

CALIFORNIA LEGISLATURE  
2009–10 THIRD EXTRAORDINARY SESSION

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# SENATE DAILY JOURNAL

FORTY–SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Sunday, June 28, 2009

The Senate met at 9:33 p.m.  
Hon. Dean Florez, of the 16th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Zach Twilla reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—40.

Quorum present.



**PRAYER**

Upon invitation of the President, the following prayer was offered by Reverend Jim Richardson:

*Holy and Gracious God,* We give thanks for the people of this state who have put their trust in this government and in the leaders in this chamber. Give to our lawmakers the strength to bear the burdens before them; instill within them the courage to make difficult choices; fill them with patience to work together especially when it seems impossible; and grant them the heart to make decisions that are just and right for all those who dwell in this blessed land.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Kehoe led the Senate in the pledge of allegiance to the Flag.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 28, 2009

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

SB 16

SB 17

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

Above measures ordered to unfinished business file.

Assembly Chamber, June 28, 2009

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

AB 37

AB 39

AB 40

AB 41

AB 42

AB 43

AB 44

AB 45

AB 46

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 37**—An act to amend Section 135 of the Code of Civil Procedure, to amend Sections 68085.1, 68086.1, 69926, 69927, 69957, 70602, and 70626 of, to add Sections 68511.9 and 77202.5 to, to add Chapter 2.1 (commencing with Section 68650) to Title 8 of, and to add and repeal Section 68106 of, the Government Code, to amend Section 11050.5 of, and to amend, repeal, and add Section 1465.8 of, the Penal Code, and to amend Sections 1955 and 1961 of the Welfare and Institutions Code, relating to courts.

**Assembly Bill 39**—An act to add Section 8587.3 to the Government Code, to add Section 16031 to the Insurance Code, to add Section 5010.3 to the Public Resources Code, to amend Sections 30005.5, 30016, 30104, 30108, 30165.1, 30181, and 30436 of, to add Sections 7374, 10751.5, and 60709 to, to add Article 2.5 (commencing with Section 30130.3) to

Chapter 2 of Part 13 of, to add Part 21 (commencing with Section 42001) to, to repeal Chapter 2 (commencing with Section 7360) of Part 2 of, and to repeal Chapter 2 (commencing with Section 60050) of Part 31 of, Division 2 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Assembly Bill 40**—An act to add Part 32 (commencing with Section 61001) to Division 2 of the Revenue and Taxation Code, to amend Sections 2100, 2104, 2105, 2106, and 2107 of the Streets and Highways Code, and to amend Sections 1678, 12814.5, 14900, 14900.1, 14901, 14902, 15250.6, 15250.7, 15255.1, and 15255.2 of the Vehicle Code, relating to transportation.

**Assembly Bill 41**—An act to add Sections 2864 and 5653.1 to the Fish and Game Code, to amend Sections 14022 and 14023 of the Food and Agricultural Code, to amend Sections 25173.6, 25299.43, 25299.50.2, and 25404 of, and to add Chapter 7 (commencing with Section 42900) to Part 4 of, the Health and Safety Code, to amend Sections 4464, 4475, 4475.5, 4799.04, 4799.12, 21191, 25218, 25414, 25415, 25416, 25420, 25450, 25450.1, 25450.2, 25450.3, and 48653 of, to add Sections 4557, 25422, 25450.4, and 25450.5 to, to add Chapter 1.5 (commencing with Section 4210) to Part 2 of Division 4 of, and to add Chapter 5.6 (commencing with Section 25460) and Chapter 5.7 (commencing with Section 25470) to Division 15 of, the Public Resources Code, to amend Sections 5106 and 5108 of the Vehicle Code, and to amend Section 8551 of, and to add Sections 147 and 79424 to, the Water Code, relating to public resources, and making an appropriation therefor.

**Assembly Bill 42**—An act to amend Sections 1240.3, 2558.46, 8279.7, 8357, 8447, 42238.146, 60422.1, 66021.2, 69432.7, and 76300 of, to amend and repeal Section 33128.3 of, to amend, repeal, and add Section 47634.1 of, to add Sections 8481, 41202.5, and 84043 to, to add and repeal Sections 17463.7, 46201.2, 60422.2, and 60851.5 of, to repeal Section 8278 of, and to repeal Article 22 (commencing with Section 8460) of Chapter 2 of Part 6 of Division 1 of Title 1 of, the Education Code, and to amend Item 6110-113-0890 of Section 2.00 of the Budget Act of 2009 (Chapter 1 of the Statutes of 2009, Third Extraordinary Session), relating to education finance, and making an appropriation therefor.

**Assembly Bill 43**—An act to amend Section 17208 of, and to add Sections 17555 and 17561 to, the Family Code, and to amend Sections 1506, 1523.1, 1568.05, 1569.185, and 1596.803 of the Health and Safety Code, and to amend Sections 706.6, 9542, 9545, 10544, 10604.6, 10823, 11320.3, 11320.32, 11364, 11454.5, 11462, 11463, 11466.2, 11468.6, 12305.1, 12305.81, 12309, 14043.25, 15525, 16121, 16501.1, 16501.3, and 18358.30 of, to add Sections 11322.64, 11329.5, 12200.02, 12305.84, 12309.2, and 14021.9 to, to add and repeal Chapter 1.7 (commencing with Section 10545) of Part 2 of Division 9 of, to add and repeal Section



11325.71 of, to repeal Section 10830 of, and to repeal and add Section 16120 of, the Welfare and Institutions Code, relating to human services.

**Assembly Bill 44**—An act to add Section 293 to the Financial Code, to amend Sections 1250, 1265.5, 1266, 1275.3, 1326, 1337, 1418, 1567.50, 104820, 105250, 116565, 125175, 130500, 130507, 130509, and 130543 of, to amend and repeal Section 125165 of, and to add Sections 125155.1, 125157, and 125166 to, the Health and Safety Code, to amend Section 12739 of the Insurance Code, and to amend Sections 4107, 4684.60, 4684.74, 4684.75, 7502.5, 14005.40, 14007.9, 14011.2, 14087.9, 14105.191, 14105.436, 14105.45, 14110.55, 14126.033, 14132, 14132.951, 14166.20, 14166.225, 14166.23, 14166.245, and 14495.10 of, to amend and repeal Section 14526.1 of, to add Sections 5783, 14005.50, 14013.5, 14105.455, 14105.46, 14132.20, 14132.952, 14522.4, 14525.1, 14526.2, and 14550.6 to, and to repeal Sections 14522.3, 14526.1, and 14550.5 of, the Welfare and Institutions Code, relating to health.

**Assembly Bill 45**—An act to amend Sections 95004, 95014, and 95020 of, and to add Section 95021 to, the Government Code, to amend Sections 4648, 4648.1, 4659, 4677, 4685, 4686, 4689, 4784, and 7502.5 of, to amend the heading of Chapter 4 (commencing with Section 4570) of Division 4.5 of, to amend and repeal Sections 4418.1 and 4570 of, and to add Sections 4435, 4571, 4648.35, 4648.5, 4648.6, 4686.2, 4686.5, 4688.1, 4688.2, 4688.3, 4689.05, and 4692 to, the Welfare and Institutions Code, relating to public social services.

**Assembly Bill 46**—An act to amend Section 19616.51 of, and to add Section 19616.52 to, the Business and Professions Code, to amend Sections 8610.5, 11545, 12715, 13302, 16140, and 22877 of, to add Section 12472.5 to, and to add and repeal Section 22864.1 of, the Government Code, to amend Sections 1566.2, 13235, 17031.8, 17036, 18114, 18502, and 51504 of the Health and Safety Code, to amend Section 12975.9 of, and to add Article 7 (commencing with Section 11885) to Chapter 4 of Part 3 of Division 2 of, the Insurance Code, to amend Sections 62.5 and 4352 of, and to add Section 67 to, the Labor Code, to amend Section 1012.3 of, and to add Article 8.2 (commencing with Section 999.80) to Chapter 6 of Division 4 of, the Military and Veterans Code, to amend Section 679.02 of the Penal Code, to amend Sections 7204.3 and 7273 of the Revenue and Taxation Code, and to add Sections 10214.6 and 14022 to the Unemployment Insurance Code, relating to state government.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

Senate Chamber, June 28, 2009

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

Req. No. 09 18867 (SB 40)	Req. No. 09 18877 (SB 41)
Req. No. 09 18872 (SB 42)	Req. No. 09 18871 (SB 43)
Req. No. 09 18864 (SB 44)	Req. No. 09 18863 (SB 45)



Req. No. 09 18873 (SB 46)	Req. No. 09 18876 (SB 47)
Req. No. 09 18866 (SB 48)	Req. No. 09 18875 (SB 49)
Req. No. 09 18874 (SB 50)	Req. No. 09 18865 (SB 51)
Req. No. 09 18868 (SB 52)	Req. No. 09 18870 (SB 53)
Req. No. 09 18869 (SB 54)	

Has had the same under consideration and finds the same within the purview of the call and refers them to the Committee on Rules pursuant to the provisions of Rule 24.

STEINBERG, Chair

#### INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

**Senate Bill 40:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 41:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 42:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 43:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 44:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 45:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 46:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 47:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 48:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 49:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 50:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 51:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 52:** By Senator Ducheny—An act relating to the Budget Act of 2009.



**Senate Bill 53:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**Senate Bill 54:** By Senator Ducheny—An act relating to the Budget Act of 2009.

**ADJOURNMENT**

At 9:30 p.m., the President declared the Senate adjourned on call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

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