

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, April 28, 2010

The Senate met at 9 a.m.

Hon. Fran Pavley, of the 23rd 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, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Pavley, Price, Romero, Runner, Simitian, Steinberg, Walters, Wolk, Wright, and Wyland—31.

Quorum present.

(NOTE: Senators Corbett, Correa, and Wiggins will be excused this day on legislative business, Senators Harman, Padilla, and Strickland will be excused this day on personal business, and Senator Yee will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Date of Hearing, April 27, 2010

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

SB 1187

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

CORBETT, Chair

Above measure re-referred to the Committee on Health.



Committee on Appropriations

Senate Chamber, April 28, 2010

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

SB 1225

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 1225—An act to amend Sections 8335.1, 8335.4, 8335.5, and 8335.7 of the Education Code, relating to child care.

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, April 28, 2010

Madam President: The Senate Rules Committee made the following changes to Select Committees:

- Appointed Senators Alquist, Huff, and Wyland as members to the Senate Select Committee on California Education's Race to the Top to fill all but two vacancies
- Appointed Senator Cedillo as a member to the Senate Select Committee on Autism and Related Disorders to fill the existing vacancy
- Appointed Senators DeSaulnier, Dutton, Harman, Huff, Oropeza, and Simitian as members to the Senate Select Committee on California Jobs Creation and Retention to fill the existing vacancies
- Reduced the membership of the Senate Select Committee on Public Records and Open Meeting Laws from 11 to 7 members and appointed Senators Ashburn, Calderon, DeSaulnier, Huff, Negrete McLeod, and Wyland as members to fill the existing vacancies

STEINBERG, Chair

Committee on Human Services

Senate Chamber, April 28, 2010

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

AB 537

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

Assembly Bill 537—An act to add Section 10072.1 to the Welfare and Institutions Code, relating to public benefits.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, April 28, 2010

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

AB 1570

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

Assembly Bill 1570—An act to add Section 30607.8 to the Public Resources Code, relating to coastal development, 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 Rules

Senate Chamber, April 28, 2010

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

SB 1243

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 1243—An act to add Article 6 (commencing with Section 92060) to Chapter 1 of Part 57 of Division 9 of Title 3 of the Education Code, relating to the University of California.

Bill read second time.

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

Senate Chamber, April 28, 2010

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

SB 984



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 984—An act to amend Section 1748.5 of the Civil Code, relating to credit cards.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 984 pursuant to Joint Rule 58.

SENATOR HOLLINGSWORTH

Permission of Rules Committee

Senate Chamber, April 28, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 984.

STEINBERG, Chair

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

Committee on Appropriations

Senate Chamber, April 28, 2010

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

SB 882

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 882—An act to add Sections 16005 and 16106 to the Business and Professions Code, relating to tobacco, 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 Health

Senate Chamber, April 28, 2010

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

SB 1071

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

ALQUIST, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 1071—An act to amend Section 11165 of, and to add and repeal Section 11165.05 of, the Health and Safety Code, and to add and repeal Section 17054.8 of, and to add and repeal Part 33 (commencing with Section 70001) of Division 2 of, the Revenue and Taxation Code, relating to prescription drugs.

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, April 28, 2010

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she not be confirmed:

Jeannie J. Oropeza, Member, State Board of Education (3–1)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

Committee on Appropriations

Date of Hearing, April 26, 2010

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

SB 1019

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

KEHOE, Chair

Above measure ordered to second reading.

Committee on Local Government

Senate Chamber, April 28, 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 to add Section 19.5 to the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), 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 Business, Professions and Economic Development

Senate Chamber, April 28, 2010

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

SB 1043

SB 1282

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

NEGRETE McLEOD, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1043—An act to add Chapter 2.7 (commencing with Section 18900) to Division 8 of the Business and Professions Code, relating to personal trainers.

Bill read second time.

Senate Bill 1282—An act to add Chapter 5.2 (commencing with Section 2529.50) to Division 2 of the Business and Professions Code, relating to healing arts.

Bill 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 28, 2010

Madam President: The Committee on Rules has examined:

SB 183

And reports that the same has been correctly enrolled, and presented to the Governor on the 28th day of April, 2010, at 2:45 p.m.

STEINBERG, Chair

Committee on Appropriations

Senate Chamber, April 28, 2010

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

SB 1215

SB 1329

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 1215—An act to add and repeal Chapter 10.2 (commencing with Section 4529.25) of Division 5 of the Government Code, relating to public contracts.

Bill read second time.



Senate Bill 1329—An act 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 were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, April 28, 2010

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

AB 139

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

Assembly Bill 139—An act to amend Section 25081 of the Government Code, relating to local government.

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 1157—An act to add Section 17615 to the Education Code, relating to pesticides.

Bill read second time.

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

Senate Bill 1008—An act to amend Sections 6738 and 8729 of the Business and Professions Code, and to amend Sections 16101, 16956, and 16959 of the Corporations Code, relating to the practice of engineering and land surveying.

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 1113—An act to amend Sections 19048, 19334, and 19346 of the Revenue and Taxation Code, relating to taxation.

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 1146—An act to amend Section 116.230 of the Code of Civil Procedure, and to amend Sections 22165 and 22166 of, and to add and repeal Article 3.5 (commencing with Section 22348) of Chapter 2 of Division 9 of, the Financial Code, relating to finance lenders.

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 1181—An act to amend Sections 8030.2, 8030.4, 8030.6, and 8030.8 of, and to add and repeal Section 8030.5 of, the Business and Professions Code, relating to shorthand reporters, 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 1269—An act to add Section 12177.5 to the Government Code, relating to liability.

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 1275—An act to amend Section 2923.5 of, and to add and repeal Sections 2923.4, 2923.7, 2923.73, and 2923.75 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, and re-referred to the Committee on Appropriations.

Senate Bill 1411—An act to add Section 528.5 to the Penal Code, relating to impersonation.

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 1417—An act to amend Sections 10401, 14501, and 14502 of, to add Section 14504 to, and to repeal Section 10402 of, the



Corporations Code, and to amend Sections 11105 and 13300 of the Penal Code, relating to corporations.

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 1470—An act to amend Section 5216.1 of, and to add Section 5412.5 to, the Business and Professions Code, relating to outdoor advertising.

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 1351—An act to add Sections 11346.6 and 11346.65 to the Government Code, relating to regulations.

Bill read second time.

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

Senate Bill 899—An act to amend Section 19596.3 of the Business and Professions Code, relating to horse racing.

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

Senate Bill 1072—An act to amend Section 19605.73 of the Business and Professions Code, relating to horse racing.

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

Senate Bill 1482—An act to amend Section 8880.4 of the Government Code, relating to the California State Lottery.

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

Senate Bill 1483—An act to amend Section 12012.90 of the Government Code, relating to gaming.

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

Senate Bill 1484—An act to amend Section 326.3 of the Penal Code, relating to gambling.

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

Senate Bill 1457—An act to add Section 14661.2 to the Government Code, relating to public 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 1439—An act to amend Section 19605.25 of the Business and Professions Code, relating to horse racing.

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 888—An act to amend Sections 111222 and 111223 of, to amend the heading of Article 14 (commencing with Section 111222) of Chapter 5 of Part 5 of Division 104 of, and to add Section 114429.5 to, the Health and Safety Code, relating to food safety.

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 1237—An act to add Section 115111 to the Health and Safety Code, relating to public health.

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 1240—An act to add Section 32121.6 to the Health and Safety Code, relating to local health care districts.

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 1118—An act to add Section 84207 to the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

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

Senate Bill 1346—An act to amend Section 10700 of, and to add Sections 10708, 10709, 10710, 10711, and 10712 to, the Elections Code, and to amend Section 1773 of the Government Code, relating to elections.

Bill read second time.

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



Senate Bill 1083—An act to amend Section 1250.8 of the Health and Safety Code, relating to health facilities.

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 1163—An act to amend Section 1389.25 of, to add Sections 1389.45 and 1389.46 to, and to add and repeal Section 1389.26 of, the Health and Safety Code, and to amend Section 10113.9 of, to add Sections 10113.96 and 10113.97 to, and to add and repeal Section 10113.91 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 1200—An act to amend Section 1367.03 of the Health and Safety Code and to amend Section 10133.5 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 955—An act to amend Sections 44929.21, 44936, 44944, 44945, 44955, and 44956 of, to add Section 44955.1 to, and to repeal Section 44949 of, the Education Code, relating to school districts, 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, engrossed, and to third reading.

Senate Bill 1255—An act to amend Section 49431.5 of the Education Code, relating to schools.

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 1396—An act to add and repeal Chapter 3 (commencing with Section 63060) of Part 35 of Division 4 of Title 2 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, and re-referred to the Committee on Appropriations.

Senate Bill 1473—An act to add Section 15281 to 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, engrossed, and to Consent Calendar.

Senate Bill 969—An act to add Chapter 3.5 (commencing with Section 66150) to 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 1075—An act to amend Sections 821 and 824 of the Military and Veterans Code, relating to military service.

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 1278—An act to repeal Section 60200.7 of, and to repeal and add Section 60200.1 of, the Education Code, relating to instructional materials, 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 Appropriations.

Senate Bill 1290—An act to add Section 51223.3 to the Education Code, relating to physical 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 1380—An act to amend Section 101012 of, and to add Section 17078.73 to, 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 1440—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 1451—An act to amend Section 60050 of, and to add Section 60020.8 to, the Education Code, relating to instructional materials.

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 1127—An act to add Section 712 to 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 1320—An act to amend Section 640 of the Penal Code, and to amend Sections 99580 and 99581 of the Public Utilities Code, relating to transportation.

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

Senate Bill 1446—An act relating to endangered and threatened species.

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

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, May 3

SB 1087	SB 895	SB 1265	SB 1256
SB 1253	SB 938	SB 1372	SB 1003
SB 904	SB 947	SB 1394	SB 1344
SB 1155	SB 1004	SB 1401	
SB 1242	SB 1022	SB 1437	
SB 1254	SB 1167	SB 1353	



LEAVES OF ABSENCE FOR THE DAY

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

The following Senators were granted leaves of absence for the day on personal business: Senators Harman, Padilla, and Strickland.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, April 29, 2010.

PAULA K. ROSSETTO, Minute Clerk

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