

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 25, 2009

The Senate met at 9 a.m.

Hon. Darrell Steinberg, of the 6th 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, Alquist, Benoit, Calderon, Cedillo, Cogdill, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Pavley, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland—35.

Quorum present.

(NOTE: Senators Corbett and Yee will be excused this day on legislative business, Senator Ashburn will be excused this day on personal business, and Senator Negrete McLeod will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 24, 2009

Mr. President: The Committee on Rules has examined:

SCR 7

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 24th day of February, 2009, at 3:30 p.m.

STEINBERG, Chair



Committee on Health

Senate Chamber, February 25, 2009

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

SB 92

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

ALQUIST, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 92—An act to amend Section 2069 of the Business and Professions Code, to add Section 1815.5 to the Financial Code, to add Sections 22830.5, 22830.6, 22869.5, and 22917 to the Government Code, to amend Sections 1357, 1357.03, 1357.06, 1357.14, 1367.01, 1374.32, 1374.33, and 1374.58 of, to add Sections 1346.2, 1349.3, and 1367.38 to, and to add Article 12 (commencing with Section 1399.830) to Chapter 2.2 of Division 2 of, the Health and Safety Code, to amend Sections 10121.7, 10123.135, 10169.2, 10169.3, 10700, 10705, 10706, and 10708 of, to add Sections 699.6, 10123.56, and 12938.1 to, to add Chapter 9.7 (commencing with Section 10920) to Part 2 of Division 2 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 511 and 515 of, and to add Section 96.8 to, the Labor Code, to amend Sections 17072, 17215, and 19184 of, to add Sections 17053.91, 17053.102, 17053.103, 17138.5, 17138.6, and 17216 to, and to add and repeal Sections 17053.58, 17053.77, 17204, 23658, and 23677 of, the Revenue and Taxation Code, and to amend Sections 14043.26 and 14133 of, to add Sections 14026.7, 14029.7, 14079.7, 14132.104, 14132.105, and 14164.5 to, to add Article 2.94 (commencing with Section 14091.50) to Chapter 7 of Part 3 of Division 9 of, and to add Division 23 (commencing with Section 23000) to, the Welfare and Institutions Code, relating to health care, and making an appropriation therefor.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, February 24, 2009

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

SR 7

Reports the same back with the recommendation: Be adopted as amended.

CORBETT, Chair

Above measure ordered to second reading.



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 291: By the Committee on Banking, Finance and Insurance (Senators Calderon (Chair), Correa, Cox, Florez, Harman, Kehoe, Liu, Lowenthal, Padilla, and Runner)—An act to amend Sections 1215.5 and 11136 of the Insurance Code, relating to insurance regulations.

Senate Bill 292: By Senator Hancock—An act to add Chapter 9.10 (commencing with Section 6280) to Title 7 of Part 3 of the Penal Code, relating to prisoners.

Senate Bill 293: By Senator Runner—An act to amend Sections 48000 and 48010 of the Education Code, relating to pupil admission.

Senate Bill 294: By Senators Negrete McLeod—An act to add Section 2835.7 to the Business and Professions Code, relating to nurse practitioners.

Senate Bill 295: By Senator Dutton—An act to amend Section 38563 of, and to add Section 38561.5 to, the Health and Safety Code, relating to air pollution, and declaring the urgency thereof, to take effect immediately.

Senate Bill 296: By Senator Lowenthal—An act to add Sections 1367.27, 1367.28, and 1367.29 to the Health and Safety Code, relating to health care coverage.

Senate Bill 297: By Senator Wyland—An act relating to science and mathematics instruction.

Senate Bill 298: By Senator Wyland—An act to amend Section 401 of the Unemployment Insurance Code, relating to unemployment insurance.

Senate Bill 299: By Senator Wyland—An act to amend Section 923 of the Labor Code, relating to employment.

Senate Bill 300: By Senator Yee—An act to amend Section 1190 of the Harbors and Navigation Code, relating to harbors and ports.

Senate Bill 301: By Senator Florez—An act to add Division 26.7 (commencing with Section 79700) to the Water Code, relating to financing a water supply reliability and ecosystem recovery and restoration program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.



Senate Bill 302: By Senator Aanestad—An act to amend Section 21654 of the Vehicle Code, relating to vehicles.

Senate Bill 303: By Senator Alquist—An act to amend Sections 1418.9 and 1599.1 of, to add Section 1599.15 to, and to repeal and add Section 1599.3 of, the Health and Safety Code, relating to nursing facility residents.

Senate Bill 304: By Senator Huff—An act to amend Section 5810 of the Public Utilities Code, relating to cable and video service.

Senate Bill 305: By Senator Corbett—An act to add Section 17075.20 to the Education Code, relating to school facilities.

Senate Bill 306: By Senator Calderon—An act to amend Sections 2923.5, 2923.6, 2924.8, and 2943 of the Civil Code, and to amend Section 17312 of the Financial Code, relating to real property transactions.

Senate Bill 307: By Senator Alquist—An act to add Section 35031.3 to the Education Code, relating to school districts.

Senate Bill 308: By Senator Harman—An act to amend Section 6501 of the Business and Professions Code, relating to professional fiduciaries.

Senate Bill 309: By Senator Ducheny—An act to amend Sections 14302 and 14581 of the Public Resources Code, relating to public resources.

Senate Bill 310: By Senator Ducheny—An act to add Chapter 27 (commencing with Section 16100) to Division 7 of the Water Code, relating to water quality.

Senate Bill 311: By Senator Alquist—An act to amend Section 14459.5 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 312: By Senator Romero—An act to add Section 33009.7 to the Education Code, and to add Section 15491 to the Government Code, relating to public meetings and hearings.

Senate Bill 313: By Senator DeSaulnier—An act to amend Section 3722 of the Labor Code, relating to workers' compensation.

Senate Bill 314: By Senator Calderon—An act to amend Section 13957 of the Government Code, relating to crime victims, and making an appropriation therefor.

Senate Bill 315: By Senator Liu—An act to add Article 1.5 (commencing with Section 49310) to Chapter 8 of Part 27 of Division 4 of Title 2 of the Education Code, relating to pupil safety.



Senate Bill 316: By Senator Alquist—An act to add Section 1378.1 to the Health and Safety Code, and to add Section 10113.11 to the Insurance Code, relating to health care coverage.

Senate Bill 317: By Senator Simitian—An act to add Article 10.2.3 (commencing with Section 25214.8.25) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to smoke detectors.

Senate Bill 318: By Senator Calderon—An act to add Section 598.1 to the Penal Code, relating to dogfighting.

Senate Bill 319: By Senator Harman—An act to amend Section 209 of the Code of Civil Procedure, relating to jury service.

Senate Bill 320: By Senator Corbett—An act to amend Sections 1716 and 1717 of the Code of Civil Procedure, relating to judgments.

Senate Bill 321: By Senator Benoit—An act to amend Sections 53753 and 53755 of the Government Code, relating to local government.

Senate Bill 322: By Senator Benoit—An act to amend Section 701 of the Public Utilities Code, relating to public utilities.

Senate Bill 323: By Senator Oropeza—An act to amend Section 69984 of the Education Code, and to add and repeal Chapter 3.5 (commencing with Section 18900) of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 324: By Senator Cedillo—An act to amend Section 350 of the Penal Code, relating to crimes.

Senate Bill 325: By Senator Alquist—An act to amend Sections 290.05, 290.06, 290.07, and 1203 of the Penal Code, and to amend Section 706 of the Welfare and Institutions Code, relating to sex offenders.

Senate Bill 326: By Senator Strickland—An act to amend Section 65583 of the Government Code, relating to land use.

Senate Bill 327: By Senator Kehoe—An act relating to state claims and declaring the urgency thereof, to take effect immediately.

Senate Bill 328: By Senator Walters—An act to amend Section 201 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 329: By Senator Benoit—An act to amend Section 5000 of the Penal Code, relating to the Department of Corrections and Rehabilitation.

Senate Bill 330: By Senator Yee—An act to amend Section 487 of the Penal Code, relating to grand theft.



Senate Bill 331: By Senator Romero—An act relating to migrant education.

Senate Bill 332: By Senator Benoit—An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

Senate Bill 333: By Senator Hancock—An act to add Part 8 (commencing with Section 38600) to Division 25.5 of the Health and Safety Code, relating to air pollution.

Senate Bill 334: By Senator Ducheny—An act to amend Section 17072.10 of the Education Code, relating to school facilities.

Senate Bill 335: By Senator Harman—An act to amend Section 11011.15 of the Government Code, relating to state property.

Senate Bill 336: By Senator Correa—An act to amend Section 5272 of the Business and Professions Code, relating to outdoor advertising.

Senate Bill 337: By Senator Alquist—An act to amend Section 14011.16 of, to amend and repeal Section 14005.25 of, and to repeal Sections 14011.17 and 14011.18 of, the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 338: By Senator Alquist—An act relating to energy.

Senate Bill 339: By Senator Wyland—An act relating to education.

Senate Bill 340: By Senator Yee—An act to add Article 9 (commencing with Section 17600) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to advertising.

Senate Bill 341: By Senator DeSaulnier—An act to add Article 7 (commencing with Section 111657) to Chapter 6 of Part 5 of Division 104 of the Health and Safety Code, relating to pharmaceuticals.

Senate Bill 342: By Senator Runner—An act to amend Section 3702.1 of the Labor Code, relating to workers' compensation.

Senate Bill 343: By Senator Alquist—An act to add Section 125293 to the Health and Safety Code, relating to stem cells.

Senate Bill 344: By Senator Strickland—An act to amend Sections 237, 368, 1048, and 14213 of the Penal Code, relating to crime.

Senate Bill 345: By Senators Negrete McLeod—An act to add Section 31787.65 to the Government Code, relating to death benefits.

Senate Bill 346: By Senator Kehoe—An act to add Article 13.5 (commencing with Section 25250.50) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous materials.

Senate Bill 347: By Senator Harman—An act relating to taxation.



Senate Bill 348: By Senator Cogdill—An act to amend Section 1936.01 of the Civil Code, relating to passenger vehicle rentals.

Senate Bill 349: By Senator Huff—An act to amend Section 17582 of the Education Code, relating to school facilities.

Senate Bill 350: By Senator Yee—An act to amend Section 9875.1 of the Business and Professions Code, and to amend Section 27317 of the Vehicle Code, relating to motor vehicle insurance.

Senate Bill 351: By Senator Huff—An act to amend Section 21655.5 of the Vehicle Code, relating to vehicles.

Senate Bill 352: By Senator Dutton—An act to amend Sections 1536.1, 1538.5, 1566.25, and 1567.3 of the Health and Safety Code, and to amend Section 740 of the Welfare and Institutions Code, relating to juveniles.

Senate Bill 353: By Senator Dutton—An act to amend Sections 17072, 17215, and 19184 of, and to add Sections 17138.5, 17138.6, and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 354: By Senator Wright—An act to add and repeal Chapter 3.7 (commencing with Section 7292) of Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 355: By Senator Romero—An act to add Chapter 35 (commencing with Section 22949) to Division 8 of the Business and Professions Code, relating to economy hotels.

Senate Bill 356: By Senator Wright—An act to amend Sections 11346, 11346.2, 11346.3, 11346.45, 11346.5, 11346.9, 11350, 11350.3, 11357, 15570, and 65054.3 of, and to repeal and add Section 11342.610 of, the Government Code, and to amend Section 75121 of the Public Resources Code, relating to regulations.

Senate Bill 357: By Senator Ducheny (Coauthor: Assembly Member Jeffries)—An act to amend Section 12718 of the Government Code, relating to gaming.

Senate Bill 358: By Senator Ducheny—An act to amend Section 14030 of, and to add Article 10 (commencing with Section 14077) to Chapter 1 of Part 5 of Division 3 of Title 1 of, the Corporations Code, relating to Indian tribes, and making an appropriation therefor.

Senate Bill 359: By Senator Romero—An act to amend Sections 6276.02, 6276.04, 6276.06, 6276.08, 6276.10, 6276.12, 6276.14, 6276.16, 6276.18, 6276.22, 6276.24, 6276.26, 6276.28, 6276.30, 6276.32, 6276.34, 6276.36, 6276.38, 6276.40, 6276.42, 6276.44, 6276.46, and 6276.48 of the Government Code, relating to records.



Senate Bill 360: By Senator Yee—An act to amend Section 1276.4 of, and to add Section 1276.45 to, the Health and Safety Code, relating to direct care nurses.

Senate Bill 361: By Senator Runner—An act to amend Section 66025.8 of the Education Code, relating to postsecondary education.

Senate Bill 362: By Senator Florez—An act to amend Sections 221, 58892.2, 61345, 61384, 61411.2, 61810, 62079, 62146, 62149, 62151, 62191, 62193, 62502, 62504, 62520, 62564, 62565, 62580, 62582, 62623, 62660, 62750, and 64305 of, to repeal Sections 62563, 62564.5, and 62640 of, and to repeal Chapter 3 (commencing with Section 62700) of Part 3 of Division 21 of, the Food and Agricultural Code, relating to milk.

Senate Bill 363: By Senator Hancock—An act relating to utility rates.

Senate Bill 364: By Senator Florez—An act relating to pharmacy.

Senate Bill 365: By Senator Ducheny—An act to amend Section 17070.20 of the Education Code, and to amend Section 15490 of, to add Section 15490.5 to, and to repeal Section 14620 of, the Government Code, relating to the State Allocation Board.

Senate Bill 366: By Senator Aanestad—An act to amend Section 2827 of the Public Utilities Code, relating to energy.

Senate Bill 367: By Senator Harman—An act to amend Sections 16061, 16061.5, 16061.7, 16061.8, 16061.9, 16064, and 17200 of, and to add Sections 16060.7, 16065, 16068 and, 16069 to, the Probate Code, relating to trusts.

Senate Bill 368: By Senator Maldonado—An act to amend Section 56.36 of the Civil Code, and to amend Sections 1280.15 and 130202 of the Health and Safety Code, relating to confidential medical information.

Senate Bill 369: By Senator Maldonado—An act to amend Section 1831 of the Military and Veterans Code, relating to the POW/MIA Flag.

Senate Bill 370: By Senator Runner—An act to amend Sections 2101, 3011, 3020, 3311, and 4103 of, and to add Section 14216.5 to, the Elections Code, and to add Section 14902.5 to the Vehicle Code, relating to elections.

Senate Bill 371: By Senator Cogdill—An act to add Division 26.7 (commencing with Section 79700) to the Water Code, relating to financing a water supply reliability and water source protection program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.



Senate Constitutional Amendment 12: By Senator Kehoe—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 1 and 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 18 of Article XVI thereof, relating to public safety services funding.

Senate Joint Resolution 2: By Senator Liu—Relative to college textbook affordability.

LEAVES OF ABSENCE FOR THE DAY

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

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

The following Senator was granted leave of absence for the day due to illness: Senator Negrete McLeod.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Leno requested that when the Senate adjourns this day it do so in memory of Annabel Marsh of San Francisco.

Senator Liu requested that when the Senate adjourns this day it do so in memory of Janet Witkin of Glendale.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, February 26, 2009.

PAULA K. ROSSETTO, Minute Clerk

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