

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, April 16, 2007

The Senate met at 12 p.m.
Hon. Don Perata, of the 9th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

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

Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee—37.

Quorum present.

(NOTE: Senators Aanestad and Kehoe will be excused this day on personal business and Senator Cox will be excused this day due to a death in the family.)



PRAYER

Prayer was offered by the Chaplain, Rev. Canon James Richardson:

Holy and Gracious God, We gather today with thanks for all the blessings and abundance we receive from you. Grant to us the heart to serve, the courage to act and the wisdom to know what is right. Guide our lawmakers that they may hear all the voices of our land, and may this Senate always be faithful guardians of our liberty.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 12, 2007

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

ACR 21

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 21—Relative to the University of California.

REPORTS OF STANDING COMMITTEES**Committee on Education**

Senate Chamber, April 16, 2007

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

SB 750

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 750—An act to amend Section 51225.3 of the Education Code, relating to pupils.

Bill read second time.

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

Committee on Human Services

Date of Hearing, April 10, 2007

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

SB 703



Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

ALQUIST, Chair

Above measure ordered to second reading.

Date of Hearing, April 10, 2007

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

SB 785

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ALQUIST, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, April 16, 2007

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

SB 838

SB 888

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

PERATA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 838—An act to add Sections 4742 and 4743 to the Public Resources Code, relating to fire prevention and protection.

Bill read second time.

Senate Bill 888—An act to amend Section 60900 of the Education Code, relating to pupil data.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Senate Chamber, April 16, 2007

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

SB 731

SB 963

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

RIDLEY-THOMAS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 731—An act to add and repeal Chapter 10.5 (commencing with Section 4600) of Division 2 of the Business and Professions Code, relating to massage therapy.



Senate Bill 963—An act to amend Sections 4001 and 4003 of, and to repeal Section 101.1 of, the Business and Professions Code, relating to regulatory boards.

Bill read second time.

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

Committee on Health

Senate Chamber, April 16, 2007

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

SB 691

SB 801

SB 891

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

Senate Bill 691—An act to amend Sections 1338.5 and 1417.2 of the Health and Safety Code, and to amend Section 14126.023 of the Welfare and Institutions Code, relating to nurse assistant certification costs.

Bill read second time.

Senate Bill 801—An act to add Section 128555.5 to the Health and Safety Code, relating to physicians and surgeons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 891—An act to add and repeal Section 1256.01 of the Health and Safety Code, relating to public health.

Bill read second time.

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

Committee on Public Safety

Date of Hearing, April 10, 2007

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

SB 594

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ROMERO, Chair

Above measure ordered to second reading.

Committee on Health

Date of Hearing, April 11, 2007

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

SB 490



Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Education.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, April 16, 2007

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

SB 763

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

CORBETT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 763—An act to add Chapter 6.84 (commencing with Section 25395.200) to Division 20 of the Health and Safety Code, relating to hazardous materials.

Bill read second time.

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

Committee on Health

Date of Hearing, April 11, 2007

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

SB 771

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, April 16, 2007

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

SB 275

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

CORBETT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 275—An act to amend Section 1290 of, and to add Section 1262.3 to, the Health and Safety Code, relating to health facilities.

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

Date of Hearing, April 10, 2007

Mr. President: The Committee on Public Safety, to which was referred:
SB 407

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

ROMERO, Chair

Above measure ordered to second reading.

Senate Chamber, April 16, 2007

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

SB 391

SB 655

SB 839

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

ROMERO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 391—An act to add Section 1203.87 to the Penal Code, relating to prisoners.

Bill read second time.

Senate Bill 655—An act to amend Section 4573.8 of, to add Section 4575 to, and to repeal Section 5030.1 of, the Penal Code, relating to inmates.

Bill read second time.

Senate Bill 839—An act to amend Sections 12551, 12552, 12678, 12683, 12700, 12702, and 12726 of, and to add Sections 12556, 12557, 12703, 12704, 12706, 12707, 12727, and 12728 to, the Health and Safety Code, and to add Section 15301 to the Vehicle Code, relating to fireworks, and making an appropriation therefor.

Bill read second time.

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

Committee on Education

Senate Chamber, April 16, 2007

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

SB 741

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 741—An act to amend Section 49408 of, and to add Section 49079.5 to, the Education Code, relating to pupils.

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, April 16, 2007

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

SB 987

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

ROMERO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 987—An act to amend Sections 830.2, 2816, 2817, 13800, 13812, 13813, 13820, 13823, and 14204 of, and to add Section 13814 to, the Penal Code, to amend Section 10122.5 of the Public Contract Code, and to amend Section 1016 of, and to repeal and add Section 1760.6 of, the Welfare and Institutions Code, relating to the state correctional system.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 987 pursuant to Joint Rule 58.

SENATOR ROMERO

Permission of Rules Committee

Senate Chamber, April 16, 2007

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 987.

PERATA, Chair

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

Committee on Rules

Senate Chamber, April 16, 2007

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

SB 130

SB 131

SB 292

SB 789

SB 828

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

PERATA, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 130—An act to amend Section 9002 of the Elections Code, relating to elections.

Bill read second time.

Senate Bill 131—An act to amend Section 87100 of the Government Code, relating to conflicts of interest.

Bill read second time.

Senate Bill 292—An act relating to state government.

Bill read second time.

Senate Bill 789—An act to amend Section 8587 of the Government Code, relating to emergency services.

Bill read second time.

Senate Bill 828—An act relating to firefighters.

Bill read second time.

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

Committee on Transportation and Housing

Date of Hearing, April 10, 2007

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 285

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety.

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, April 10, 2007

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 563

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

LOWENTHAL, Chair

Above measure ordered to second reading.

Committee on Health

Senate Chamber, April 16, 2007

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

SB 261



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

Senate Bill 261—An act to amend Section 1797.199 of the Health and Safety Code, relating to emergency medical services.

Bill read second time.

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

Date of Hearing, April 11, 2007

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

SB 356

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

Date of Hearing, April 11 2007

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

SB 564

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Education.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Senate Chamber, April 16, 2007

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

SB 329

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

SIMITIAN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 329—An act to amend Section 25503.5 of the Health and Safety Code, relating to hazardous materials.

Bill read second time.

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



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

Senate Bill 70—An act to add Article 6.5 (commencing with Section 13453) to Chapter 14 of Division 5 of the Business and Professions Code, relating to biodiesel.

Bill read second time.

The amendments proposed by the Committee on Business, Professions and Economic Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Senate Bill 317—An act to amend Section 19512 of the Business and Professions Code, relating to horse racing.

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

Senate Bill 77—An act relating to the Budget Act of 2007.

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

Senate Bill 78—An act relating to the Budget Act of 2007.

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

Senate Bill 79—An act relating to the Budget Act of 2007.

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

Senate Bill 80—An act relating to the Budget Act of 2007.

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

Senate Bill 81—An act relating to the Budget Act of 2007.

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

Senate Bill 82—An act relating to the Budget Act of 2007.

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

Senate Bill 83—An act relating to the Budget Act of 2007.

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

Senate Bill 84—An act relating to the Budget Act of 2007.

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

Senate Bill 85—An act relating to the Budget Act of 2007.

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

Senate Bill 86—An act relating to the Budget Act of 2007.

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

Senate Bill 87—An act relating to the Budget Act of 2007.

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

Senate Bill 88—An act relating to the Budget Act of 2007.

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



Senate Bill 89—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 90—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 91—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 92—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 93—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 94—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 95—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 96—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 97—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 98—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 99—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 100—An act relating to the Budget Act of 2007.
Bill read second time, ordered engrossed, and to third reading.

Senate Bill 258—An act to amend Section 1525 of, and to add Section 1524 to, the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Water were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 783—An act to amend Sections 7912, 7914, and 7915 of, and to add Sections 7916, 7917, and 7918 to, the Labor Code, relating to amusement rides.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.



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

Bill read second time.

The amendments proposed by the Committee on Business, Professions and Economic Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Veterans Affairs.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Banking, Finance, and Insurance to hear SB 339 without four days notice in the file.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SCR 31** was withdrawn from Committee and placed on today's Special Consent Calendar.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SR 10** and **SR 13** were withdrawn from Committee and placed on third reading.

CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Concurrent Resolution 25—Relative to Cesar Chavez Day.

Resolution presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SCR 25?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (31)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Dutton, Florez, Harman, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above resolution ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill 29—An act to add and repeal Section 46001 of the Education Code, relating to pupils.

Bill read third time and presented by Senator Simitian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alquist, Ashburn, Battin, Cedillo, Cogdill, Corbett, Correa, Ducheny, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Negrete McLeod, Oropeza,

Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (5)—Senators Ackerman, Calderon, Harman, Maldonado, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 162—An act to amend Section 56668 of the Government Code, relating to local government.

Bill read third time and presented by Senator Negrete McLeod.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kuehl, Lowenthal, Machado, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, and Wiggins.

NOES (13)—Senators Ackerman, Ashburn, Battin, Cogdill, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 279—An act to amend Section 731 of the Streets and Highways Code, relating to state highways.

Bill read third time and presented by Senator Yee.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Ducheny, Dutton, Florez, Harman, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (5)—Senators Battin, Denham, Hollingsworth, Margett, and McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 613—An act to amend Section 65089.11 of the Government Code, relating to local government.

Bill read third time and presented by Senator Simitian.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Simitian moved a call of the Senate.

Motion carried.



THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 406—An act to amend Sections 49110, 49110.1, 49111, and 49117 of, and to add Section 49110.2 to, the Education Code, relating to pupils.

Bill read third time and presented by Senator Steinberg.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (11)—Senators Ackerman, Ashburn, Battin, Cogdill, Denham, Dutton, Harman, Hollingsworth, Margett, McClintock, and Runner.

Bill ordered transmitted to the Assembly.

Senator Yee Presiding**UNFINISHED BUSINESS (RESUMED)****Consideration of Governor's Appointments**

Senator Perata placed the following Governor's appointments before the Senate:

John A. Avila, Member, Commission on Peace Officer Standards and Training;

Robert G. Doyle, Member, Commission on Peace Officer Standards and Training;

Robert T. Doyle, Member, Commission on Peace Officer Standards and Training;

Bonnie M. Dumanis, Commission on Peace Officer Standards and Training;

Floyd R. Hayhurst, Commission on Peace Officer Standards and Training;

Henry T. Perea, Commission on Peace Officer Standards and Training;

Laurie R. Smith, Commission on Peace Officer Standards and Training;

Michael J. Sobek, Commission on Peace Officer Standards and Training.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"



Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (36)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Perata placed the following Governor's appointment before the Senate:

Larry L. Zarian, Member, California Transportation Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (35)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Perata placed the following Governor's appointment before the Senate:

Warren E. Rupf, Member, Boating and Waterways Commission.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"



Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (36)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 613)**

On motion of Senator Simitian, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SB 613 was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, Kuehl, Lowenthal, Machado, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (15)—Senators Ackerman, Ashburn, Battin, Cogdill, Correa, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Negrete McLeod, Runner, and Wyland.

Above bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SCR 35)

Senator Correa asked for, and was granted, unanimous consent that SCR 35 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 35

Senate Concurrent Resolution 35—Relative to California Peace Officers' Memorial Day.

Resolution read third time and presented by Senator Correa.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (36)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly



CONSENT CALENDAR

Senate Bill 170—An act to amend Section 48204 of the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 278—An act to amend Section 48205 of the Education Code, relating to pupils.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 246—An act to add Section 4210 to the Food and Agricultural Code, relating to agriculture.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

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

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Joint Resolution 4—Relative to salmon fisheries.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 31—Relative to Healthy Communities Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 649—An act to amend Sections 6455, 12606, and 12606.2 of the Business and Professions Code, to amend Sections 399, 580, 586, 688.010, 688.030, 904.1, and 904.2 of, and to add Section 904.3 to, the Code of Civil Procedure, to amend Sections 25564, 29733, 43039, and 59289 of the Food and Agricultural Code, to amend Sections 12965 and 12980 of the Government Code, and to amend Sections 977 and 977.2 of the Penal Code, relating to trial court restructuring.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)



Senate Bill 722—An act to amend Section 254 of the Probate Code, relating to decedents' estates.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 553—An act to amend Sections 7620, 7660, 13050, 13100, 13101, 13151, 13152, 13200, 13600, 13601, and 13602 of the Probate Code, relating to decedents' estates.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 234—An act to amend Section 1791 of, and to add Section 1795.8 to, the Civil Code, relating to consumer warranties.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 330—An act to amend Sections 12085, 12085.5, 12087, 12727, 12730, 12735, 12736, 12738, 12740, 12741, 12742, 12745, 12747, 12750, 12750.1, 12750.2, 12751, 12752.1, 12753, 12754, 12756, 12759, 12760, 12761, 12763, 12768, 12772, 12773, 12776, 12780, 12781, 12785, and 12787 of, and to add Section 12758 to, the Government Code, and to repeal Section 25200 of the Welfare and Institutions Code, relating to community services.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

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

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1040—An act to amend Sections 5, 20, and 2852 of, to amend and renumber Section 399.25 of, to repeal the heading of Article 15 of Chapter 2.3 of, and to repeal the heading of Article 5 of Chapter 2.5 of, Part 1 of Division 1 of, the Public Utilities Code, relating to public utilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 67—An act to repeal and add Section 23109.2 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)



Senate Bill 271—An act to amend Section 186.22a of the Penal Code, relating to criminal street gangs.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1041—An act to amend Section 121 of the Military and Veterans Code, relating to the state militia.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 377—An act to amend Section 44831 of the Education Code, relating to school employees.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (36)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

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

The following Senator was granted leave of absence for the day due to a death in the family: Senator Cox.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 1 p.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Perata moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, April 17, 2007.

Motion carried.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 16, 2007

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

AB 63

AB 1715

AB 1716

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 63—An act to amend Section 1 of Chapter 833 of the Statutes of 1988, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1715—An act to amend Sections 5810, 5830, 5840, 5850, 5860, 5870, 5880, 5890, 5900, 5910, 5930, and 5960 of the Public Utilities Code, and to amend Section 107.7 of the Revenue and Taxation Code, relating to cable and video service.

Assembly Bill 1716—An act to amend Section 884.5 of the Public Utilities Code, relating to telecommunications.

REPORTS OF STANDING COMMITTEES**Committee on Business, Professions and Economic Development**

Senate Chamber, April 16, 2007

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

SB 765

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

RIDLEY-THOMAS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 765—An act to add and repeal Chapter 12.92 (commencing with Section 7096) of Division 7 of Title 1 of the Government Code, relating to economic development, 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

Senate Chamber, April 16, 2007

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

SB 905

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

CORBETT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 905—An act to amend Section 54.1 of the Civil Code, relating to physically disabled persons.

Bill read second time.

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

Committee on Governmental Organization

Senate Chamber, April 10, 2007

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

SB 792

Reports the same with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Revenue and Taxation.

FLOREZ, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Water

Date of Hearing, April 10, 2007

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 742

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

STEINBERG, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, April 10, 2007

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

SB 698

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety.

CORBETT, Chair

Above measure ordered to second reading.

Date of Hearing, April 10, 2007

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

SB 414



Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

CORBETT, Chair

Above measure ordered to second reading.

Date of Hearing, April 10, 2007

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

SB 388 SB 541 SB 981

Reports the same back with the recommendation: Do pass as amended.

CORBETT, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, April 16, 2007

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

SB 412 SB 824

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

PERATA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 412—An act relating to energy.

Bill read second time.

Senate Bill 824—An act to amend Section 310 of the Business and Professions Code, relating to consumer affairs.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, April 16, 2007

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

SB 71 SB 75 SB 848

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

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 71—An act to add Section 43867.1 to the Health and Safety Code, relating to air pollution.

Bill read second time.



Senate Bill 75—An act to add Section 43867.2 to the Health and Safety Code, relating to air pollution.

Bill read second time.

Senate Bill 848—An act to amend Section 627 of, to add Sections 22358.6 and 22358.7 to, and to repeal and add Section 40802 of, the Vehicle Code, relating to vehicles.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, April 16, 2007

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

SB 758

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

OROPEZA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 758—An act to amend Section 18042 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Senate Chamber, April 16, 2007

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

SB 136

SB 446

SB 659

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

RIDLEY-THOMAS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 136—An act to amend Section 4937 of the Business and Professions Code, relating to acupuncture.

Bill read second time.



Senate Bill 446—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.

Bill read second time.

Senate Bill 659—An act to amend Sections 7500.3, 7507.6, 7507.12, and 7508.4 of the Business and Professions Code, to add Sections 2984.6 and 2993 to the Civil Code, to add Sections 3357, 15103, and 22329.5 to the Financial Code, and to amend Sections 14602.6, 14602.7, and 22850.5 of, and to add Section 11724 to, the Vehicle Code, relating to collateral recovery, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Energy, Utilities and Communications

Senate Chamber, April 16, 2007

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

SB 451

SB 831

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

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 451—An act to add Section 576 to the Public Utilities Code, relating to energy.

Bill read second time.

Senate Bill 831—An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Senate Chamber, April 16, 2007

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

SB 615

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

RIDLEY-THOMAS, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 615—An act to add Section 4410 to the Business and Professions Code, and to amend Section 128345 of, and to add Article 6 (commencing with Section 128560) to Chapter 5 of Part 3 of Division 107 of, the Health and Safety Code, relating to pharmacy technicians.

Bill read second time.

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

Committee on Transportation and Housing

Date of Hearing, April 10, 2007

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

SB 445

SB 684

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

LOWENTHAL, Chair

Above measures ordered to second reading.

Senate Chamber, April 16, 2007

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

SB 707

SB 753

SB 889

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

LOWENTHAL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 707—An act to add Section 50515.2 to the Health and Safety Code, relating to housing.

Bill read second time.

Senate Bill 753—An act to add Section 50782.5 to the Health and Safety Code, relating to housing, and making an appropriation therefor.

Bill read second time.

Senate Bill 889—An act to add Section 2429.1 to the Vehicle Code, relating to vehicles.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, April 16, 2007

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

SB 425



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

ROMERO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 425—An act to amend Section 1054.5 of the Penal Code, relating to crimes.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Senate Chamber, April 16, 2007

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

SB 472

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

RIDLEY-THOMAS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 472—An act to add Article 4.5 (commencing with Section 4079) to Chapter 9 of Division 2 of the Business and Professions Code, relating to pharmacy.

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

Date of Hearing, April 10, 2007

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

SB 153

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ROMERO, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, April 16, 2007

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

SB 265

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

PERATA, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 265—An act relating to juveniles.

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, April 16, 2007

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

SB 199

SB 295

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

OROPEZA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 199—An act to add and repeal Sections 17053.77 and 23677 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 295—An act to add Section 30182.5 to the Revenue and Taxation Code, relating to taxation.

Bill read second time.

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Constitutional Amendment 9: By Senator Ashburn—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 4 and 8 of Article III thereof, by amending Sections 2, 12, and 22 of, and adding Section 3.5 to, Article IV thereof, by amending Section 7 of Article XX thereof, and by amending Section 1 of, and adding Sections 2, 3, 4, 5, 6, and 7 to, Article XXI thereof, relating to the partial revision of the Constitution by the creation of and transfer of legislative duties to the Independent Redistricting Commission, terms and service of Members of the Legislature, and the state budget.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 619** was withdrawn from the Committee on Education and re-referred to the Committee on Rules; and

SB 801 was withdrawn from the Committee on Health and re-referred to the Committee on Rules.



MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SB 106**, **SB 174**, **SB 175**, **SB 903**, **SB 941**, and **SB 957** were withdrawn from Committee and placed on second reading file.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Bryan Zollner of Redding.

Senators Cox, Ackerman, and Runner requested that when the Senate adjourns this day it do so in memory of Ruby L. Cox of Lancaster.

Senators Cox and Wyland requested that when the Senate adjourns this day it do so in memory of LTC. Sarah Capps Krause of Sacramento.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Frank C. Adams of Fallbrook.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Ofc. Terry Tooley of El Monte.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Penny Aran.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Joan Bistrin of Ukiah and SSgt. Jesse Lawrence Williams of Santa Rosa.

Senator Yee requested that when the Senate adjourns this day it do so in memory of Tom Kim of San Francisco.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, April 17, 2007.

PAULA K. ROSSETTO, Minute Clerk

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