

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 23, 2009

The Senate met at 9 a.m.

Hon. Rod Wright, of the 25th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary David Valverde reading.

ROLL CALL

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

Alquist, Ashburn, Benoit, Cogdill, Correa, Cox, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Yee—30.

Quorum present.

(NOTE: Senators Aanestad, Cedillo, and Denham will be excused this day on legislative business and Senators Calderon, Corbett, Kehoe, Negrete McLeod, Oropeza, and Wyland will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 19, 2009

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

SB 6

Above measure ordered enrolled.

Assembly Chamber, February 19, 2009

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

SCA 4

SCA 8

Above resolutions ordered enrolled.



Assembly Chamber, February 23, 2009

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

SCR 7

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, February 18, 2009

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

Appropriations—SB 149.

Business, Professions and Economic Development—SB 112, SB 132.

Education—SB 122, SB 123, SB 129, SB 130, SB 147, SB 155.

Environmental Quality—SB 136.

Food and Agriculture—SB 140.

Governmental Organization—SB 126, SB 131.

Health—SB 117, SB 148, SB 152.

Human Services—SB 118.

Judiciary—SB 119, SB 120, SB 127.

Labor and Industrial Relations—SB 156.

Local Government—SB 139.

Public Safety—SB 125, SB 134, SB 150, SB 151, SB 153, SB 154, SB 157.

Revenue and Taxation—SB 138.

Rules—SB 128, SB 137, SB 141, SB 142.

Transportation and Housing—SB 124, SB 146.

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

Environmental Quality and Judiciary—SB 143.

Food and Agriculture and Public Safety—SB 135.

Labor and Industrial Relations and Judiciary—SB 145.

Natural Resources and Water and Environmental Quality—SB 133, SB 144.

Public Safety and Appropriations—SB 121.



Committee on Local Government

Senate Chamber, February 23, 2009

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

SB 27

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

WIGGINS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 27—An act to add Section 53084.5 to the Government Code, relating to local government, 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.

Committee on Public Safety

Senate Chamber, February 23, 2009

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

SB 46

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

Senate Bill 46—An act to amend Sections 799 and 803 of the Penal Code, relating to statutes of limitation.

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, February 19, 2009

Mr. President: The Committee on Rules has examined:

SB 6

And reports that the same has been correctly enrolled, and presented to the Governor on the 19th day of February, 2009, at 4 p.m.

STEINBERG, Chair

Senate Chamber, February 19, 2009

Mr. President: The Committee on Rules has examined:

SCA 4

SCA 8



And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 19th day of February, 2009, at 5 p.m.

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 193: By Senator Lowenthal—An act to add and repeal Section 52124.2 of the Education Code, relating to class size reduction, and declaring the urgency thereof, to take effect immediately.

Senate Bill 194: By Senator Florez—An act relating to community development.

Senate Bill 195: By Senator Florez—An act to amend Section 66290 of the Education Code, relating to postsecondary education.

Senate Bill 196: By Senator Corbett—An act to add Section 1367.49 to the Health and Safety Code, and to add Section 10117.6 to the Insurance Code, relating to health care coverage.

Senate Bill 197: By Senator Pavley—An act to amend Sections 1335, 1336, and 1337 of the Penal Code, relating to domestic violence.

Senate Bill 198: By Senator Cogdill—An act to amend Section 32130 of the Health and Safety Code, relating to health care districts.

Senate Bill 199: By Senator Ducheny—An act to amend Sections 99200.5, 99201, and 99202 of, and to repeal Section 99206 of, the Education Code, relating to postsecondary education.

Senate Bill 200: By Senator Correa—An act to amend Section 320.5 of the Penal Code, relating to raffles.

Senate Bill 201: By Senator Oropeza—An act to amend Section 21100.4 of the Vehicle Code, relating to vehicles.

Senate Bill 202: By Senators Harman, Aanestad, Cox, Ducheny, and Wyland (Coauthors: Assembly Members Adams, Gaines, Garrick, Hall, and Silva)—An act to amend Section 7570 of, and to add Section 7560.5 to, the Business and Professions Code, relating to private investigators.

Senate Bill 203: By Senator Harman—An act to amend Sections 311, 311.1, 311.2, 311.3, 311.4, 311.5, 311.7, 311.10, and 311.11 of the Penal Code, relating to child pornography.

Senate Bill 204: By Senators Benoit and Runner—An act to amend Sections 17202.1, 17207, 17209, 17323, and 17405 of, and to repeal Section 17210 of, the Financial Code, relating to escrow agents.

Senate Bill 205: By Senator Hancock—An act to add Section 65089.20 to the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to traffic congestion.



Senate Bill 206: By Senator Dutton—An act relating to motor vehicle insurance.

Senate Bill 207: By Senator Florez—An act to add Chapter 2.10 (commencing with Section 35575) to Part 5 of Division 13 of the Water Code, relating to the Westlands Water District.

Senate Bill 208: By Senators Steinberg and Alquist (Coauthor: Assembly Member Bass)—An act to add Article 5.4 (commencing with Section 14180) 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.

Senate Bill 209: By Senators Corbett and Harman—An act to amend Section 55.54 of the Civil Code, relating to disability access.

Senate Bill 210: By Senator Runner—An act to amend Section 42005 of the Vehicle Code, relating to vehicles.

Senate Bill 211: By Senator Simitian (Coauthor: Assembly Member Monning)—An act to add Section 5506.14 to the Public Resources Code, relating to parks and recreation.

Senate Bill 212: By Senator Florez—An act to amend Section 1288.55 of the Health and Safety Code, relating to health care facilities.

Senate Bill 213: By Senator Florez—An act to amend Section 19984 of the Business and Professions Code, relating to gambling.

Senate Bill 214: By Senator Benoit—An act to add Section 11834.255 to the Health and Safety Code, relating to residential facilities.

Senate Bill 215: By Senator Wiggins—An act to amend Section 56668 of, and to repeal Section 56668.5 of, the Government Code, relating to local government.

Senate Bill 216: By Senator Liu—An act to amend Section 66406 of the Education Code, relating to college instructional materials.

Senate Bill 217: By Senator Yee—An act to add Sections 71090.3 and 89500.5 to, and to add Article 2 (commencing with Section 92010) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the Education Code, relating to public postsecondary education.

Senate Bill 218: By Senator Yee—An act to add Sections 71052, 89049, and 92034 to the Education Code, and to amend Section 6252 of the Government Code, relating to public records.

Senate Bill 219: By Senator Yee—An act to amend Section 8547.10 of the Government Code, relating to improper governmental activities.

Senate Bill 220: By Senator Yee—An act to amend Sections 8547.2, 8547.8, 19683, and 19683.5 of the Government Code, relating to whistleblower protections.



Senate Bill 221: By Senator Walters—An act to repeal Chapter 11 (commencing with Section 1794.01) of Division 2 of the Health and Safety Code, relating to home dialysis agencies.

Senate Bill 222: By Senator Ducheny—An act to amend Section 930 of the Unemployment Insurance Code, relating to unemployment compensation, and making an appropriation therefor, to take effect immediately, tax levy.

Senate Bill 223: By Senator Wyland—An act to amend Section 51225.3 of the Education Code, relating to education.

Senate Bill 224: By Senator Correa—An act to amend Sections 50650.3 and 50650.4 of the Health and Safety Code, relating to housing.

Senate Bill 225: By Senator Florez—An act to amend Sections 41081, 41606, 44229, and 44281 of, and to add Section 40708.5 to, the Health and Safety Code, relating to air pollution.

Senate Bill 226: By Senator Alquist—An act to amend Section 786 of the Penal Code, relating to identity theft.

Senate Bill 227: By Senator Alquist—An act to add Sections 1356.2, 1373.623, 1373.63, and 1399.807 to the Health and Safety Code, and to amend Sections 12700, 12705, 12711, 12712, 12718, 12725, 12726, and 12739 of, to add Sections 1827.86, 10127.165, 10127.19, 10903, 12711.3, 12714.1, 12714.5, and 12738.5 to, to add Chapter 9 (commencing with Section 12739.5) to Part 6.5 of Division 2 of, and to repeal and add Sections 12723 and 12737 of, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

Senate Bill 228: By Senator DeSaulnier—An act to add Section 42357.5 to the Public Resources Code, relating to plastic bags.

Senate Bill 229: By Senator Pavley—An act to add Division 28 (commencing with Section 80500) to, and to repeal and add Article 2 (commencing with Section 150) of Chapter 2 of Division 1 of, the Water Code, relating to the Sacramento-San Joaquin Delta.

Senate Bill 230: By Senator Cogdill—An act to amend Section 42954 of the Public Resources Code, relating to waste tire haulers.

Senate Bill 231: By Senator Lowenthal—An act to amend Section 25205.5 of the Health and Safety Code, relating to hazardous waste.

Senate Bill 232: By Senator Benoit—An act to amend Section 44017.4 of the Health and Safety Code, and to amend Section 4750.1 of the Vehicle Code, relating to vehicles.

Senate Bill 233: By Senator Aanestad—An act to amend Section 13388 of the Water Code, relating to water quality.



Senate Concurrent Resolution 16: By Senators Runner and Benoit (Coauthors: Senators Cox, DeSaulnier, Florez, and Harman) (Coauthors: Assembly Members Bill Berryhill, Tom Berryhill, De León, Hall, Huffman, Jeffries, Jones, Knight, Krekorian, Monning, Niello, Portantino, Silva, Smyth, and Solorio)—Relative to DMV/Donate Life California Registry.

Senate Concurrent Resolution 17: By Senator Corbett—Relative to Irish American Heritage Month.

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

Senate Constitutional Amendment 7—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, relating to the state budget.

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

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Transportation and Housing to meet with the Assembly Transportation and Housing Committee for an informational hearing without four 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 Aanestad, Cedillo, and Denham.

The following Senators were granted leaves of absence for the day due to illness: Senators Calderon, Corbett, Kehoe, Negrete McLeod, Oropeza, and Wyland.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Tuesday, February 24, 2009.

PAULA K. ROSSETTO, Minute Clerk

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