

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, April 20, 2010

The Senate met at 9 a.m.
Hon. Carol Liu, of the 21st 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:
Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Wolk, Wright, Wyland, and Yee—36.

Quorum present.

(NOTE: Senators Aanestad and Wiggins will be excused this day on legislative business and Senator Cox will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
April 20, 2010

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation



and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

JEANNIE OROPEZA, is program budget manager for the California Department of Finance (DOF) since 1998. Oropeza was an education budget consultant for the California State Assembly from 1997 to 1998 and staff finance budget analyst from 1993 to 1997. She was associate finance budget analyst for the DOF from 1990 to 1993. Oropeza is president of the hospital community board for Woodland Memorial Hospital. Appointed 03/30/10. Effective 03/30/10.

Member, State Board of Education, vice, Raneene P. Belisle, withdrawn from Senate, term ending 01/15/13.

Above appointment referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Business, Professions and Economic Development

Date of Hearing, April 19, 2010

Madam President: The Committee on Business, Professions and Economic Development, to which were referred:

SB 971

SB 1119

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 measures ordered to second reading.

Date of Hearing, April 19, 2010

Madam President: The Committee on Business, Professions and Economic Development, to which were referred:

SB 882

SB 980

SB 1031

SB 1123

SB 1172

SB 1489

SB 1490

SB 1491

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

NEGRETE McLEOD, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Environmental Quality

Date of Hearing, April 19, 2010

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

SB 1464

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 19, 2010

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

SB 1107 SB 1173 SB 1207 SB 1433

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 19, 2010

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

SB 1293 SB 1328

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 measures re-referred to the Committee on Appropriations.

Committee on Labor and Industrial Relations

Date of Hearing, April 19, 2010

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

SB 903

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

DESAULNIER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 19, 2010

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

SB 1211

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.

DESAULNIER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 19, 2010

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

SB 1230



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.

Date of Hearing, April 19, 2010

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

SB 1244

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

DESAULNIER, Chair

Above measure ordered to second reading.

Date of Hearing, April 19, 2010

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

SB 1397

SB 1474

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.

Committee on Veterans Affairs

Date of Hearing, April 13, 2010

Madam President: The Committee on Veterans Affairs, to which were referred:

SB 1386

SB 1387

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

DENHAM, Chair

Above measures ordered to second reading.

Date of Hearing, April 13, 2010

Madam President: The Committee on Veterans Affairs, to which was referred:

SB 1057

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

DENHAM, Chair

Above measure ordered to second reading.



Committee on Transportation and Housing

Date of Hearing, April 6, 2010

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

SCR 54

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Committee on Local Government

Date of Hearing, April 19, 2010

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

SB 894

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.

COX, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 19, 2010

Madam President: The Committee on Local Government, to which were referred:

SB 1005

SB 1142

SB 1174

SB 1398

AB 155

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

COX, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 19, 2010

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

SB 977

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

COX, Chair

Above measure ordered to second reading.

Date of Hearing, April 19, 2010

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

SB 1319



Reports the same back with the recommendation: Do pass.

COX, Chair

Above bill ordered to second reading.

Senate Chamber, April 20, 2010

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

SB 1070

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 1070—An act to amend Section 65007 of the Government 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 Appropriations

Senate Chamber, April 20, 2010

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

SB 1472

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

Senate Bill 1472—An act to add Section 1279.7 to the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

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

Date of Hearing, April 19, 2010

Madam President: The Committee on Appropriations, to which was referred:

AB 711

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

KEHOE, Chair

Above measure ordered to second reading.



Committee on Food and Agriculture

Date of Hearing, April 20, 2010

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

SB 1177

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

FLOREZ, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 20, 2010

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

SB 1321

Reports the same back with the recommendation: Do pass.

FLOREZ, Chair

Above bill ordered to second reading.

Committee on Health

Date of Hearing, April 14, 2010

Madam President: The Committee on Health, to which were referred:

SB 1063

SB 1236

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 measures ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing, April 14, 2010

Madam President: The Committee on Revenue and Taxation, to which was referred:

SB 1272

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

WOLK, Chair

Above measure ordered to second reading.

Committee on Education

Date of Hearing, April 14, 2010

Madam President: The Committee on Education, to which were referred:

SB 956

SB 1298

SB 1354

SB 1460



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

ROMERO, Chair

Above measures ordered to second reading.

Committee on Public Safety

Date of Hearing, April 20, 2010

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

SB 834	SB 945	SB 1018	SB 1034
SB 1049	SB 1296	SB 1399	AB 960

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.

Date of Hearing, April 13, 2010

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

SB 1055

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

LENO, Chair

Above measure ordered to second reading.

Date of Hearing, April 20, 2010

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

SB 1338	SB 1347	SB 1449
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Reports the same back with the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Committee on Rules

Senate Chamber, April 20, 2010

Madam President: The Committee on Rules has examined:

SCR 29

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 20th day of April, 2010, at 3 p.m.

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 103: By Senator Cedillo (Coauthors: Senators Calderon, Correa, Ducheny, Florez, Negrete McLeod, Oropeza, Padilla, and Romero) (Coauthors: Assembly Members Arambula, Caballero, Charles Calderon, Coto, De La Torre, De León, Hernandez, Mendoza, Nava, John A. Pérez, V. Manuel Pérez, Salas, Saldaña, Solorio, Torres, and Torrico)—Relative to Cinco de Mayo Week.

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

Senate Bill 962—An act to amend Section 2625 of, and to add Section 2626 to, the Penal Code, relating to prisoners.

Bill read second time.

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

Senate Bill 1201—An act to amend Section 290.06 of the Penal Code, relating to sex offenders.

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.

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

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.

Senate Bill 1279—An act to add Chapter 4.4 (commencing with Section 18259.7) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to sexually exploited minors.

Bill read second time.

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

Senate Bill 1428—An act to amend Sections 629.50, 629.51, 629.52, 629.53, 629.54, 629.56, 629.58, 629.60, 629.62, 629.64, 629.66, 629.68, 629.70, 629.72, 629.74, 629.76, 629.78, 629.80, 629.82, 629.86, 629.88,



629.89, 629.90, and 629.94 of the Penal Code, relating to intercepted communications.

Bill read second time.

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

Senate Bill 1334—An act to amend Sections 2810 and 2820 of the Fish and Game Code, relating to wildlife resources.

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 1446—An act to add Section 2081.2 to the Fish and Game Code, relating to endangered and threatened species.

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 1345—An act to amend and repeal Section 653o of the Penal Code, relating to prohibited importation of dead animal parts.

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 1125—An act to amend Sections 19867, 19911, and 19921 of, and to add Section 19843.5 to, the Business and Professions Code, and to amend Section 330.11 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, and re-referred to the Committee on Appropriations.

Senate Bill 1249—An act to add Chapter 2.01 (commencing with Section 10490.10) to Part 2 of Division 2 of the Public Contract Code, relating to state contracts.

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 1260—An act to amend Section 23396.1 of the Business and Professions Code, relating to alcoholic beverages.

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 998—An act to amend Section 1262.5 of, and to add Section 1264.5 to, the Health and Safety Code, and to add Division 13 (commencing with Section 22100) to, and to repeal Section 22104 of, the Welfare and Institutions Code, relating to long-term care services.

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 1036—An act to amend Section 19551.1 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

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

Senate Bill 1058—An act to amend Sections 331, 332, 1528, 3686, 4332, 4656, 4751, 4902, and 4903 of, to add Section 3953 to, to repeal Section 3685 of, and to repeal and add Sections 3684 and 4334 of, the Fish and Game Code, relating to hunting.

Bill read second time.

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

Senate Bill 1007—An act to amend Sections 82023, 82024, 82036, 82036.5, 84101, 84200.5, 84215, and 85204 of, to add Section 84200.9 to, and to repeal and add Section 84225 of, the Government Code, relating to the Political Reform Act of 1974.

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

Senate Bill 1477—An act to amend Sections 44508, 44542, 44543, and 44553 of the Health and Safety Code, relating to the California Pollution Control Financing Authority, and declaring the urgency thereof, to take effect immediately.

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

Senate Concurrent Resolution 69—Relative to the CHP Officer Richard D. Duvall Memorial Highway.

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



Senate Concurrent Resolution 83—Relative to the Officer Russell M. Miller, Sr. Memorial Highway.

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

Senate Bill 840—An act to amend Section 152.3 of the Penal Code, relating to reporting crimes.

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

Senate Bill 1176—An act to amend Section 17003 of the Food and Agricultural Code, relating to animals.

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

Senate Bill 1404—An act to amend Sections 13002, 13004, 13005, 13006, 18400, 19202, 19214, and 19214.5 of, to add Section 19212.5 to, and to repeal Section 13007 of, the Elections Code, relating to elections.

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

Senate Bill 1447—An act to amend Section 209 of the Welfare and Institutions Code, relating to juveniles.

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

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

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 1193—An act to add Section 17074.31 to the Education Code, relating to school facilities.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1193 pursuant to Joint Rule 58.

SENATOR LOWENTHAL

Permission of Rules Committee

Senate Chamber, April 20, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1193.

STEINBERG, Chair

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 1381—An act to amend Sections 48000 and 48010 of the Education Code, relating to the Kindergarten Readiness Pilot Program.

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 1432—An act to amend Section 17070.80 of the Education Code, relating to school facilities.

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 1011—An act to amend Sections 25658 and 25662 of, and to add Section 25667 to, the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

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

Senate Bill 1191—An act to amend Section 52055.765 of the Education Code, relating to education funding.

Bill read second time.

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

Senate Bill 1035—An act to amend Section 12811.1 of the Public Utilities Code, relating to utility charges.

Bill read second time.

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

Senate Bill 1098—An act to amend, repeal, and add Section 6106.7 of, to add Chapter 2.5 (commencing with Section 18900) to, and to repeal Chapter 2.5 (commencing with Section 18895) of, Division 8 of, the Business and Professions Code, relating to athlete agents, and making an appropriation therefor.

Bill read second time.

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



Senate Bill 1252—An act to amend Sections 51.2 and 51.10 of the Civil Code, and to amend Sections 12920, 12921, 12955, 12955.8, and 12987 of the Government Code, relating to housing discrimination.

Bill read second time.

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

Senate Bill 1268—An act to add Chapter 8 (commencing with Section 31490) to Division 17 of the Streets and Highways Code, relating to transportation.

Bill read second time.

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

Senate Bill 1476—An act to add Sections 387.7 and 714 to, and to repeal Section 393 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

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

Senate Concurrent Resolution 75—Relative to wildfires.

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

LEAVES OF ABSENCE FOR THE DAY

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

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, April 21, 2010.

PAULA K. ROSSETTO, Minute Clerk

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