

## CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED TWENTY-FIFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 7, 2010

The Senate met at 9 a.m.

Hon. Alan Lowenthal, of the 27th 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, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Leno, Lowenthal, Negrete McLeod, Padilla, Price, Romero, Runner, Simitian, Steinberg, Walters, Wolk, Wright, and Wyland—26.

Quorum present.

*(NOTE: Senators Aanestad, Correa, Florez, Liu, Pavley, Wiggins, and Yee will be excused this day on legislative business, Senators Denham, Kehoe, and Strickland will be excused this day on personal business, and Senators Cox and Oropeza will be excused this day due to illness.)*



**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 7, 2010

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

AB 1659	AB 1950	AB 2320	AB 2597
AB 1665	AB 1960	AB 2354	AB 2599
AB 1676	AB 1975	AB 2366	AB 2605
AB 1699	AB 1987	AB 2385	AB 2620
AB 1763	AB 2047	AB 2479	AB 2637
AB 1810	AB 2058	AB 2483	AB 2650
AB 1827	AB 2130	AB 2514	AB 2669
AB 1830	AB 2143	AB 2529	AB 2726
AB 1844	AB 2223	AB 2536	AB 2739
AB 1871	AB 2256	AB 2570	AB 2752
AB 1899	AB 2313	AB 2592	AB 2758

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 for assignment:

**Assembly Bill 1659**—An act to add Article 7.5 (commencing with Section 9147.7) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to state government.

**Assembly Bill 1665**—An act to amend Section 3543.2 of the Government Code, relating to school employees.

**Assembly Bill 1676**—An act to add Section 1065 to the Government Code, relating to elected officials.

**Assembly Bill 1699**—An act to add Section 1232 to the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1763**—An act to amend Sections 12301.6 and 12305.86 of, and to add Section 12305.87 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1810**—An act to amend Section 21628.2 of the Business and Professions Code, and to amend Sections 11106, 12001, 12021.3, 12071, 12072, 12073, 12076, 12077, 12077.5, 12078, and 12082 of the Penal Code, relating to firearms.

**Assembly Bill 1827**—An act to add and repeal Section 14236 of the Unemployment Insurance Code, relating to workforce development.

**Assembly Bill 1830**—An act to add Section 185036.1 to the Public Utilities Code, relating to high-speed rail.

**Assembly Bill 1844**—An act to amend Sections 220, 264, 264.1, 286, 288, 288a, 289, 667.61, 3000, and 3000.1 of, and to add Section 647.9 to, the Penal Code, relating to sex crimes.

**Assembly Bill 1871**—An act to add Section 11580.24 to the Insurance Code, relating to motor vehicle insurance coverage.

**Assembly Bill 1899**—An act to add Sections 11004.4, 11004.5, 11004.6, and 11004.7 to the Government Code, relating to state agencies.

**Assembly Bill 1950**—An act to amend Sections 14502.1, 47604, 47605, 47605.6, and 47607 of, and to add Section 47630.6 to, the Education Code, relating to charter schools.

**Assembly Bill 1960**—An act to add Article 17 (commencing with Section 43121) to Chapter 2 of Division 17 of the Food and Agricultural Code, relating to agriculture.

**Assembly Bill 1975**—An act to add Chapter 8.5 (commencing with Section 537) to Division 1 of the Water Code, relating to water.

**Assembly Bill 1987**—An act to amend Sections 31460 and 31461 of, to add Sections 7500.5, 31460.2, 31461.8, 31539.5, 31540, 31541, 31569, 31680.10, 45309.6, 45309.7, 50871.6, and 50871.7 to, and to repeal and add Section 31539 of, the Government Code, relating to public retirement systems.

**Assembly Bill 2047**—An act to amend Section 66205 of the Education Code, relating to public postsecondary education.

**Assembly Bill 2058**—An act to amend Sections 1266, 1267, 1269, 1271.5, and 1272 of, to amend the heading of Article 1.5 (commencing with Section 1266) of Chapter 5 of Part 1 of Division 1 of, and to add Sections 1266.1 and 1269.1 to, the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

**Assembly Bill 2130**—An act to amend Sections 22, 101.1, 1917.2, 2001, 2450.3, 2460, 2531, 2569, 2570.19, 2602, 2607.5, 2701, 2841, 3010.5, 3502.1, 3504, 3685, 3710, 4001, 4615, 4800, 4809.8, 4989, 4990.24, 5000, 5510, 5810, 6510, 6710, 7304, 7501, 8710, 9882, 11506, and 22259 of, to amend and repeal Section 1601.1 of, to add Sections 7200.2, 7611, and 9815 to, and to repeal Division 1.2 (commencing with Section 473) of, the Business and Professions Code, and to amend Sections 9148.51 and 9148.52 of the Government Code, relating to professions and vocations.

**Assembly Bill 2143**—An act relating to workforce development.

**Assembly Bill 2223**—An act to add Section 3004.7 to the Fish and Game Code, relating to wildlife.



**Assembly Bill 2256**—An act to add Chapter 9 (commencing with Section 119420) to Part 15 of Division 104 of the Health and Safety Code, relating to flushable products.

**Assembly Bill 2313**—An act to add Section 21083.03 to the Public Resources Code, relating to public resources.

**Assembly Bill 2320**—An act to amend Sections 47605 and 47607 of, and to repeal Section 47605.5 of, the Education Code, relating to charter schools.

**Assembly Bill 2354**—An act relating to public health.

**Assembly Bill 2366**—An act to amend Sections 42238, 42238.485, and 42241.2 of the Education Code, relating to education finance.

**Assembly Bill 2385**—An act to add and repeal Article 3.7 (commencing with Section 78265) of Chapter 2 of Part 48 of Division 7 of Title 3 of the Education Code, relating to public postsecondary education.

**Assembly Bill 2479**—An act to amend Section 1708.8 of the Civil Code, relating to stalking.

**Assembly Bill 2483**—An act to repeal the Santa Clara Valley Water District Act (Chapter 1405 of the Statutes of 1951) and to add Division 50 (commencing with Section 100000) to the Water Code, relating to the Santa Clara Valley Water District.

**Assembly Bill 2514**—An act to amend Sections 9615 and 9620 of, and to add Chapter 7.7 (commencing with Section 2835) to Part 2 of Division 1 of, the Public Utilities Code, relating to energy.

**Assembly Bill 2529**—An act to add and repeal Section 11346.35 of the Government Code, relating to regulations.

**Assembly Bill 2536**—An act to amend Sections 53533 and 53545 of the Health and Safety Code, relating to housing.

**Assembly Bill 2570**—An act to add Section 612 to the Unemployment Insurance Code, relating to employment.

**Assembly Bill 2592**—An act to add and repeal Article 14.7 (commencing with Section 8310) to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to early childhood education.

**Assembly Bill 2597**—An act to amend Section 11713.3 of the Vehicle Code, relating to vehicles.

**Assembly Bill 2599**—An act to add Article 5.15 (commencing with Section 14165.50) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.



**Assembly Bill 2605**—An act to amend Section 14670.13 of the Government Code, relating to state property.

**Assembly Bill 2620**—An act to add Section 149.05 to the Streets and Highways Code, relating to transportation.

**Assembly Bill 2637**—An act to add and repeal Section 1171.6 of the Harbors and Navigation Code, relating to bay pilots.

**Assembly Bill 2650**—An act to add Section 11362.768 to the Health and Safety Code, relating to medical marijuana.

**Assembly Bill 2669**—An act to add Section 83002.2 to the Water Code, relating to water.

**Assembly Bill 2726**—An act to amend Section 14230 of the Unemployment Insurance Code, relating to employment development.

**Assembly Bill 2739**—An act to add Section 8670.15 to the Government Code, relating to oil spills.

**Assembly Bill 2752**—An act to amend Sections 66739.5 and 66740 of the Education Code, relating to public postsecondary education.

**Assembly Bill 2758**—An act to amend the heading of Article 5 (commencing with Section 8281) of Chapter 7 of Division 4 of, and to amend Sections 8281, 8283, and 8286 of, the Public Utilities Code, relating to Public Utilities Commission regulated corporations.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Public Safety**

Senate Chamber, June 7, 2010

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

AB 1239

AB 2009

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 1239**—An act to add Section 2062.5 to the Penal Code, relating to prisoners.

Bill read second time.

**Assembly Bill 2009**—An act to amend Section 76104.6 of the Government Code, relating to county penalties.

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, June 7, 2010

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

AB 1263      AB 352      AB 2743      AB 953

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 1263**—An act to amend Section 1162 of the Code of Civil Procedure, relating to unlawful detainer.

Bill read second time.

**Assembly Bill 352**—An act to amend Section 33353 of the Education Code, relating to public records.

Bill read second time.

**Assembly Bill 2743**—An act to add Section 1942.7 to the Civil Code, relating to rental property.

Bill read second time.

**Assembly Bill 953**—An act to amend Section 1808.22 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

**Committee on Environmental Quality**

Senate Chamber, June 7, 2010

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

AB 1507

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

SIMITIAN, Chair

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

**Assembly Bill 1507**—An act to amend Sections 42101.1, 42101.3, 42102, 42103, 42106, and 42107 of, to add Section 42101.4 to, to repeal Sections 42101.2 and 42105 of, and to repeal and add Section 42101 of, the Public Resources Code, relating to hazardous materials.

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, June 4, 2010

Mr. President: The Committee on Rules has examined:

SCR 103

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 4th day of June, 2010, at 11 a.m.

STEINBERG, Chair

**Committee on Public Employment and Retirement**

Senate Chamber, June 7, 2010

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

AB 2742

AB 1856

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

CORREA, Chair

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

**Assembly Bill 2742**—An act to add Section 19991.14 to the Government Code, relating to public employment.

Bill read second time.

**Assembly Bill 1856**—An act to amend Section 21050 of the Government Code, relating to public employees' retirement.

Bill read second time.

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

**Committee on Business, Professions and Economic Development**

Senate Chamber, June 7, 2010

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

AB 1767

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**

**Assembly Bill 1767**—An act to add Section 2316 to the Business and Professions Code, relating to physicians and surgeons.

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**

Senate Chamber, June 7, 2010

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

AB 2137

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

FLOREZ, Chair

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

**Assembly Bill 2137**—An act to amend, repeal, and add Sections 14540 and 14542 of the Food and Agricultural Code, relating to fertilizer.

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, June 7, 2010

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

AB 2464

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 2464**—An act to amend Section 12814.6 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 Local Government**

Senate Chamber, June 7, 2010

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

AB 1962

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 1962**—An act to add Section 5565.5 to the Public Resources Code, relating to real property.

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, June 7, 2010

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

AB 2443

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**

**Assembly Bill 2443**—An act to amend Section 99501 of the Government Code, relating to state government.

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**

Senate Chamber, June 7, 2010

Mr. President: The Chair of the Committee on Food and Agriculture, to which were referred:

AB 1910

AB 2612

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

FLOREZ, Chair

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

**Assembly Bill 1910**—An act to amend Section 62640 of the Food and Agricultural Code, relating to milk.

Bill read second time.

**Assembly Bill 2612**—An act to amend Sections 19204, 19220, 19312, 46003, 46004.1, 46009, 46013, 46013.1, 46013.2, and 46014.1 of the Food and Agricultural Code, relating to agriculture.

Bill read second time.

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



**Committee on Business, Professions and Economic Development**

Senate Chamber, June 7, 2010

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

AB 1980

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**

**Assembly Bill 1980**—An act to amend Section 4827 of the Business and Professions Code, relating to healing arts.

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, June 7, 2010

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

SCR 105

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 Concurrent Resolution 105**—Relative to the National Purple Heart Trail.

Resolution read second time.

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

**Committee on Judiciary**

Senate Chamber, June 7, 2010

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

SB 982

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**

**Senate Bill 982**—An act to add Section 130 to the Code of Civil Procedure, relating to victims' rights, 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.

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

Without objection, **AB 346** and **AB 960** were withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules;

**AB 44** was withdrawn from the Committee on Energy, Utilities and Communications and re-referred to the Committee on Rules; and

**AB 1720** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

**CONSIDERATION OF DAILY FILE****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 605**—An act to amend Section 19412 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time.

**Amendments Adopted**

Amendments to AB 605 proposed by Senator Calderon were read and adopted and the measure ordered printed 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 Aanestad, Correa, Florez, Liu, Pavley, Wiggins, and Yee.

The following Senators were granted leaves of absence for the day due to personal business: Senators Denham, Kehoe, and Strickland.

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

**ADJOURNMENT**

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

PAULA K. ROSSETTO, Minute Clerk

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