

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED SIXTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, May 20, 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, Alquist, Ashburn, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Pavley, Romero, Runner, Steinberg, Walters, Wolk, Wright, Wyland, and Yee—26.

Quorum present.

*(NOTE: Senators Calderon, Cedillo, Corbett, Florez, Hancock, Price, Simitian, and Wiggins will be excused this day on legislative business, Senators Cogdill, Padilla, and Strickland will be excused this day on personal business, and Senator Oropeza will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
May 20, 2010

*The Honorable Darrell Steinberg  
Senate President pro Tempore*

Dear Senator Steinberg:

I hereby designate Michael Prosio, John Moffatt, Jacque Roberts, and Giorgos Kazanis, as members of my staff who may sign for enrolled bills



pursuant to Section 9509 of the Government Code. This letter updates the letter February 12, 2009.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER

#### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 20, 2010

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

SCR 80

SCR 82

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

Assembly Chamber, May 20, 2010

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 838

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, May 20, 2010

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

AB 1671	AB 2163	AB 2523	AB 2394
AB 1747	AB 2164	AB 2572	AB 2404
AB 1753	AB 2216	AB 2667	AB 2541
AB 1775	AB 2218	AB 2698	AB 2629
AB 1817	AB 2221	AB 1667	AB 2671
AB 1900	AB 2296	AB 1709	AB 2683
AB 1913	AB 2325	AB 1944	AB 2694
AB 1918	AB 2336	AB 2036	AB 2703
AB 2022	AB 2458	AB 2151	AB 2717
AB 2102	AB 2508	AB 2213	AB 2762

#### FIRST READING OF ASSEMBLY MEASURES

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

**Assembly Bill 1671**—An act to amend Section 25060 of the Government Code, relating to county government.

**Assembly Bill 1747**—An act to amend Section 185036 of the Public Utilities Code, relating to high-speed rail.

**Assembly Bill 1753**—An act to amend Sections 330a, 330b, and 330.1 of the Penal Code, relating to slot machines.

**Assembly Bill 1775**—An act to amend Section 37222 of, to add Sections 37222.10, 37222.11, 37222.12, 37222.13, 37222.14, and 37222.15 to, and to repeal Section 37222.5 of, the Education Code, and to add Section 6722 to the Government Code, relating to public schools.

**Assembly Bill 1817**—An act to add Section 5023.2 to the Penal Code, relating to corrections.

**Assembly Bill 1900**—An act to amend Sections 5007.7 and 6030 of the Penal Code, and to amend Sections 222 and 1774 of the Welfare and Institutions Code, relating to inmates.

**Assembly Bill 1913**—An act to add and repeal Section 22204.5 of the Education Code, and to add and repeal Section 20139 of the Government Code, relating to retirement.

**Assembly Bill 1918**—An act to amend Sections 8281, 8283, 8284, and 8285 of the Public Utilities Code, relating to telecommunications.

**Assembly Bill 2022**—An act to amend, repeal, and add Sections 10102 and 10103.5 of the Insurance Code, relating to property insurance.

**Assembly Bill 2102**—An act to amend Section 977 of the Penal Code, relating to criminal procedure.

**Assembly Bill 2163**—An act to amend Section 4590 of the Public Resources Code, relating to forest practices, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 2164**—An act to amend Section 84308 of the Government Code, relating to the Political Reform Act of 1974.

**Assembly Bill 2216**—An act to amend Section 7108.5 of the Business and Professions Code, to amend Section 3252 of the Civil Code, and to amend Sections 10262 and 10262.5 of the Public Contract Code, relating to works of improvement.

**Assembly Bill 2218**—An act to amend Sections 6221 and 6228 of the Penal Code, relating to restitution centers.

**Assembly Bill 2221**—An act to amend Section 11834.02 of the Health and Safety Code, relating to alcoholism or drug abuse treatment.

**Assembly Bill 2296**—An act to amend Section 25782 of the Public Resources Code, relating to energy.

**Assembly Bill 2325**—An act to amend Section 2945.1 of the Civil Code, relating to mortgage foreclosure consultants.

**Assembly Bill 2336**—An act to add Section 85308.5 to the Water Code, relating to the Delta.

**Assembly Bill 2458**—An act to amend Section 17942 of the Revenue and Taxation Code, relating to taxation.



**Assembly Bill 2508**—An act to amend Section 53545.13 of the Health and Safety Code, relating to housing.

**Assembly Bill 2523**—An act to amend Sections 3099.2 and 3099.4 of the Labor Code, relating to apprenticeship.

**Assembly Bill 2572**—An act to amend Sections 5360, 5373.1, 5374, 5374.5, 5378, 5378.6, 5385, 5392, and 5411.5 of the Public Utilities Code, relating to charter-party carriers of passengers.

**Assembly Bill 2667**—An act to amend Section 27363.5 of the Vehicle Code, relating to vehicles.

**Assembly Bill 2698**—An act to amend Section 10618.6 of the Welfare and Institutions Code, relating to public social services.

**Assembly Bill 1667**—An act to add Section 31485.16 to the Government Code, relating to public employment, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1709**—An act to amend Sections 9203, 9211, 9212, 9221, 9231, 9241, 9242, 9244, 9245, 9251, 9261, 9263, 9264, 9267, and 9268 of, to amend the heading of Chapter 1.5 (commencing with Section 9201) of Part 1 of Division 5 of, to amend the heading of Article 5 (commencing with Section 9241) of Chapter 1.5 of Part 1 of Division 5 of, to add Section 9210 to, to add the heading of Article 2 (commencing with Section 9210) to Chapter 1.5 of Part 1 of Division 5 of, to add, amend, and renumber Section 9204 of, to repeal Section 9243 of, to repeal the heading of Article 2 (commencing with Section 9211) of Chapter 1.5 of Part 1 of Division 5 of, and to repeal and add Section 9205 of, the Food and Agricultural Code, relating to biologics.

**Assembly Bill 1944**—An act to amend Section 5007 of, and to add Section 5007.3 to, the Vehicle Code, relating to vehicles.

**Assembly Bill 2036**—An act to amend Section 3186 of the Civil Code, relating to works of improvement.

**Assembly Bill 2151**—An act to amend Section 557.5 of the Insurance Code, and to amend Section 16051 of the Vehicle Code, relating to insurance.

**Assembly Bill 2213**—An act to amend Sections 871.5, 872, and 878 of the Public Utilities Code, relating to telecommunications.

**Assembly Bill 2394**—An act to amend Sections 262, 262.2, 262.4, 687.010, 699.060, 699.510, 699.520, 699.560, 701.030, 701.660, 706.026, 706.101, 712.020, and 1993 of, and to add Chapter 2 (commencing with Section 263) to Title 4 of Part 1 of, the Code of Civil Procedure, relating to civil procedure.

**Assembly Bill 2404**—An act to amend Sections 481 and 730 of the Insurance Code, relating to insurance.



**Assembly Bill 2541**—An act to amend Section 120130 of the Health and Safety Code, relating to public health.

**Assembly Bill 2629**—An act to amend Sections 1507.3, 1566.45, and 1568.0832 of the Health and Safety Code, relating to health facilities.

**Assembly Bill 2671**—An act to amend Sections 17941 and 23153 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Assembly Bill 2683**—An act to amend Sections 2544, 2553.6, 2559.4, and 2564 of, and to add Section 3070.1 to, the Business and Professions Code, relating to optometry.

**Assembly Bill 2694**—An act to amend Section 60010 of, and to add Section 60052 to, the Education Code, relating to instructional materials.

**Assembly Bill 2703**—An act to add Section 8879.79 to the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 2717**—An act to amend Section 787.1 of the Insurance Code, relating to insurance.

**Assembly Bill 2762**—An act to amend Sections 65583 and 65589.5 of the Government Code, and to amend Sections 33334.3, 33440, 33449, 50517.10, 50705, and 53545 of, to amend and renumber the heading of Chapter 8.5 (commencing with Section 50705) of Part 2 of Division 31 of, and to repeal Section 50802.1 of, the Health and Safety Code, relating to housing, and making an appropriation therefor.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

State Capitol, May 19, 2010

The Committee on Rules has referred the following measures to committee:

**Banking, Finance and Insurance**—AB 2535, AB 2746, AB 2780, AB 2789.

**Business, Professions and Economic Development**—AB 1736, AB 1980, AB 1996, AB 2128, AB 2361, AB 2419, AB 2600, AB 2798.

**Education**—AB 1891, AB 1933, AB 1997.

**Elections, Reapportionment and Constitutional Amendments**—AB 1921, AB 2007, AB 2357, AB 2467, AB 2616.

**Energy, Utilities and Communications**—AB 1923, AB 2769.

**Environmental Quality**—AB 1846, AB 2224, AB 2328.

**Food and Agriculture**—AB 2240, AB 2612, AB 2686.



**Governmental Organization**—AB 1888, AB 2031, AB 2134, AB 2275, AB 2279, AB 2610.

**Health**—AB 1759, AB 2000, AB 2300, AB 2675, AB 2689, AB 2786.

**Human Services**—AB 1914, AB 2274, AB 2418, AB 2474.

**Judiciary**—AB 1838, AB 2028, AB 2116, AB 2487, AB 2619, AB 2700, AB 2706, AB 2765.

**Labor and Industrial Relations**—AB 2187, AB 2433.

**Local Government**—AB 1755, AB 2080, AB 2103, AB 2182, AB 2488, AB 2530, AB 2672, AB 2795.

**Natural Resources and Water**—AB 1732, AB 2351.

**Public Employment and Retirement**—AB 1902.

**Public Safety**—AB 1813, AB 2210, AB 2212, AB 2358, AB 2626.

**Revenue and Taxation**—AB 1983, AB 2078, AB 2177.

**Rules**—AB 1679, AB 2149, AB 2417, AB 2615.

**Transportation and Housing**—AB 1648, AB 1726, AB 1760, AB 1867, AB 2144, AB 2147, AB 2701, AB 2729.

**Veterans Affairs**—AB 2156, AB 2309, AB 2651, AB 2783.

The Committee on Rules has re-referred the following measures to committees:

**Appropriations**—SB 910.

**Education**—AB 35, AJR 39.

**Judiciary**—AJR 16 AJR 19, AJR 37.

**Public Safety**—AB 15.

**Revenue and Taxation**—AJR 29.

**Transportation and Housing**—ACR 159.

The Committee on Rules has referred the following measures to two committees:

**Business, Professions and Economic Development and Education**—AB 1937.

**Elections, Reapportionment and Constitutional Amendments and Judiciary**—AB 2101.

**Energy, Utilities and Communications and Environmental Quality**—AB 2037, AB 2498.



**Environmental Quality and Business, Professions and Economic Development—AB 2283.**

**Environmental Quality and Natural Resources and Water—AB 2202.**

**Food and Agriculture and Environmental Quality—AB 2137.**

**Local Government and Judiciary—AB 1770.**

**Public Employment and Retirement and Veterans Affairs—AB 1729.**

**Transportation and Housing and Rules—AB 2001.**

**Veterans Affairs and Judiciary—AB 2365.**

The Committee on Rules has re-referred the following measures to two committees:

**Energy, Utilities and Communications and Revenue and Taxation—AJR 30.**

**Environmental Quality and Rules—SB 1248.**

**Committee on Health**

Senate Chamber, May 20, 2010

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

AB 718

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**

**Assembly Bill 718**—An act to amend Sections 1399.805, 1399.811, 1399.813, and 1399.815 of the Health and Safety Code, and to amend Sections 10901.3, 10901.9, 10902.1, and 10902.3 of the Insurance Code, relating to health care coverage.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 718 pursuant to Joint Rule 58.

ASSEMBLY MEMBER EMMERSON

**Permission of Rules Committee**

Senate Chamber, May 20, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 718.

STEINBERG, Chair

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



**Committee on Local Government**

Senate Chamber, May 20, 2010

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

AB 987

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 987**—An act to amend Sections 65460.1, 65460.2, and 65460.4 of, and to add Sections 53395.7.5 and 65460.2.5 to, the Government Code, relating to transit facilities.

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, May 20, 2010

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

SB 1147

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 1147**—An act to add Chapter 4.5 (commencing with Section 13839) to Title 6 of Part 4 of the Penal Code, relating to public safety.

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, May 20, 2010

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

AB 155

SB 890

SB 900

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**

**Assembly Bill 155**—An act to amend Section 53760 of, and to add Sections 8860, 8861, 8862, 8863, 8864, and 8865 to, the Government Code, relating to local government.

Bill read second time.

**Senate Bill 890**—An act to amend Sections 1363 and 1389.25 of, to add Sections 1367.001 and 1378.1 to, and to add Article 4.1 (commencing with Section 1366.10) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to amend Sections 10113.9, 10603, and 10604 of, to add Sections 10112.56, 10112.7, and 10604.2 to, and to add Chapter 9.6 (commencing with Section 10960) to Part 2 of Division 2 of, the Insurance Code, relating to health care coverage.

Bill read second time.

**Senate Bill 900**—An act to add Division 114 (commencing with Section 135000) to the Health and Safety Code, relating to health care coverage.

Bill read second time.

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

**Committee on Judiciary**

Senate Chamber, May 20, 2010

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

AB 655

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

CORBETT, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 655**—An act to amend Sections 21702.5, 21705, 21707, 21708, and 21709 of, and to repeal Sections 21706 and 21710 of, the Business and Professions Code, relating to self-service storage facilities.

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, May 20, 2010

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

AB 633



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 633**—An act to amend Section 2636 of the Penal Code, relating to the Department of Corrections and Rehabilitation.

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, May 20, 2010

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

SB 1064

SB 1236

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 1064**—An act to amend Sections 125290.20, 125290.30, 125290.40, 125290.45, and 125290.60 of, and to add Sections 125290.80, 125291.21, and 125291.90 to, the Health and Safety Code, relating to stem cells.

Bill read second time.

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

**Committee on Local Government**

Senate Chamber, May 20, 2010

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

AB 133

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 133**—An act to amend Section 66484 of the Government Code, relating to subdivisions.

Bill read second time.

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

**Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, May 20, 2010

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

AB 2101

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

HANCOCK, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 2101**—An act to add Sections 18112 and 18604 to the Elections Code, relating to elections.

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 1399**—An act to amend Section 3041 of, and to add Sections 2065 and 3550 to, the Penal Code, and to add Section 10755 to the Welfare and Institutions Code, relating to parole.

Bill read second time.

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

**Senate Bill 1453**—An act to add Section 1656.6 to the Vehicle Code, relating to vehicles.

Bill read second time.

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



**Senate Bill 953**—An act to amend Section 2397 of the Business and Professions Code, relating to healing arts.

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

**Senate Bill 1252**—An act to amend Sections 51.2 and 51.10 of the Civil Code, and to amend Sections 12920, 12921, 12927, 12955, 12955.8, and 12987 of the Government Code, relating to housing discrimination.

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

**Senate Bill 1410**—An act to amend Section 2177 of, and to add Sections 2177.5 and 2177.7 to, the Business and Professions Code, relating to medicine, and declaring the urgency thereof, to take effect immediately.

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

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AJR 3** was withdrawn from the Committee on Elections, Reapportionment and Constitutional Amendments and re-referred to the Committee on Rules; and

**AB 1596** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.

#### **RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10(c), **AB 34** was referred to the Committee on Rules.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Calderon, Cedillo, Corbett, Florez, Hancock, Price, Simitian, and Wiggins.

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

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

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 1 p.m., Monday, May 24, 2010.

PAULA K. ROSSETTO, Minute Clerk

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