

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 4, 2008

The Senate met at 9 a.m.
Hon. Leland Yee, of the 8th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

ROLL CALL

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

Aanestad, Ackerman, Alquist, Ashburn, Cogdill, Cox, Ducheny, Dutton, Harman, Hollingsworth, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee—26.

Quorum present.

(NOTE: Senators Battin, Calderon, Cedillo, Corbett, Correa, Florez, Kehoe, Perata, Ridley-Thomas, and Romero will be excused this day on legislative business, Senators Kuehl and Wyland will be excused this day on personal business, and Senators Denham and Vincent will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, February 4, 2008

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:
SB 173



Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

CALDERON, Chair

Above measure ordered filed with the Secretary of the Senate.

Committee on Budget and Fiscal Review

Senate Chamber, February 4, 2008

Mr. President: The Chair of the Committee on Budget and Fiscal Review, to which was referred:

SB 54

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

DUCHENY, Chair

Committee on Natural Resources and Water

Senate Chamber, February 4, 2008

Mr. President: The Chair of the Committee on Natural Resources and Water, to which were referred:

SB 4

SB 59

SB 887

SB 917

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

STEINBERG, Chair

Committee on Education

Senate Chamber, February 4, 2008

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

SB 15

SB 347

SB 750

SB 979

SB 43

SB 481

SB 766

SB 69

SB 595

SB 802

SB 176

SB 637

SB 882

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

SCOTT, Chair



Committee on Judiciary

Senate Chamber, February 4, 2008

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

SB 150	SB 294	SB 482	SB 843
SB 195	SB 346	SB 486	SB 905
SB 216	SB 371	SB 576	SB 968
SB 222	SB 389	SB 596	
SB 237	SB 423	SB 694	
SB 270	SB 459	SB 738	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

CORBETT, Chair

Committee on Rules

Senate Chamber, February 4, 2008

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

SB 36	SB 245	SB 402	SB 577
SB 47	SB 247	SB 435	SB 597
SB 64	SB 251	SB 438	SB 598
SB 66	SB 253	SB 457	SB 603
SB 115	SB 255	SB 467	SB 626
SB 117	SB 257	SB 469	SB 627
SB 118	SB 267	SB 475	SB 632
SB 126	SB 290	SB 478	SB 635
SB 135	SB 307	SB 480	SB 642
SB 181	SB 310	SB 485	SB 646
SB 182	SB 318	SB 487	SB 656
SB 185	SB 326	SB 496	SB 663
SB 186	SB 333	SB 499	SB 664
SB 203	SB 334	SB 504	SB 665
SB 205	SB 335	SB 505	SB 671
SB 209	SB 336	SB 506	SB 674
SB 212	SB 337	SB 510	SB 705
SB 213	SB 338	SB 522	SB 714
SB 214	SB 367	SB 531	SB 737
SB 218	SB 383	SB 532	SB 759
SB 225	SB 394	SB 554	SB 778
SB 236	SB 397	SB 563	SB 779
SB 239	SB 399	SB 571	SB 799
SB 243	SB 401	SB 572	
SB 244			

SB 805	SB 874	SB 937	SB 1008
SB 811	SB 875	SB 949	SB 1009
SB 814	SB 877	SB 951	SB 1010
SB 816	SB 885	SB 952	SB 1015
SB 833	SB 888	SB 953	SB 1023
SB 834	SB 897	SB 954	SB 1025
SB 837	SB 915	SB 958	SB 1027
SB 845	SB 922	SB 982	SB 1030
SB 847	SB 923	SB 985	SB 1031
SB 849	SB 925	SB 988	SB 1034
SB 852	SB 927	SB 1004	SB 1035
SB 865	SB 932	SB 1006	SB 1052

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

PERATA, Chair

Committee on Business, Professions and Economic Development

Senate Chamber, February 4, 2008

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

SB 136	SB 654	SB 763	SB 809
SB 824	SB 907	SB 993	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

RIDLEY-THOMAS, Chair

Committee on Transportation and Housing

Senate Chamber, February 4, 2008

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

SB 71	SB 262	SB 492	SB 848
SB 75	SB 287	SB 545	SB 876
SB 204	SB 422	SB 670	SB 881
SB 229	SB 442	SB 745	SB 912

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

LOWENTHAL, Chair



Committee on Local Government

Senate Chamber, February 4, 2008

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

SB 6	SB 49	SB 605
SB 682	SB 683	SB 806

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

NEGRETE McLEOD, Chair

Committee on Banking, Finance and Insurance

Senate Chamber, February 4, 2008

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which were referred:

SB 536	SB 638	SB 711
SB 723	SB 975	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

MACHADO, Chair

Committee on Human Services

Senate Chamber, February 4, 2008

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

SB 58	SB 688	SB 693
SB 708	SB 710	SB 914

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ALQUIST, Chair

Committee on Energy, Utilities and Communications

Senate Chamber, February 4, 2008

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

SB 724	SB 757	SB 871	SB 1013
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Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

KEHOE, Chair



Committee on Governmental Organization

Senate Chamber, February 4, 2008

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

SB 231	SB 297	SB 393	SB 450
SB 521	SB 575	SB 995	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

FLOREZ, Chair

Committee on Public Employment and Retirement

Senate Chamber, February 4, 2008

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

SB 189	SB 369	SB 461	SB 600
SB 755	SB 879	SB 1032	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

WIGGINS, Chair

Committee on Budget and Fiscal Review

Senate Chamber, February 4, 2008

Mr. President: The Chair of the Committee on Budget and Fiscal Review, to which was referred:

SB 398

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

DUCHENY, Chair

Committee on Environmental Quality

Senate Chamber, February 4, 2008

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

SB 72	SB 587	SB 781	SB 895
SB 395	SB 616	SB 817	SB 896
SB 427	SB 631	SB 842	
SB 429	SB 651	SB 857	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

SIMITIAN, Chair



Committee on Business, Professions and Economic Development

Senate Chamber, February 4, 2008

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

AB 1137

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

RIDLEY-THOMAS, Chair

Above measure ordered filed with the Secretary of the Senate.

Committee on Labor and Industrial Relations

Senate Chamber, February 4, 2008

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

SB 446

SB 452

SB 570

SB 782

SB 935

SB 1005

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

MIGDEN, Chair

Committee on Health

Senate Chamber, February 4, 2008

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

SB 57

SB 254

SB 471

SB 530

SB 648

SB 772

SB 893

SB 1026

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

KUEHL, Chair



Committee on Appropriations

Senate Chamber, February 4, 2008

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

SB 51	SB 311	SB 584	SB 818
SB 55	SB 322	SB 590	SB 827
SB 56	SB 329	SB 592	SB 838
SB 147	SB 352	SB 617	SB 856
SB 154	SB 358	SB 618	SB 858
SB 156	SB 372	SB 621	SB 872
SB 160	SB 374	SB 628	SB 873
SB 167	SB 390	SB 647	SB 878
SB 188	SB 426	SB 680	SB 930
SB 194	SB 453	SB 687	SB 931
SB 207	SB 460	SB 689	SB 933
SB 208	SB 466	SB 695	SB 934
SB 217	SB 508	SB 709	SB 944
SB 266	SB 517	SB 728	SB 961
SB 277	SB 547	SB 760	SB 965
SB 288	SB 551	SB 769	SB 971
SB 291	SB 578	SB 786	SB 1011
SB 309	SB 583	SB 807	SB 1018

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

TORLAKSON, Chair

Above measures ordered filed with the Secretary of the Senate.

Senate Chamber, February 4, 2008

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

AB 171

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 171—An act to repeal, add, and repeal Article 12 (commencing with Section 69740) of Chapter 2 of Part 42 of Division 5 of Title 3 of the Education Code, relating to student financial aid.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, February 4, 2008

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

SB 24	SB 308	SB 700	SB 820
SB 25	SB 359	SB 740	SB 919
SB 73	SB 417	SB 749	SB 928
SB 74	SB 420	SB 752	SB 955
SB 149	SB 454	SB 758	SB 984
SB 151	SB 526	SB 792	SB 1014
SB 199	SB 540	SB 794	SB 1024
SB 274	SB 643	SB 810	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

OROPEZA, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Public Safety

Senate Chamber, February 4, 2008

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

SB 3	SB 477	SB 751	SB 846
SB 122	SB 495	SB 787	SB 989
SB 177	SB 514	SB 798	
SB 368	SB 657	SB 804	
SB 409	SB 746	SB 844	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ROMERO, Chair

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, February 4, 2008

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

SB 130	SB 131	SB 448
SB 497	SB 653	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

CALDERON, Chair



Committee on Public Safety

Senate Chamber, February 4, 2008

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

SB 228	SB 501	SB 591	SB 913
SB 256	SB 502	SB 636	
SB 476	SB 503	SB 712	
SB 479	SB 550	SB 860	

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

ROMERO, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Health

Senate Chamber, February 4, 2008

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

AJR 31

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments**Assembly Joint Resolution 31**—Relative to Medicare Part D.

Resolution 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, February 4, 2008

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

AB 1195

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1195—An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections 48623, 48624, 48631, 48651, 48652, 48653, 48655, 48660.5, 48662, and 48670 of, and to add Sections 48619.5 and 48654 to, the Public Resources Code, relating to recycling.

Bill read second time.

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



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 1138: By Senator Torlakson—An act relating to state claims.

Senate Bill 1139: By Senators Cox and Florez—An act to add Sections 42283.4 and 42285.5 to the Education Code, relating to schools.

Senate Bill 1140: By Senator Steinberg—An act to amend Sections 15610.30 and 15657.5 of, and to add Section 15657.7 to, the Welfare and Institutions Code, relating to financial abuse.

Senate Bill 1141: By Senator Margett—An act to add Section 1797.9 to, and to repeal Section 1798.169 of, the Health and Safety Code, relating to emergency medical services.

Senate Bill 1142: By Senator Dutton—An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

Senate Bill 1143: By Senator Dutton—An act to amend Section 21655.5 of the Vehicle Code, relating to vehicles.

Senate Bill 1144: By Senator Cox—An act to add and repeal Section 275.5 of the Public Utilities Code, relating to telecommunications.

Senate Bill 1145: By Senator Machado—An act to amend Section 11121.1 of the Government Code, and to amend Sections 11770 and 11785 of, and to repeal Section 11770.5 of, the Insurance Code, relating to workers' compensation insurance.

Senate Bill 1146: By Senator Cedillo—An act to amend Sections 19551 and 19551.1 of, and to add Section 19551.5 to, the Revenue and Taxation Code, relating to taxation.

Senate Bill 1147: By Senators Calderon and Yee—An act to amend Section 14029.5 of, and to add Section 14011.95 to, the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1148: By Senator Cedillo—An act to amend Section 104150 of the Health and Safety Code, relating to cancer.

Senate Bill 1149: By Senator Wiggins—An act to amend Section 276.5 of the Public Utilities Code, relating to telecommunications.

Senate Bill 1150: By Senator Corbett—An act to add Section 69614.3 to the Government Code, relating to courts.

Senate Joint Resolution 22: By Senator Wiggins (Principal coauthor: Assembly Member Evans)—Relative to the wine industry.



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

Assembly Bill 218—An act to add Sections 25214.10.3 and 25214.10.4 to the Health and Safety Code, relating to hazardous waste.

Bill read second time and ordered to third reading.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Senate Rules Committee to meet without 4 days notice in the Daily File.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin, Calderon, Cedillo, Corbett, Correa, Florez, Kehoe, Perata, Ridley-Thomas, and Romero.

The following Senators were granted leaves of absence for the day due to personal business: Senators Kuehl and Wyland.

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Myra Riddell of Studio City.

Senator Machado requested that when the Senate adjourns this day it do so in memory of James A. Jack Drace of Stockton.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Margaret Garcia Vasquez Diaz of Sacramento.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, February 6, 2008.

PAULA K. ROSSETTO, Minute Clerk

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