

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED FORTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 4, 2010

The Senate met at 9 a.m.

Hon. Mark DeSaulnier, of the 7th 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, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee (waives per diem)—33.

Quorum present.

(NOTE: Senators Romero and Wiggins will be excused this day on legislative business, Senator Denham will be excused this day on personal business, and Senators Oropeza and Walters will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, August 3, 2010

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

AB 1952

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.



Date of Hearing, August 2, 2010

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

AB 1743

AB 2575

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

KEHOE, Chair

Above measures ordered to second reading.

Senate Chamber, August 3, 2010

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

AB 2461

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.

Senate Chamber, August 4, 2010

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

AB 2266

AB 1593

AB 1650

AB 1932

AB 2456

AB 2592

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 2266—An act to amend, repeal, and add Section 35254 of the Education Code, relating to school district records.

Bill read second time.

Assembly Bill 1593—An act to amend Section 14043.46 of the Welfare and Institutions Code, relating to adult day health care centers.

Bill read second time.

Assembly Bill 1650—An act to add Chapter 2.7 (commencing with Section 2200) to Part 1 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time.

Assembly Bill 1932—An act to add Article 5.7 (commencing with Section 14186) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.



Assembly Bill 2456—An act to amend Sections 1797.184 and 1797.200 of the Health and Safety Code, relating to emergency medical services.

Bill read second time.

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.

Bill read second time.

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

Date of Hearing, August 2, 2010

Mr. President: The Committee on Appropriations, to which was referred:

AB 2215

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

KEHOE, Chair

Above measure ordered to second reading.

Committee on Health

Date of Hearing, August 4, 2010

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

AB 2599

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

ALQUIST, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Rules

State Capitol, August 4, 2010

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Robert G. Foster, Member, Independent System Operator Governing Board (4–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, August 4, 2010

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Matthew R. Bettenhausen, Secretary, California Emergency Management Agency (4-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 4, 2010

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

AnYork Lee, Member Acupuncture Board (4-0)

Paul H. Weisman, Member, Acupuncture Board (4-0)

Roy Ashburn, Member, Western Interstate Commission for Higher Education (4-0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, August 4, 2010

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Dennis H. Mangers of Carmichael as a public, non-attorney member to the State Bar Board of Governors for a term ending September 1, 2010.

Appointed Darrick S. Lawson of Sacramento as a member to the Capitol Area Committee for a term ending December 31, 2013.

STEINBERG, Chair

Date of Hearing, August 4, 2010

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

AB 1679

Reports the same back with the recommendation: Do pass.

STEINBERG, Chair

Above bill ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURE

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 120: By Senator Denham (Coauthor: Senator Cogdill) (Coauthors: Assembly Members Bill Berryhill and Tom Berryhill)—Relative to the CHP Officer Earl Scott Memorial Highway.



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

Senate Bill 884—An act to amend Sections 6225 and 6459 of, and to add Section 6225.1 to, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1732—An act relating to parks.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 2021—An act to amend Sections 13108, 13145, and 13146 of the Health and Safety Code, relating to fire protection.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 2762—An act to amend Sections 10131.6 and 10131.7 of the Business and Professions Code, to amend Section 798.56a of the Civil Code, to amend Sections 65583 and 65589.5 of the Government Code, and to amend Sections 18902, 18921, 18926, 18931, 18934.7, 18941.7, 18949.4, 19996, 33334.3, 33440, 33449, 33490, 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, to add Section 18931.8 to, to add and repeal Section 50963 of, and to repeal Sections 50517.11 and 50802.1 of, the Health and Safety Code, relating to housing, and making an appropriation therefor.

Bill read second time and ordered to Consent Calendar.

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.

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.

Assembly Bill 1879—An act to add Section 737.1 to the Public Utilities Code, relating to utility charges.

Bill read second time.

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

Assembly Bill 1315—An act to add Section 716 to the Public Utilities Code, relating to telecommunications.

Bill read second time and ordered to third reading.

Assembly Bill 1530—An act to amend Section 19533 of, and to add Section 19722 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.



Assembly Bill 1648—An act to amend Sections 1808.1, 12804.9, and 15278 of, to add Section 12804.11 to, and to repeal Sections 12954, 15250.6, and 15250.7 of, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

Assembly Bill 408—An act to amend Section 9010 of, to add and repeal Section 8254.5 of, and to add and repeal Article 5.5 (commencing with Section 8260) of Chapter 2 of Part 3 of Division 6 of, the Fish and Game Code, relating to commercial fishing.

Bill read second time and ordered to third reading.

Assembly Bill 482—An act to add Chapter 3.6 (commencing with Section 1024.5) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 605—An act to add Sections 23396.6 and 25503.56 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

Assembly Bill 619—An act to add Article 14 (commencing with Section 10482) to Chapter 2 of Part 2 of Division 2 of the Public Contract Code, and to add Section 185034.5 to the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 814—An act to amend Sections 3010, 13300, and 13303 of the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 815—An act to amend Section 4 of Chapter 258 of the Statutes of 2003, relating to state property.

Bill read second time and ordered to third reading.

Assembly Bill 853—An act to amend Sections 56425 and 56430 of, and to add Sections 56033.5 and 56650.1 to, the Government Code, relating to local government.

Bill read second time and ordered to third reading.



Assembly Bill 1507—An act to amend Section 44283 of, and to add Section 44287.2 to, the Health and Safety Code, relating to air pollution.

Bill read second time and ordered to third reading.

Assembly Bill 1524—An act to amend Sections 1630 and 1632 of, to add Sections 1632.1 and 1632.6 to, and to repeal Section 1631 of, the Business and Professions Code, relating to dentistry.

Bill read second time and ordered to third reading.

Assembly Bill 1570—An act to add and repeal Section 1620 of the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1597—An act to amend Sections 11620, 11622.5, 11629.81, 11629.84, and 11629.85 of the Insurance Code, and to amend Sections 16020.1 and 16020.2 of the Vehicle Code, relating to automobile insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1758—An act to amend Sections 18250, 18251, 18253, 18253.5, 18254, 18255, and 18256.5 of, to amend the heading of Chapter 4 (commencing with Section 18250) of Part 6 of Division 9 of, to add Section 18258 to, and to repeal and add Section 18256 of, the Welfare and Institutions Code, relating to public social services.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

Assembly Bill 1829—An act to add Section 1821 to, and to repeal Section 648.1 of, the Military and Veterans Code, and to amend Sections 19.8 and 532b of the Penal Code, relating to military decorations.

Bill read second time and ordered to third reading.

Assembly Bill 1930—An act to add and repeal Article 16 (commencing with Section 25258) of Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time and ordered to third reading.

Assembly Bill 1964—An act to amend Sections 18400.1, 18424, and 18502 of the Health and Safety Code, relating to mobilehomes.

Bill read second time and ordered to third reading.



Assembly Bill 1985—An act to add Section 5023.6 to the Penal Code, relating to the Department of Corrections and Rehabilitation.

Bill read second time and ordered to third reading.

Assembly Bill 2018—An act to add Section 11053.2 to the Welfare and Institutions Code, relating to public social services.

Bill read second time and ordered to third reading.

Assembly Bill 2055—An act to amend Sections 1030, 1032, 1256, 3701, and 4701 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 2078—An act to amend Section 6203 of, and to add Section 6208 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 2178—An act to amend Section 8484 of, and to add Section 8484.1 to, the Education Code, relating to the After School Education and Safety Program.

Bill read second time and ordered to third reading.

Assembly Bill 2191—An act to amend Sections 4984.7, 4989.68, 4996.3, and 4999.120 of, and to add Sections 4984.41, 4989.45, 4997.1, and 4999.113 to, the Business and Professions Code, relating to healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 2210—An act to add Section 633.8 to the Penal Code, relating to interception of communications.

Bill read second time and ordered to third reading.

Assembly Bill 2213—An act to amend Sections 871.5, 872, 873, and 878 of the Public Utilities Code, relating to telecommunications.

Bill read second time and ordered to third reading.

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, to amend, repeal, and add Section 10261 of, and to add and repeal Section 7201 of, the Public Contract Code, relating to works of improvement.

Bill read second time and ordered to third reading.

Assembly Bill 2240—An act to amend Sections 55722.5, 55861, 55861.5, 55862.7, 56382.5, 56382.8, 56571, and 56571.5 of, and to amend and renumber Section 56189 of, the Food and Agricultural Code, relating to agriculture.

Bill read second time and ordered to third reading.



Assembly Bill 2290—An act to amend Section 3003 of the Penal Code, relating to parole.

Bill read second time and ordered to third reading.

Assembly Bill 2338—An act to amend Section 38026 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 2340—An act to add Section 230.5 to the Labor Code, relating to employee rights.

Bill read second time and ordered to third reading.

Assembly Bill 2364—An act to amend Sections 1030, 1032, 1256, 1329, 1329.1, 1537, and 3011 of, and to repeal Division 5 (commencing with Section 12100) of, the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 2369—An act to amend Section 3103.5 of, and to amend and repeal Sections 3102 and 3103 of, the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 2382—An act to add Article 4.7 (commencing with Section 66042) to Chapter 2 of Part 40 of Division 5 of Title 3 of, and to repeal Section 66042.3 of, of the Education Code, relating to public postsecondary education.

Bill read second time and ordered to third reading.

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.

Bill read second time and ordered to third reading.

Assembly Bill 2411—An act to amend Section 120 of, and to add Part 9 (commencing with Section 12880) to Division 2 of, the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 2432—An act to add Chapter 12.2 (commencing with Section 114374.10) to Part 7 of Division 104 of the Health and Safety Code, relating to food facilities.

Bill read second time and ordered to third reading.

Assembly Bill 2457—An act to add Division 22 (commencing with Section 70000) to the Financial Code, relating to financial literacy.

Bill read second time and ordered to third reading.



Assembly Bill 2510—An act to add Section 22894 to the Government Code, relating to public employees' retirement.

Bill read second time and ordered to third reading.

Assembly Bill 2540—An act to amend Sections 790.03, 790.035, and 10400 of, and to add Section 12739.06 to, the Insurance Code, relating to health insurance.

Bill read second time and ordered to third reading.

Assembly Bill 2645—An act to amend Section 5912 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

Assembly Bill 2706—An act to amend Section 51.7 of the Civil Code, relating to civil rights.

Bill read second time and ordered to third reading.

Assembly Bill 2746—An act to amend Section 10089.7 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1592—An act to amend Sections 19999.3, 21353, 21354.1, 21363.1, 21363.4, and 21369.1 of, and to add Sections 19829.7, 19829.8, 19829.9, 19829.95, 20037.14, 20677.6, 20677.7, 20677.9, 20677.95, and 21369.2 to, the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Assembly Bill 1954—An act to amend Sections 399.2.5 and 399.12 of the Public Utilities Code, relating to electricity.

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.

Assembly Bill 1963—An act to add Section 105206 to the Health and Safety Code, relating to pesticide poisoning.

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.



Assembly Bill 909—An act to amend Section 21453 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1809—An act to add Chapter 9.4 (commencing with Section 7199.5) to Division 3 of the Business and Professions Code, relating to home inspections.

Bill read second time and ordered to third reading.

Assembly Bill 2217—An act to amend Sections 611, 613, and 1209 of the Code of Civil Procedure, and to amend Sections 166, 1122, and 1128 of the Penal Code, relating to jurors.

Bill read second time and ordered to third reading.

Assembly Bill 2531—An act to add and repeal Section 33131.5 of, and to add and repeal Article 10.5 (commencing with Section 33427) of Chapter 4 of Part 1 of Division 24 of, the Health and Safety Code, relating to redevelopment.

Bill read second time and ordered to third reading.

Assembly Bill 973—An act to amend, repeal, and add Section 305.6 of the Welfare and Institutions Code, relating to minors.

Bill read second time and ordered to third reading.

Assembly Bill 2020—An act to amend Sections 7630, 7662, 7667, 8620, 8710, 8814.5, and 9001 of, and to repeal Section 7631 of, the Family Code, and to amend Section 1516.5 of the Probate Code, relating to family law.

Bill read second time and ordered to third reading.

Assembly Bill 898—An act to amend Sections 17533.6 and 17537.9 of the Business and Professions Code, to amend Section 1195 of the Civil Code, to amend Section 3505 of the Commercial Code, and to amend Sections 8205, 8208, 8211, and 27287 of, and to add Section 12181 to, the Government Code, relating to documents.

Bill read second time and ordered to third reading.

Assembly Bill 1738—An act to amend Section 6228 of the Family Code, relating to domestic violence.

Bill read second time and ordered to third reading.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SJR 25**, **SJR 32**, **ACR 117**, **ACR 125**, **AJR 25**, and **SJR 35** were withdrawn from Committee and placed on 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, August 9, 2010:

AB 451	AB 2229	SCR 54	AB 2766
AB 668	AB 2249	SB 1188	AB 1775
AB 953	AB 2284	SB 1405	AB 1695
AB 1675	AB 2344	SB 1493	AB 702
AB 1729	AB 2500	AB 2444	AB 2410
AB 1753	AB 2538	AB 2145	ACR 132
AB 1813	AB 2683	AB 2331	AB 655
AB 2783	AB 2717	AB 1224	AB 2365
ACR 146	AB 145	AB 2612	AB 2487
AB 2408	AB 1795	AB 2009	AB 1867
AB 1671	AB 2419	AB 2101	AB 1746
AB 1980	SB 1191	AB 2406	AB 2536
AB 2111	SB 1479	AB 2362	

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 1726—An act to amend Sections 1363.03 and 1363.05 of the Civil Code, relating to common interest developments.

Bill read third time.

Amendments Adopted

Amendments to AB 1726 proposed by Senator Ashburn were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 2012—An act to amend Section 597 of the Penal Code, relating to cruelty to animals.

Bill read third time.

Amendments Adopted

Amendments to AB 2012 proposed by Senator Hancock were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1927—An act to amend Section 1368 of, and to add Section 1360.2 to, the Civil Code, relating to common interest developments.

Bill read third time.

Amendments Adopted

Amendments to AB 1927 proposed by Senator Harman were read and adopted and the measure ordered printed and to second reading.



THIRD READING OF SENATE BILLS

Senate Bill 1156—An act to add and repeal Section 44274.9 of the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to SB 1156 proposed by Senator Cedillo were read and adopted and the measure ordered printed, engrossed, and to second reading.

CONSENT CALENDAR**Objection Raised**

Senator Emmerson raised objection and **AB 2417** was removed from the Consent Calendar.

Above measure placed on the third reading file.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2417—An act to amend Section 366.24 of the Welfare and Institutions Code, relating to tribal customary adoption.

Bill read third time.

Amendments Adopted

Amendments to AB 2417 proposed by Senator Emmerson were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Rules**

AB 1679—Do pass

AYES (4)—Senators Aanestad, Cedillo, Dutton, and Steinberg.

NOES (0)—None.

Date of Hearing: 8/4/2010

Steinberg (Chair)

Committee on Health

AB 52—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Leno, and Pavley.

NOES (1)—Senator Aanestad.

Failed passage

AB 52—Reconsideration granted

AYES (6)—Senators Aanestad, Alquist, Cedillo, Leno, Negrete McLeod, and Pavley.

NOES (0)—None.



AB 2599—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Cedillo, Leno, Negrete McLeod, and Pavley.

NOES (1)—Senator Aanestad.

Date of Hearing: 8/4/2010

Alquist (Chair)

LEAVES OF ABSENCE FOR THE DAY

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

The following Senator was granted leave of absence for the day due to personal business: Senator Denham.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, August 5, 2010.

PAULA K. ROSSETTO, Minute Clerk

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