

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 8, 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, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee—39.

Quorum present.

(NOTE: Senator Simitian will be excused this day on personal business.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 7, 2007

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

ACR 43

Assembly Chamber, May 7, 2007

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

SCR 31



And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 43—Relative to Cinco de Mayo Week.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, May 7, 2007

Mr. President: The Committee on Rules has examined:

SCR 35

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 7th day of May, 2007, at 4 p.m.

PERATA, Chair

Committee on Business, Professions and Economic Development

Date of Hearing, May 7, 2007

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

SB 970

Reports the same back with the recommendation: Do pass.

RIDLEY-THOMAS, Chair

Above bill ordered to second reading.

Committee on Judiciary

Senate Chamber, May 8, 2007

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

SB 942

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 942—An act to amend Sections 132a, 3201.81, 4658.5, and 4658.6 of the Labor Code, relating to workers' compensation.

Bill read second time.

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



Committee on Appropriations

Senate Chamber, May 7, 2007

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

SB 34	SB 351	SB 661	SB 1017
SB 52	SB 363	SB 697	SB 1019
SB 102	SB 425	SB 762	SB 1042
SB 105	SB 473	SB 788	SB 1043
SB 108	SB 523	SB 841	SB 1045
SB 159	SB 573	SB 867	SB 1046
SB 273	SB 574	SB 900	SB 1047
SB 295	SB 588	SB 904	SB 1048
SB 324	SB 589	SB 921	SB 1051
SB 331	SB 655	SB 956	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

TORLAKSON, Chair

Above measures ordered to second reading.

Committee on Public Safety

Date of Hearing, May 8, 2007

Mr. President: The Committee on Public Safety, to which was referred: SB 943

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ROMERO, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing, May 7, 2007

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

SB 101	SB 416	SB 691	SB 870
SB 221	SB 431	SB 764	SB 901
SB 315	SB 535	SB 785	SB 978
SB 355	SB 599	SB 803	SB 1036
SB 400	SB 625	SB 853	SB 1049

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

Senate Chamber, May 8, 2007

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

SB 272	SB 578	SB 669	SB 731
SB 776	SB 856	SB 872	

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 272—An act to add Section 66025.8 to the Education Code, relating to postsecondary education.

Bill read second time.

Senate Bill 578—An act to add Chapter 6.93 (commencing with Section 25430) to Division 20 of the Health and Safety Code, relating to the environment.

Bill read second time.

Senate Bill 669—An act to add Section 75067 to the Public Resources Code, relating to the environment.

Bill read second time.

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.

Bill read second time.

Senate Bill 776—An act to amend Section 1522 of the Health and Safety Code, relating to community care facilities.

Bill read second time.

Senate Bill 856—An act to add Section 91.4 to the Streets and Highways Code, relating to transportation.

Bill read second time.

Senate Bill 872—An act to add Chapter 16 (commencing with Section 2600) to Division 3 of the Streets and Highways Code, relating to transportation.

Bill read second time.

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

Committee on Natural Resources and Water

Date of Hearing, May 8, 2007

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

SB 373	SB 555	SB 1050	SJR 2
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Reports the same back with the recommendation: Do pass.

STEINBERG, Chair

Above bills ordered to second reading.

Above resolution ordered to third reading.

Committee on Rules

Senate Chamber, May 8, 2007

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

SB 1030

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 1030—An act to amend Section 10631.5 of the Water Code, relating to water.

Bill read second time.

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

Committee on Environmental Quality

Senate Chamber, May 8, 2007

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

SB 455

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 455—An act relating to water, 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 Appropriations

Date of Hearing, May 7, 2007

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

SB 869

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

TORLAKSON, Chair

Above measure ordered to second reading.



Senate Chamber, April 30, 2007

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

SB 783

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

TORLAKSON, Chair

Above measure ordered to second reading.

Senate Chamber, May 8, 2007

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

SB 26

SB 445

SB 542

SB 898

SB 1028

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 26—An act to add Section 8310.6 to the Government Code, relating to state agencies.

Bill read second time.

Senate Bill 445—An act to add Section 87 to the Streets and Highways Code, relating to transportation.

Bill read second time.

Senate Bill 542—An act to amend Section 1405 of the Penal Code, and to amend Section 6603 of the Welfare and Institutions Code, relating to sexually violent predators.

Bill read second time.

Senate Bill 898—An act to amend Sections 18015 and 48021 of, and to add Chapter 2.7 (commencing with Section 48210) to Part 7 of Division 30 of, the Public Resources Code, relating to solid waste.

Bill read second time.

Senate Bill 1028—An act to add Sections 39601.5 and 39602.5 to the Health and Safety Code, relating to air pollution.

Bill read second time.

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



Committee on Rules

Senate Chamber, May 8, 2007

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

SB 242

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 242—An act relating to the payment of claims against the state, making an appropriation therefor, 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 Governmental Organization

Date of Hearing, May 8, 2007

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

SB 440

SB 863

Reports the same back with the recommendation: Do pass.

FLOREZ, Chair

Above bills ordered to second reading.

Date of Hearing, May 8, 2007

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

SB 436

SB 519

SB 520

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

FLOREZ, Chair

Above measures ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 48: By Senator Harman—Relative to Child Awareness Week.



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

Senate Bill 909—An act to amend Section 35120 of the Education Code, relating to school districts.

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

Senate Bill 357—An act to amend Sections 10202, 10202.8, 10203.4, and 10270.5 of the Insurance Code, relating to life insurance.

Bill read second time, ordered engrossed, and to Consent Calendar.

**SENATE COMMITTEE ROLL CALLS
Committee on Appropriations**

SB 101—Do pass

AYES (12)—Senators Ashburn, Battin, Corbett, Correa, Cox, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, and Yee.

NOES (1)—Senator Aanestad.

SB 128—Do pass as amended

AYES (15)—Senators Aanestad, Ashburn, Battin, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 221—Do pass

AYES (17)—Senators Aanestad, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 235—Do pass as amended

AYES (9)—Senators Ashburn, Calderon, Corbett, Correa, Florez, Kuehl, Ridley-Thomas, Torlakson, and Yee.

NOES (6)—Senators Aanestad, Battin, Cox, Dutton, Runner, and Wyland.

SB 281—Do pass as amended

AYES (15)—Senators Aanestad, Ashburn, Calderon, Cedillo, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 315—Do pass

AYES (12)—Senators Aanestad, Ashburn, Battin, Corbett, Cox, Dutton, Florez, Kuehl, Ridley-Thomas, Runner, Wyland, and Yee.

NOES (1)—Senator Correa.

SB 355—Do pass

AYES (16)—Senators Aanestad, Ashburn, Battin, Calderon, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.



SB 400—Do pass

AYES (14)—Senators Aanestad, Calderon, Cedillo, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 416—Do pass

AYES (10)—Senators Aanestad, Ashburn, Calderon, Correa, Cox, Dutton, Florez, Ridley-Thomas, Runner, and Torlakson.

NOES (5)—Senators Cedillo, Corbett, Kuehl, Oropeza, and Yee.

SB 431—Do pass

AYES (17)—Senators Aanestad, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 535—Do pass

AYES (11)—Senators Calderon, Cedillo, Corbett, Correa, Florez, Kuehl, Oropeza, Ridley-Thomas, Torlakson, Wyland, and Yee.

NOES (6)—Senators Aanestad, Ashburn, Battin, Cox, Dutton, and Runner.

SB 599—Do pass

AYES (15)—Senators Aanestad, Ashburn, Battin, Calderon, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 615—Do pass (Corrected 5/9/07)

AYES (10)—Senators Calderon, Cedillo, Corbett, Correa, Florez, Kuehl, Oropeza, Ridley-Thomas, Torlakson, and Yee.

NOES (7)—Senators Aanestad, Ashburn, Battin, Cox, Dutton, Runner, and Wyland.

SB 625—Do pass

AYES (9)—Senators Calderon, Cedillo, Corbett, Florez, Kuehl, Oropeza, Ridley-Thomas, Torlakson, and Yee.

NOES (8)—Senators Aanestad, Ashburn, Battin, Correa, Cox, Dutton, Runner, and Wyland.

SB 691—Do pass

AYES (16)—Senators Aanestad, Ashburn, Battin, Calderon, Cedillo, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 717—Do pass as amended

AYES (16)—Senators Aanestad, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, and Yee.

NOES (0)—None.



SB 764—Do pass

AYES (14)—Senators Aanestad, Ashburn, Battin, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 785—Do pass

AYES (16)—Senators Aanestad, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, and Yee.

NOES (0)—None.

SB 803—Do pass

AYES (11)—Senators Calderon, Cedillo, Corbett, Correa, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Torlakson, and Yee.

NOES (6)—Senators Aanestad, Ashburn, Battin, Cox, Runner, and Wyland.

SB 853—Do pass

AYES (13)—Senators Ashburn, Battin, Calderon, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Ridley-Thomas, Runner, Torlakson, and Yee.

NOES (1)—Senator Aanestad.

SB 869—Do pass as amended

AYES (15)—Senators Aanestad, Ashburn, Battin, Calderon, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 870—Do pass

AYES (9)—Senators Ashburn, Calderon, Corbett, Correa, Florez, Kuehl, Ridley-Thomas, Torlakson, and Yee.

NOES (6)—Senators Aanestad, Battin, Cox, Dutton, Runner, and Wyland.

SB 901—Do pass

AYES (12)—Senators Aanestad, Ashburn, Corbett, Correa, Cox, Florez, Kuehl, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 978—Do pass

AYES (16)—Senators Aanestad, Ashburn, Battin, Calderon, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

SB 1036—Do pass

AYES (17)—Senators Aanestad, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.



SB 1049—Do pass

AYES (15)—Senators Aanestad, Ashburn, Battin, Calderon, Corbett, Correa, Cox, Dutton, Florez, Kuehl, Ridley-Thomas, Runner, Torlakson, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 5/7/2007

Torlakson (Chair)

Committee on Banking, Finance and Insurance**SB 357—Do pass, to Consent Calendar**

AYES (8)—Senators Correa, Cox, Hollingsworth, Machado, Margett, Romero, Runner, and Scott.

NOES (0)—None.

SB 739—Do pass as amended

AYES (6)—Senators Correa, Cox, Hollingsworth, Romero, Runner, and Scott.

NOES (1)—Senator Machado.

Date of Hearing: 5/7/2007

Machado (Chair)

Committee on Business, Professions and Economic Development**SB 284—Do pass as amended**

AYES (7)—Senators Aanestad, Corbett, Denham, Florez, Harman, Ridley-Thomas, and Yee.

NOES (0)—None.

SB 654—Do pass

AYES (3)—Senators Aanestad, Denham, and Harman.

NOES (2)—Senators Corbett and Yee.

Failed passage

SB 654—Reconsideration granted

AYES (8)—Senators Aanestad, Corbett, Denham, Florez, Harman, Ridley-Thomas, Simitian, and Yee.

NOES (0)—None.

SB 970—Do pass

AYES (7)—Senators Aanestad, Corbett, Denham, Florez, Harman, Ridley-Thomas, and Yee.

NOES (0)—None.

Date of Hearing: 5/7/2007

Ridley-Thomas (Chair)

Committee on Energy, Utilities and Communications

SB 660—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Dutton, Kehoe, Padilla, Ridley-Thomas, and Wiggins.

NOES (1)—Senator Cox.

Date of Hearing: 5/8/2007

Kehoe (Chair)



Committee on Governmental Organization**SB 436—Do pass, to Consent Calendar**

AYES (8)—Senators Denham, Florez, Maldonado, Negrete McLeod, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

SB 440—Do pass

AYES (8)—Senators Denham, Florez, Maldonado, Negrete McLeod, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

SB 519—Do pass, to Consent Calendar

AYES (8)—Senators Denham, Florez, Maldonado, Negrete McLeod, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

SB 520—Do pass, to Consent Calendar

AYES (8)—Senators Denham, Florez, Maldonado, Negrete McLeod, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

SB 863—Do pass

AYES (8)—Senators Denham, Florez, Maldonado, Negrete McLeod, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 5/8/2007

Florez (Chair)

Committee on Natural Resources and Water**SB 373—Do pass**

AYES (7)—Senators Cogdill, Kehoe, Kuehl, Machado, Margett, Migden, and Steinberg.

NOES (0)—None.

SB 555—Do pass

AYES (5)—Senators Kehoe, Kuehl, Machado, Migden, and Steinberg.

NOES (3)—Senators Cogdill, Hollingsworth, and Margett.

SB 880—Do pass as amended

AYES (5)—Senators Cogdill, Hollingsworth, Kehoe, Margett, and Steinberg.

NOES (2)—Senators Kuehl and Migden.

SB 884—Do pass as amended

AYES (5)—Senators Kehoe, Kuehl, Machado, Migden, and Steinberg.

NOES (3)—Senators Cogdill, Hollingsworth, and Margett.

SB 1050—Do pass

AYES (8)—Senators Cogdill, Hollingsworth, Kehoe, Kuehl, Machado, Margett, Migden, and Steinberg.

NOES (0)—None.



SJR 2—Be adopted

AYES (5)—Senators Kehoe, Kuehl, Machado, Migden, and Steinberg.

NOES (3)—Senators Cogdill, Hollingsworth, and Margett.

Date of Hearing: 5/8/2007

Steinberg (Chair)

Committee on Public Safety**SB 943—Do pass and re-refer to Committee on Appropriations**

AYES (4)—Senators Cedillo, Margett, Ridley-Thomas, and Romero.

NOES (0)—None.

Date of Hearing: 5/8/2007

Romero (Chair)

LEAVES OF ABSENCE FOR THE DAY

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Clark Anton Nieman of Twain and Robert A. Adams of Graeagle.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Otis Gene Walker of Stockton.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, May 9, 2007.

PAULA K. ROSSETTO, Minute Clerk

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