

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, April 21, 2010

The Senate met at 9 a.m.
Hon. Loni Hancock, of the 9th 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, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland (waives per diem), Walters, Wolk, Wright, Wyland, and Yee—34.

Quorum present.

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 19 2010

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

ACR 31

ACR 144

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 31—Relative to California Holocaust Memorial Week.

Assembly Concurrent Resolution 144—Relative to Genocide Awareness and Prevention Month.

REPORTS OF STANDING COMMITTEES
Committee on Transportation and Housing

Senate Chamber, April 21, 2010

Madam President: The Chair of the Committee on Transportation and Housing, to which were referred:

SB 1341 SCR 37

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 1341—An act to amend Section 130232 of the Public Utilities Code, relating to public contracts.

Bill read second time.

Senate Concurrent Resolution 37—Relative to the Silverado Trail.

Resolution read second time.

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

Committee on Rules

Senate Chamber, April 21, 2010

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

SB 919

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 919—An act to amend Section 22000 of the Government Code, relating to public retirement.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 919 pursuant to Joint Rule 58.

SENATOR HOLLINGSWORTH



Permission of Rules Committee

Senate Chamber, April 21, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 919.

STEINBERG, Chair

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

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing, April 20, 2010

Madam President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

SB 1271

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.

HANCOCK, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 20, 2010

Madam President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which were referred:

SB 994

SB 1202

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

HANCOCK, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 20, 2010

Madam President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which were referred:

SB 1342

SB 1434

Reports the same back with the recommendation: Do pass.

HANCOCK, Chair

Above bills ordered to second reading.

Committee on Appropriations

Senate Chamber, April 21, 2010

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

SB 907

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

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

Date of Hearing, April 20, 2010

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

SB 964

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, April 20, 2010

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

SB 1215

SB 1453

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, April 20, 2010

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

SB 1392

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.

Date of Hearing, April 20, 2010

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

SB 1318

SB 1348

SB 1371



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 measures re-referred to the Committee on Appropriations.

Date of Hearing, April 20, 2010

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

SB 1229

Reports the same back with the recommendation: Do pass.

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing, April 20, 2010

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

SB 1046

SB 1069

SB 1304

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

CORBETT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 20, 2010

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

SB 950

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.

CORBETT, Chair

Above measure 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 1340

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 Public Safety

Date of Hearing, April 13, 2010

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

SB 1452

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

LENO, Chair

Above measure ordered to second reading.

Committee on Governmental Organization

Senate Chamber, April 21, 2010

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

AB 1152

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

Assembly Bill 1152—An act to amend Sections 19510, 19520, 19604, and 19616.51 of the Business and Professions Code, relating to horse racing, 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 Appropriations

Senate Chamber, April 21, 2010

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

SB 1401

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 1401—An act to amend Sections 14560, 14574, and 14581 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 Transportation and Housing

Senate Chamber, April 21, 2010

Madam President: The Chair of the Committee on Transportation and Housing, to which were referred:

AB 289

AB 1375

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

Assembly Bill 289—An act to amend Section 185024 of the Public Utilities Code, relating to high-speed rail, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1375—An act to repeal and add Division 19.5 (commencing with Section 185000) of the Public Utilities Code, relating to high-speed rail.

Bill read second time.

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

Committee on Local Government

Senate Chamber, April 21, 2010

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

SB 1039

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 1039—An act relating to harbors and ports.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, April 21, 2010

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

SB 1056

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 1056—An act to add Sections 17053.81 and 23623.3 to 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 Appropriations

Senate Chamber, April 19, 2010

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

SB 1050

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

KEHOE, Chair

Above measure ordered to second reading.

Committee on Energy, Utilities and Communications

Date of Hearing, April 20, 2010

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

SB 1462

Reports the same back with the recommendation: Do pass.

PADILLA, Chair

Above bill ordered to second reading.

Date of Hearing, April 20, 2010

Madam President: The Committee on Energy, Utilities and Communications, to which were referred:

SB 1375

SB 1435

SB 1467

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

PADILLA, 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 were referred:

SB 929

SB 1212

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

SIMITIAN, Chair

Above measures ordered to second reading.



Date of Hearing, April 19, 2010

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

SB 1241

SB 1291

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 measures ordered to second reading.

Committee on Transportation and Housing

Date of Hearing, April 20, 2010

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

SB 1245

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

LOWENTHAL, Chair

Above measure ordered to second reading.

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

Senate Bill 971—An act to add Article 5 (commencing with Section 125286.1) to Chapter 2 of Part 5 of Division 106 of the Health and Safety Code, relating to genetic disease services.

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 Appropriations.

Senate Bill 1119—An act to amend Sections 1812.540, 1812.542, 1812.543, and 1812.544 of the Civil Code, relating to health care.

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 Appropriations.

Senate Bill 1464—An act to amend Section 65919.10 of the Government Code, and to amend Section 21083.9 of the Public Resources Code, relating to land use planning.

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

Senate Bill 1230—An act to add Part 12.5 (commencing with Section 2696) to Division 2 of the Labor Code, relating to human trafficking.

Bill read second time.

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



Senate Bill 1244—An act to amend Section 13009 of, and to add Sections 928.7 and 929.5 to, the Unemployment Insurance Code, relating to employment taxes, and making an appropriation therefor.

Bill read second time.

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

Senate Bill 1386—An act to add Section 705 to the Military and Veterans Code, relating to the Department of Veterans Affairs.

Bill read second time.

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

Senate Bill 1387—An act to amend Sections 64, 66.5, 67, 68, and 72 of the Military and Veterans Code, relating to veterans.

Bill read second time.

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

Senate Bill 1057—An act to amend Section 6703 of the Government Code, relating to state holidays.

Bill read second time.

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

Senate Concurrent Resolution 54—Relative to the Kirk Lindsey Memorial Highway.

Resolution 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 977—An act to add Section 33214.7 to the Health and Safety Code, relating to redevelopment.

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

Senate Bill 1319—An act to amend Section 66451.10 of the Government Code, relating to subdivisions.

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

Senate Bill 1321—An act to add Section 7.95 to the Government Code, relating to the State Race Track Leasing Commission.

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



Senate Bill 1063—An act to amend Sections 12693.21 and 12693.615 of the Insurance Code, relating to health care coverage.

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 1236—An act to add and repeal Section 14133.55 of the Welfare and Institutions Code, relating to Medi-Cal.

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 1272—An act to add Section 40 to 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 956—An act to add Section 14025 to the Unemployment Insurance Code, relating to workforce development.

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 1298—An act to amend Section 42605 of the Education Code, relating to categorical education programs.

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 1354—An act to amend Sections 54690, 54691, and 54692 of the Education Code, relating to instructional programs.

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 1460—An act to amend Section 68130.5 of, and to add Sections 66021.6, 69508.5, and 76300.5 to, 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 1055—An act to add Section 11546.3 to the Government Code, relating to the State Chief Information Officer.

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 1338—An act to amend Section 487 of the Penal Code, relating to crimes.

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

Senate Bill 1347—An act to add Article 6.1 (commencing with Section 12610) to Chapter 6 of Title 2 of Part 4 of the Penal Code, relating to electronic control weapons.

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

Senate Bill 1449—An act to amend Section 11357 of the Health and Safety Code, and to amend Section 23222 of the Vehicle Code, relating to controlled substances.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 711—An act relating to local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 115**, **ACR 134**, and **ACR 144** were withdrawn from Committee and placed on the third reading file.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **SB 1428** was referred to the Committee on Appropriations.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the committee on Business, Professions, and Economic



Development to meet on Thursday, April 22 to vote on SB 1029 and SB 1111 without four days notice in the Daily File.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 585)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 585 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 585

Assembly Bill 585—An act to amend Section 3344.1 of the Civil Code, relating to deceased personalities.

Bill read.

Motion to Amend

Amendments to AB 585 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF SENATE BILLS

Senate Joint Resolution 24—Relative to violence against women.

Resolution read third time.

Amendments Adopted

Amendments to SJR 24 proposed by Senator Yee were read and adopted and the measure ordered printed, engrossed, and to second reading.

LEAVES OF ABSENCE FOR THE DAY

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

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

The following Senators were granted leaves of absence for the day due to illness: Senators Cedillo and Cox.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, April 22, 2010.

PAULA K. ROSSETTO, Minute Clerk

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