

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, February 21, 2007

The Senate met at 9 a.m.

Hon. Don Perata, of the 9th 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, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete, McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Wyland—33.

Quorum present.

*(NOTE: Senators Battin, Florez, Ridley-Thomas, and Yee will be excused this day on legislative business, Senator Ashburn will be excused this day on personal business, and Senators Harman and Vincent will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
February 21, 2007

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate



confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Irene V. Raymundo, member and designed chair, Agricultural Labor Relations Board since 2005; and former Board Representative for Hearing Services, the Youthful Offender Parole Board. Reappointed 02/13/07. Effective 02/15/07.

Member, Agricultural Labor Relations Board, term ending 01/01/2012.

Jerry A. Hill, supervisor and former two-term president, San Mateo County Board of Supervisors; and former Councilman, San Mateo City Council. Appointed 02/08/07. Effective 02/20/07.

Member, State Air Resources Board vice Mark J. DeSaulnier, resigned, term ending at the Pleasure of the Governor.

Daniel Sperling, Ph.D., Professor of Civil Engineering and Environmental Science and Policy; and founding director, Institute of Transportation Studies, University of California, Davis. Appointed 02/08/07. Effective 02/15/07.

Member, State Air Resources Board vice Patricia Sales Pineda, resigned, term ending at the Pleasure of the Governor.

B. Timothy Gage, founder and owner, Blue Sky Consulting Group; and member and former chair, Finance Committee, Independent System Operator Governing Board since 2003. Reappointed 02/01/07. Effective 02/13/07.

Member, Independent System Operator Governing Board, term ending 12/31/08.

Peter Samuel Reinke, director, civic purpose, Head Royce School; and member, State Teachers' Retirement Board since 2006. Reappointed 02/13/07. Effective 02/16/07.

Member of the Teachers' Retirement Board, term ending 12/31/2010.

Frank (Fred) T. Aguiar, former Cabinet Secretary, Office of the Governor; and former Secretary, State and Consumer Services Agency. Appointed 02/20/07. Effective 02/20/07.

Member, Unemployment Insurance Appeals Board vice Steven R. Maviglio, resigned, term ending 01/01/2011.



Gary N. Nakamura, forestry specialist, Center for Forestry, University of California, Berkeley; and former supervisor, Research and Development, California Region of Champion International Corp. Appointed 02/13/07. Effective 02/21/07.

Member of the State Board of Forestry and Fire Protection vice Ronald Nehring, not confirmed, term ending 01/15/08.

Above appointments referred to the Committee on Rules.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 20, 2007

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

ACR 19

AJR 6

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:

**Assembly Concurrent Resolution 19**—Relative to Black History Month.

**Assembly Joint Resolution 6**—Relative to disaster relief.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Education**

Senate Chamber, February 21, 2007

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

SB 109

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

SCOTT, Chair

##### **Second Reading of Bills—Author's Amendments**

**Senate Bill 109**—An act to amend Section 44940.5 of the Education Code, relating to employee compensation.

Bill read second time.

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

##### **Committee on Rules**

State Capitol, February 21, 2007

Mr. President: The Senate Rules Committee has adopted Senate Rules Committee Resolution #5 outlining the jurisdiction of the Select Committee on Food-borne Illness.

The Senate Rules Committee has adopted Senate Rules Committee Resolution #7 outlining the jurisdiction of the Select Committee on the



Alameda Corridor and appointed the following members to serve on the committee: Senators Calderon, Dutton, Lowenthal, Margett and Oropeza (Senator Negrete McLeod serves as Chair).

PERATA, 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 370:** By Senator Kuehl—An act to amend Section 14105.395 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 371:** By Senator Yee—An act to amend Section 1950.7 of the Civil Code, relating to nonresidential tenancy.

**Senate Bill 372:** By Senator Steinberg—An act relating to transportation.

**Senate Bill 373:** By Senator Kehoe—An act to add Section 2831 to the Fish and Game Code, relating to wildlife resources.

**Senate Bill 374:** By Senator Harman—An act to add Section 398.5 to the Military and Veterans Code, relating to military benefits.

**Senate Bill 375:** By Senator Steinberg—An act to amend Section 21159.24 of the Public Resources Code, relating to environmental quality.

**Senate Bill 376:** By Senator Migden—An act to amend Sections 17204 and 17206 of the Business and Professions Code, relating to unfair competition.

**Senate Bill 377:** By Senator Aanestad—An act to amend Section 44831 of the Education Code, relating to school employees.

**Senate Bill 378:** By Senator Steinberg—An act to add Article 5 (commencing with Section 5096.830) to Chapter 1.699 of Division 5 of the Public Resources Code, relating to disaster preparedness and flood prevention.

**Senate Bill 379:** By Senator Denham—An act to amend Section 19596.2 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

**Senate Bill 380:** By Senator Kehoe—An act to amend Sections 5830, 5840, 5870, and 5930 of the Public Utilities Code, relating to cable and video service.

**Senate Bill 381:** By Senator Calderon—An act to amend Sections 82015 and 83124 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 382:** By Senator Oropeza—An act to amend Sections 331 and 3500 of the Elections Code, relating to elections.



**Senate Bill 383:** By Senator Aanestad—An act relating to taxation.

**Senate Bill 384:** By Senator Cogdill—An act to amend Sections 1726, 1726.4, and 1727 of the Fish and Game Code, relating to fisheries.

**Senate Bill 385:** By Senator Machado—An act to add Section 10248.7 to the Business and Professions Code, to add Sections 215.5, 22169, and 50333 to the Financial Code, and to add Section 13984 to the Government Code, relating to mortgages.

**Senate Bill 386:** By Senator Cogdill—An act to amend Section 10783 of the Revenue and Taxation Code, and to amend Sections 5101.5, 5101.6, and 9105 of the Vehicle Code, relating to vehicles.

**Senate Bill 387:** By Senator Alquist—An act to amend Section 1625.1 of, and to add Section 1625.3 to, the Business and Professions Code, relating to dentistry.

**Senate Bill 388:** By Senator Corbett—An act to add Part 2.7 (commencing with Section 60) to Division 1 of the Civil Code, relating to privacy.

**Senate Bill 389:** By Senator Yee—An act to add Section 1379.1 to, and to add Article 5.57 (commencing with Section 1374.40) to Chapter 2.2 of Division 2 of, the Health and Safety Code, and to add Article 3.7 (commencing with Section 10169.7) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health care coverage.

**Senate Bill 390:** By Senators Runner and Dutton—An act to add Sections 729.4 and 1766.3 to the Welfare and Institutions Code, relating to juveniles.

**Senate Bill 391:** By Senator Ducheny—An act to add Section 1203.87 to the Penal Code, relating to prisoners.

**Senate Bill 392:** By Senator Ducheny—An act to amend Section 31874.6 of the Government Code, relating to county employees' retirement.

**Senate Bill 393:** By Senator Margett—An act to amend Section 8880.5 of the Government Code, relating to the California State Lottery.

**Senate Bill 394:** By Senator Cox—An act to amend Section 5840 of the Public Resources Code, relating to parks.

**Senate Bill 395:** By Senator Cox—An act to add Section 13228.5 of the Water Code, relating to water.

**Senate Bill 396:** By Senators Ridley-Thomas—An act to amend Section 470.5 of the Business and Professions Code, relating to dispute resolution.

**Senate Bill 397:** By Senator Denham—An act to amend Section 19590 of the Business and Professions Code, relating to horse racing.



**Senate Bill 398:** By Senator Denham—An act to amend Section 14600 of the Government Code, relating to the Department of General Services.

**Senate Bill 399:** By Senator Dutton—An act relating to water.

**Senate Bill 400:** By Senator Corbett—An act to add Section 14132.103 to the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 401:** By Senator Battin—An act to amend Section 12012.85 of the Government Code, relating to gaming.

**Senate Bill 402:** By Senator Aanestad—An act relating to firefighters.

**Senate Bill 403:** By Senator Harman—An act to amend Section 4504 of the Family Code, relating to child support obligations.

**Senate Bill 404:** By Senator Kehoe—An act to add Section 5093.41 to the Public Resources Code, relating to public resources.

**Senate Bill 405:** By Senator Steinberg—An act relating to school curriculum.

**Senate Bill 406:** By Senator Steinberg—An act to amend Sections 49110, 49110.1, and 49117 of, and to add Section 49110.2 to, the Education Code, relating to pupils.

**Senate Bill 407:** By Senator Romero—An act to amend Sections 1037, 1037.1, 1037.2, 1037.4, and 1037.5 of the Evidence Code, relating to domestic violence.

**Senate Bill 408:** By Senator Oropeza—An act to amend Sections 102, 104, 9022, 9209, and 9307 of the Elections Code, relating to initiatives.

**Senate Bill 409:** By Senator Ashburn—An act to add Section 3041.6 to the Penal Code, relating to parole.

**Senate Bill 410:** By Senator Simitian—An act to add Section 25745 to the Public Resources Code, relating to energy.

**Senate Bill 411:** By Senator Simitian—An act to amend Section 399.15 of the Public Utilities Code, relating to energy.

**Senate Bill 412:** By Senator Simitian—An act relating to energy.

**Senate Bill 413:** By Senator Scott (Principal coauthor: Senator Cox) (Principal coauthor: Assembly Member Hancock)—An act to amend Section 84810.5 of the Education Code, relating to community colleges.

**Senate Bill 414:** By Senator Corbett—An act to amend Section 16956 of the Corporations Code, relating to partnerships.



**Senate Bill 415:** By Senator Harman—An act to add Section 4326 to the Family Code, relating to spousal support.

**Senate Bill 416:** By Senator Ashburn—An act to amend Section 20133 of the Public Contract Code, relating to public contracts.

**Senate Bill 417:** By Senator Cogdill—An act to amend Section 23612.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 418:** By Senator Migden—An act to amend Sections 97.2 and 97.3 of the Revenue and Taxation Code, relating to local government finance.

**Senate Bill 419:** By Senator Kehoe—An act to amend Section 32631 of the Public Resources Code, relating to the San Diego River Conservancy.

**Senate Bill 420:** By Senator Negrete McLeod (Principal coauthor: Senator Cogdill)—An act to add Section 24342 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 421:** By Senator Ducheny—An act to add Section 5006.15 to the Public Resources Code, relating to parks.

**Senate Bill 422:** By Senator Ashburn—An act to amend Section 260 of the Vehicle Code, relating to vehicles.

**Senate Bill 423:** By Senator Harman—An act to add Section 3294.6 to the Civil Code, relating to exemplary damages.

**Senate Bill 424:** By Senator Denham—An act relating to water, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 425:** By Senator Margett—An act to amend Section 1054.5 of the Penal Code, relating to crimes.

**Senate Bill 426:** By Senator Kehoe—An act to add Section 8587.2 to the Government Code, relating to emergency services.

**Senate Bill 427:** By Senator Harman—An act to add Article 7 (commencing with Section 21159.50) to Chapter 4.5 of Division 13 of the Public Resources Code, relating to environmental quality.

**Senate Bill 428:** By Senator Dutton (Coauthor: Assembly Member Emmerson)—An act to amend Section 743.1 of the Public Utilities Code, relating to public utilities.

**Senate Bill 429:** By Senator Ducheny—An act to add a heading as Chapter 1 (commencing with Section 57000) to, to add a heading as Chapter 2 (commencing with Section 57018) to, to add Chapter 3 (commencing with Section 57030) to, Division 37 of, and to repeal Section 57012 of, the Health and Safety Code, relating to the environment.





**Senate Bill 430:** By Senator Machado—An act to amend Section 1063.1 of the Insurance Code, relating to insurance.

**Senate Bill 431:** By Senators Aanestad and Wiggins—An act to amend Section 20815 of the Government Code, relating to public employees' retirement.

**Senate Bill 432:** By Senator Lowenthal—An act to amend Sections 21455.7 and 21461 of the Vehicle Code, relating to vehicles.

**Senate Bill 433:** By Senator Harman—An act to amend Section 704.720 of the Code of Civil Procedure, relating to homestead exemptions.

**Senate Bill 434:** By Senator Romero—An act to add Chapter 7.75 (commencing with Section 9550) to Division 8.5 of the Welfare and Institutions Code, relating to seniors.

**Senate Bill 435:** By Senator Cogdill—An act relating to water districts.

**Senate Bill 436:** By Senator Vincent—An act to amend Section 19601 of the Business and Professions Code, relating to horse racing.

**Senate Bill 437:** By Senator Negrete McLeod—An act to amend Sections 33080.1 and 33490 of the Health and Safety Code, relating to redevelopment.

**Senate Bill 438:** By Senator Aanestad—An act relating to Medi-Cal.

**Senate Bill 439:** By Senator Calderon—An act to amend Section 15342 of the Elections Code, relating to elections.

**Senate Bill 440:** By Senator Florez—An act to add Section 8880.245 to the Government Code, relating to the California State Lottery.

**Senate Bill 441:** By Senators Torlakson and Kuehl—An act to add Section 11005.4 to the Government Code, relating to state property.

**Senate Bill 442:** By Senator Ackerman—An act to amend Section 20209.13 of the Public Contract Code, relating to public contracts.

**Senate Bill 443:** By Senator Migden—An act to amend Section 1644.5 of the Health and Safety Code, relating to public health.

**Senate Bill 444:** By the Committee on Local Government (Senators Negrete McLeod (Chair), Cox, Harman, Kehoe, and Machado)—An act to amend Sections 25210.77b, 38743, 38902, 54251, 54984.4, 54984.7, 54984.8, and 61124 of, and to repeal Sections 54984.5 and 54984.6 of, the Government Code, to amend Section 5471 of the Health and Safety Code, to amend Sections 13215 and 13216 of the Public Resources Code, to amend Sections 13022, 16475, 16477, and 16478 of, and to repeal Section 16476 of, the Public Utilities Code, to amend Sections 22280, 31031, 31031.8, 31032.1, 31032.10, 31032.12, 31104, 31104.5, 31104.7, 31104.8, 35470, 50902, 50911, 52402, 55501.5, 55507, 71630, 71632, and





71638 of, to add Sections 35470.1, 37210.1, and 37210.2 to, and to repeal Section 71638.3 of, the Water Code, and to amend Section 5.2 of Chapter 545 of the Statutes of 1943, Section 27.6 of Chapter 1657 of the Statutes of 1951, Section 3.8 of Chapter 2036 of the Statutes of 1959, Section 3.9 of Chapter 2137 of the Statutes of 1959, Section 76 of Chapter 2146 of the Statutes of 1959, Section 11.5 of Chapter 40 of the Statutes of the First Extraordinary Session of 1962, Section 24.1 of Chapter 28 of the Statutes of the First Extraordinary Session of 1962, Sections 134.5, 134.6, and 134.7 of Chapter 209 of the Statutes of 1969, Section 721 of Chapter 527 of the Statutes of 1977, Section 441 of Chapter 926 of the Statutes of 1983, Section 441 of Chapter 688 of the Statutes of 1984, Section 441 of Chapter 689 of the Statutes of 1984, Section 420 of Chapter 1399 of the Statutes of 1987, Section 12 of Chapter 1159 of the Statutes of 1990, and Sections 603 and 604 of Chapter 803 of the Statutes of 1992, relating to local government.

**Senate Bill 445:** By Senator Torlakson—An act to add Section 87 to the Streets and Highways Code, relating to transportation.

**Senate Bill 446:** By Senators Yee and Runner—An act to repeal Part 4 (commencing with Section 18000) of Division 7 of the Business and Professions Code, and to add Chapter 2.7 (commencing with Section 13996.8) to Part 4.7 of Division 3 of Title 2 of the Government Code, relating to economic development, and making an appropriation therefor.

**Senate Bill 447:** By Senator Maldonado—An act to amend Section 21608 of, and to add Section 21606.1 to, the Business and Professions Code, relating to junk dealers.

**Senate Bill 448:** By Senator Margett—An act to add Sections 12290 and 12309.7 to the Elections Code, relating to elections.

**Senate Bill 449:** By Senator Aanestad—An act to amend Section 6254 of the Government Code, and to amend Section 293 of the Penal Code, relating to records of crime.

**Senate Bill 450:** By Senator Oropeza—An act to amend Section 23987 of, and to add Section 25611.5 to, the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 451:** By Senator Kehoe—An act to add Section 576 to the Public Utilities Code, relating to energy.

**Senate Bill 452:** By Senator Cogdill—An act to add Section 3352.1 to the Labor Code, and to add Section 631.5 to the Unemployment Insurance Code, relating to employment.

**Senate Bill 453:** By Senator Negrete McLeod—An act to add Sections 45266.5 and 88086.25 to the Education Code, relating to educational employees.



**Senate Bill 454:** By Senator Harman—An act to add Section 17743.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 455:** By Senator Denham (Principal coauthor: Assembly Member Caballero)—An act relating to water.

**Senate Bill 456:** By Senator Simitian—An act to add Chapter 10.1 (commencing with Section 108925) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

**Senate Bill 457:** By Senator Wyland—An act to amend Section 981 of the Military and Veterans Code, relating to veterans.

**Senate Bill 458:** By Senator Torlakson—An act to add Article 1.6 (commencing with Section 104165) to Chapter 2 of Part 1 of Division 103 of the Health and Safety Code, relating to lung cancer, and making an appropriation therefor.

**Senate Bill 459:** By Senator Florez—An act to add Chapter 5.5 (commencing with Section 9069.10) to Part 4 of Division 8 of the Health and Safety Code, relating to public cemetery districts.

**Senate Bill 460:** By Senator Florez—An act to add Section 42285.5 to the Education Code, relating to schools.

**Senate Bill 461:** By Senator Ashburn (Principal coauthor: Assembly Member Evans)—An act to add Sections 7513.4 and 16642.5 to the Government Code, relating to investments.

**Senate Bill 462:** By Senator Torlakson—An act to amend Sections 1746, 1749, and 1750 of the Health and Safety Code, relating to hospice care.

**Senate Bill 463:** By Senator Negrete McLeod—An act to amend Section 2827.9 of the Public Utilities Code, relating to energy.

**Senate Bill 464:** By Senator Kuehl—An act to amend Sections 7060 and 7060.4 of the Government Code, relating to rental property.

**Senate Bill 465:** By Senator Lowenthal—An act to amend Section 17071.40 of, and to repeal Section 17071.33 of, the Education Code, relating to school facilities.

**Senate Bill 466:** By Senator Steinberg—An act to amend Section 4554.5 of, and to add Sections 739.5 and 4629 to, the Public Resources Code, relating to forest resources.

**Senate Bill 467:** By Senator Cogdill—An act relating to hospitals.

**Senate Bill 468:** By Senator Padilla (Principal coauthor: Assembly Member Ma) (Coauthor: Senator Steinberg) (Coauthors: Assembly Members DeSaulnier and Galgiani)—An act to amend Sections 24520,



24521, and 24522 of, and to add Section 24521.5 to, the Health and Safety Code, relating to shaken baby syndrome.

**Senate Bill 469:** By Senator Runner—An act to amend Section 21061 of the Public Resources Code, relating to the environment.

**Senate Bill 470:** By Senator Ashburn—An act to amend Section 9142 of the Food and Agricultural Code, relating to agriculture.

**Senate Bill 471:** By Senator Margett—An act to amend Section 103526 of the Health and Safety Code, relating to vital records.

**Senate Bill 472:** By Senator Corbett—An act relating to pharmacy.

**Senate Bill 473:** By Senator Cox—An act to add Section 10350 to the Public Contract Code, relating to state contracts.

**Senate Bill 474:** By Senator Kuehl—An act to amend Sections 14166.20 and 14166.75 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Concurrent Resolution 18:** By Senators Torlakson, Corbett, Cox, Ducheny, Dutton, Romero, and Vincent (Coauthors: Assembly Members Benoit, Gaines, Horton, Jeffries, Karnette, Laird, Levine, Lieu, Ma, and Silva)—Relative to California Fitness Month.

#### **LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin, Florez, Ridley-Thomas, and Yee.

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

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

#### **REQUEST TO ADJOURN IN MEMORIAM**

Senator Florez requested that when the Senate adjourns this day it do so in memory of Quinton O. Ross of Hanford.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, February 22, 2007.

PAULA K. ROSSETTO, Minute Clerk

