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

NOES (2)—Senators Runner and Strickland.

SB 1365—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Corbett, Lowenthal, Pavley, Simitian, and Strickland.

NOES (1)—Senator Runner.

SB 1401—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Corbett, Lowenthal, Pavley, Runner, Simitian, and Strickland.

NOES (0)—None.

SB 1456—Do pass, to Consent Calendar

AYES (6)—Senators Corbett, Lowenthal, Pavley, Runner, Simitian, and Strickland.

NOES (0)—None.

SB 1477—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Corbett, Lowenthal, Pavley, Runner, Simitian, and Strickland.

NOES (0)—None.

SR 35—Be adopted

AYES (4)—Senators Corbett, Lowenthal, Pavley, and Simitian.

NOES (1)—Senator Runner.

Date of Hearing: 4/5/2010

Simitian (Chair)

Committee on Food and Agriculture**SB 1107—Do pass as amended and re-refer to Committee on Environmental Quality**

AYES (3)—Senators Florez, Hancock, and Wolk.

NOES (1)—Senator Hollingsworth.

SB 1138—Do pass and re-refer to Committee on Environmental Quality

AYES (4)—Senators Florez, Hancock, Hollingsworth, and Wolk.

NOES (0)—None.

SB 1176—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (4)—Senators Florez, Hancock, Hollingsworth, and Wolk.

NOES (0)—None.



SB 1241—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (3)—Senators Florez, Hancock, and Wolk.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 4/6/2010

Florez (Chair)

Committee on Public Safety

SB 1060—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Cogdill and Huff.

NOES (4)—Senators Cedillo, Hancock, Leno, and Wright.

Failed passage

SB 1066—Do pass and re-refer to Committee on Appropriations

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

NOES (0)—None.

SB 1067—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 1078—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Cogdill and Huff.

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

Failed passage

SB 1080—Do pass

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

NOES (0)—None.

SB 1115—Do pass

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

NOES (0)—None.

SB 1190—Do pass

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

NOES (0)—None.

SB 1265—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 1331—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (2)—Senators Cogdill and Huff.

Date of Hearing: 4/6/2010

Leno (Chair)

LEAVES OF ABSENCE FOR THE DAY

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

The following Senators were granted leaves of absence for the day on personal business: Senators Maldonado and Wyland.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, April 7, 2010.

PAULA K. ROSSETTO, Minute Clerk

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