

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

SEVENTY-FIFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, May 17, 2007

The Senate met at 9 a.m.  
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:

Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee—38.

Quorum present.

*(NOTE: Senators Hollingsworth and Oropeza will be excused this day on legislative business.)*



**PRAYER**

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

*O God,* We give thanks for the brightness of this day, and for the opportunities before us. Grant to all who serve here the wisdom to understand how their work will touch others. Give them the patience to listen to all who ask to be heard, and the strength to act with fairness and justice for all the people of our state and nation. At the end of the day, grant to all who work in this building rest and peace.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
May 16, 2007

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective May 16, 2007, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation:

Cathleen J. Poncabare, Commissioner, Board of Parole Hearings.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

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

**Senate Bill 1029**—An act to add Sections 116365.01 and 116365.02 to the Health and Safety Code, relating to drinking water standards.

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

**Senate Bill 180**—An act to amend Sections 1151.6, 1156, 1156.2, 1156.3, 1156.4, 1157, 1160.3, and 1160.6 of, and to add Section 1156.35 to, the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 828**—An act to add Section 13159.85 to the Health and Safety Code, relating to firefighters.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.



**Senate Bill 164**—An act to amend Sections 124977 and 125002 of the Health and Safety Code, relating to maternal and child health, and making an appropriation therefor.

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

#### **RE-REFERENCE TO COMMITTEE**

Pursuant to Joint Rule 10.5, **SB 743** and **SB 633** were re-referred to the Committee on Appropriations.

#### **MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 49**, **ACR 29**, **ACR 38**, **ACR 43**, **ACR 46**, **ACR 47**, and **ACR 49** were withdrawn from Committee and placed on the Special Consent Calendar.

#### **Senator Yee Presiding**

#### **SENATE RULE 55 WAIVED**

Without objection Senate Rule 55 was waived to allow lobbyists on the floor for a special presentation.

#### **SPECIAL RECOGNITION**

On request of Senators Perata and Ackerman the Senate extended special recognition to Susie Swatt, who, after many years of service, is leaving the Senate.

#### **Senator Perata Presiding**

#### **CONSIDERATION OF DAILY FILE (RESUMED)**

#### **THIRD READING OF SENATE BILLS**

**Senate Bill 115**—An act relating to the administration of unemployment compensation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Florez.

#### **Urgency Clause**

Urgency clause read.

The roll was called.

#### **CALL OF THE SENATE**

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

Motion carried.

#### **THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 10**—An act to amend Sections 21670.3, 170006, 170024, 170026, 170032, and 170048 of, to add Sections 132360.6, 170010, 170011, 170012, 170013, 170014, and 170017 to, to repeal and add Sections 170004, 170016, and 170018 of, and to repeal Sections 170020,



170022, 170028, 170041, 170042, and 170046 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

Bill read third time and presented by Senator Kehoe.

**Roll Call**

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

AYES (30)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (7)—Senators Ackerman, Ashburn, Battin, Cogdill, Margett, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

**Senate Bill 104**—An act to amend Sections 1516 and 1526.8 of, and to amend and repeal Section 1596.792 of, the Health and Safety Code, and to amend Section 11462.7 of, and to amend and repeal Sections 11400 and 11402 of, the Welfare and Institutions Code, relating to community care facilities.

Bill read third time and presented by Senator Machado.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 645**—An act to add and repeal Section 20785 of the Public Contract Code, relating to public contracts.

Bill read third time and presented by Senator Correa.

**Roll Call**

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

AYES (33)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



**Senate Bill 515**—An act to amend Section 13997.1 of the Government Code, relating to international trade.

Bill read third time and presented by Senator Scott.

**Roll Call**

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

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 2**—An act to amend Sections 65582, 65583, 65583.2, and 65589.5 of, and to add Section 65852.12 to, the Government Code, relating to local planning.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

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

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (11)—Senators Aanestad, Ackerman, Battin, Cogdill, Cox, Denham, Dutton, Harman, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

**Senate Bill 226**—An act to repeal and add Section 10150.6 of the Business and Professions Code, relating to real estate brokers.

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.



**Senate Bill 353**—An act to amend Section 6320 of the Family Code, relating to protective orders.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

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

AYES (31)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (7)—Senators Ackerman, Ashburn, Battin, Cogdill, Denham, Harman, and Margett.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Denham.

**Roll Call**

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

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

NOES (1)—Senator Kuehl.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Kehoe.

**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Ducheny.



**Roll Call**

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

AYES (27)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

**Senate Bill 1016**—An act to amend Section 41821 of, and to add Section 41826 to, the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Wiggins.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 493**—An act to amend Section 25502.5 of the Government Code, relating to counties.

Bill read third time and presented by Senator Cogdill.

**Roll Call**

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

AYES (32)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cogdill, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (3)—Senators Correa, McClintock, and Yee.

Bill ordered transmitted to the Assembly.

**Senate Bill 528**—An act to amend Section 1363.05 of the Civil Code, relating to common interest developments.

Bill read third time and presented by Senator Aanestad.

**Roll Call**

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny,



Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 967**—An act to amend Section 12223 of the Elections Code, relating to elections.

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 (26)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Florez, Kehoe, Kuehl, Lowenthal, Machado, Margett, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Correa, Cox, Denham, Dutton, Harman, Maldonado, and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 197**—An act to amend Section 8263 of the Education Code, relating to child care.

Bill read third time and presented by Senator Ducheny.

#### Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 754**—An act to add Section 14670.2 to the Government Code, relating to state property, and making an appropriation therefor.

Bill read third time and presented by Senator Kehoe.

#### Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Perata, Ridley-Thomas,





Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

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

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 (21)—Senators Alquist, Cedillo, Corbett, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Dutton, Harman, Margett, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

**Senate Bill 360**—An act to repeal Chapter 8 (commencing with Section 51298) of Division 1 of Title 5 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 (26)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Denham, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (11)—Senators Ackerman, Ashburn, Battin, Cogdill, Correa, Cox, Dutton, Harman, Margett, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

**Senate Bill 65**—An act to amend Section 40460 of the Health and Safety Code, relating to air pollution.

Bill read third time and presented by Senator Cedillo.

#### Roll Call

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

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Cox, Denham, Dutton, Harman, Maldonado, Margett, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.



**THIRD READING OF ASSEMBLY BILLS**

**Assembly Joint Resolution 1**—Relative to Charles R. Drew University of Medicine and Science.

Resolution read third time and presented by Senator Cedillo.

**Roll Call**

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 316**—An act to amend Sections 923.5 and 11558 of the Insurance Code, relating to insurer reserves.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 362**—An act to add Section 52.7 to the Civil Code, relating to identification devices.

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 (25)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Corbett, Denham, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, and Yee.

NOES (11)—Senators Ackerman, Battin, Cogdill, Correa, Cox, Dutton, Harman, Margett, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.



**Senate Bill 684**—An act to amend Section 14035.55 of the Government Code, relating to transportation.

Bill read third time and presented by Senator Cox.

**Roll Call**

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

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

NOES (2)—Senators Battin and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 609**—An act to add Section 1111.5 to the Penal Code, relating to criminal procedure.

Bill read third time and presented by Senator Romero.

**Roll Call**

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

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

NOES (10)—Senators Ackerman, Ashburn, Battin, Correa, Cox, Denham, Dutton, Harman, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

**Senate Bill 719**—An act to amend Section 40600 of the Health and Safety Code, relating to air quality.

Bill read third time and presented by Senator Machado.

**Roll Call**

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

AYES (26)—Senators Alquist, Cedillo, Corbett, Correa, Cox, Ducheny, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Cogdill, Denham, Dutton, Maldonado, Margett, McClintock, and Runner.

Bill ordered transmitted to the Assembly.

**Senate Bill 808**—An act to add Section 88512 to the Education Code, relating to community colleges.

Bill read third time and presented by Senator Ridley-Thomas.



**Roll Call**

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

AYES (27)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Denham, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Dutton, Harman, Margett, McClintock, and Runner.

Bill ordered transmitted to the Assembly.

**Senate Bill 774**—An act to amend Sections 25214.14 and 25214.16 of the Health and Safety Code, relating to hazardous packaging.

Bill read third time and presented by Senator Ridley-Thomas.

**Roll Call**

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

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

NOES (2)—Senators Ackerman and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 966**—An act to add Chapter 6.9.2 (commencing with Section 25400.50) to Division 20 of the Health and Safety Code, relating to pharmaceuticals.

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.

**Senator Yee Presiding****UNFINISHED BUSINESS****Consideration of Governor's Appointment**

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

Alice D. Perez, Member, Student Aid 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 (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

**Consideration of Governor's Appointment**

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

Andrew A. Adelman, Member, Alfred E. Alquist Seismic Safety 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 (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

**CONSENT CALENDAR**

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 715**—An act to add Section 5275 to the Business and Professions Code, relating to advertising.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 403**—An act to amend Section 3041.5 of the Family Code, relating to child custody and visitation.

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

*(NOTE: See Consent Calendar Roll Call)*



**Senate Bill 813**—An act to amend Section 8026 of the Elections Code, relating to elections.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 488**—An act to amend Section 5540.5 of the Public Resources Code, relating to public resources.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 558**—An act relating to public utilities.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 562**—An act to amend Section 51201 of the Government Code, relating to land use.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 640**—An act to amend Sections 65089.6, 65302, 66484, and 66484.3 of the Government Code, to amend Section 99150 of the Public Utilities Code, to amend Section 75.9 of the Streets and Highways Code, and to amend Sections 21101 and 35701 of the Vehicle Code, relating to land use.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 939**—An act to add Section 6532 to, and to repeal Section 65101.1 of, the Government Code, relating to local government.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 639**—An act to repeal and add Chapter 2 (commencing with Section 1713) of Title 11 of Part 3 of the Code of Civil Procedure, relating to judgments.

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

*(NOTE: See Consent Calendar Roll Call)*

#### **SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 49**—Relative to Make It In Scrubs Month.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 29**—Relative to NASCAR.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Concurrent Resolution 38**—Relative to Vintners Hall of Fame.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 46**—Relative to Skin Cancer Awareness Month.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 47**—Relative to National Multicultural Cancer Awareness Week.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 49**—Relative to American Stroke Month 2007.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 702**—An act to amend Sections 1675 and 2985 of the Civil Code, relating to housing.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 822**—An act to amend Section 43.8 of the Civil Code, relating to immunity.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 227**—An act to add Section 51225.2 to the Education Code, relating to high school graduation.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*



**Senate Bill 474**—An act to amend Sections 14166.5, 14166.9, 14166.13, 14166.20, and 14166.21 of the Welfare and Institutions Code, relating to Medi-Cal.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 516**—An act relating to water.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 560**—An act to add Section 1030.3 to the Military and Veterans Code, relating to veterans.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 692**—An act to add Section 12301.8 to the Welfare and Institutions Code, relating to in-home supportive services.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 768**—An act to add Sections 2138.5 and 18111 to the Elections Code, relating to elections.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 776**—An act to amend Section 1522 of the Health and Safety Code, and to amend Section 16504.5 of the Welfare and Institutions Code, relating to community care facilities.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 947**—An act to amend Sections 21083.9 and 21092.4 of the Public Resources Code, relating to environmental quality.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1012**—An act to amend Sections 216, 331, 359, 361, 365, 367, 373, and 376 of, to repeal Sections 367.7 of, and to repeal Article 4 (commencing with Section 355) of Chapter 2.3 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 387**—An act to add Sections 1625.3, 1625.4, and 1625.5 to the Business and Professions Code, relating to dentistry.

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

*(NOTE: See Consent Calendar Roll Call)*





**Senate Bill 39**—An act to amend Section 827 of, and to add Sections 826.7 and 10850.4 to, the Welfare and Institutions Code, relating to child abuse and neglect.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 62**—An act to amend Section 12012.90 of the Government Code, relating to tribal gaming.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 168**—An act to amend Section 56351.7 of, and to add Section 56351.10 to, the Education Code, relating to public schools.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 593**—An act to amend Sections 7200 and 10261 of, and to add Section 7201 to, the Public Contract Code, relating to public contracts.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 619**—An act to amend Section 10261 of, and to add Section 7201 to, the Public Contract Code, relating to public contracts.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 730**—An act to amend Sections 19801, 19805, 19852, 19853, 19867, 19872, and 19876 of the Business and Professions Code, relating to gambling.

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

NOES (0)—None.



**CONSIDERATION OF DAILY FILE (RESUMED)**  
**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE**  
**DISPENSED WITH (SB 115)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 115 was refused adoption by the following vote:

AYES (26)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Denham, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Dutton, Harman, Margett, McClintock, Runner, and Wyland.

**Motion to Amend**

Senator Florez moved the adoption of amendments to SB 115 pursuant to Joint Rule 23.5.

Amendments read and adopted and the measure ordered printed, engrossed and re-referred to Rules Committee.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE**  
**DISPENSED WITH (SB 966)**

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 966 was refused passage by the following vote:

AYES (20)—Senators Alquist, Cedillo, Corbett, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (18)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Harman, Maldonado, Margett, McClintock, Negrete McLeod, Runner, and Wyland.

**Motion to Reconsider**

Senator Simitian moved to reconsider the vote whereby SB 966 was refused passage.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla,



Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered returned to third reading.

**REQUEST TO BE ADDED TO ROLL CALL**

May 17, 2007

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 421—No	SB 1016—Aye	SB 493—Aye
SB 754—Aye	SB 316—Aye	SB 362—No
SB 719—No	SB 808—No	SB 774—No

DICK ACKERMAN, Minority Floor Leader

**MOTION TO PRINT IN JOURNAL**

Senator Corbett moved that the following letter be printed in the Journal.  
Motion carried.

May 14, 2007

*Gregory Schmidt*  
*Secretary of the Senate*

Re: Committee Comment on Passage of SB 964

Dear Mr. Schmidt:

The Senate Committee on Judiciary passed SB 964 on May 8, 2007. Below is a Comment by the Senate Committee on Judiciary accompanying the passage of the bill.

**Comment—Senate Committee on Judiciary**

Under existing law, any use of direct communication, personal intermediaries, or technological devices that is employed by a majority of the members of the legislative body to develop a collective concurrence as to action to be taken on an item (except for authorized teleconferences) is prohibited. Subdivision (b) of Section 54952.2 is revised to prohibit the use of a series of communications by a majority of a legislative body to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. This language does not intend to prohibit communications between an agency official or employee and individual members of the legislative body that are not “more than policy-related informational exchanges” (*Wolfe v. City of Fremont* (2006) 144 Cal.App.4<sup>th</sup> 553). Thus, to constitute a violation of the Brown Act, the use, by a member of the legislative body or an intermediary, of a series of communications under subdivision (b) of section 54952.2 must be with intent to avoid the Brown Act requirements of noticed, open and public meetings. This is made clear by paragraph (1) of subdivision (c) of this section which permits individual contacts or conversations between a



member of a legislative body and any other person, including another member, as specified.

Sincerely,

ELLEN M. CORBETT, Chair

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

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

#### **FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH**

At 11:15 a.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 Monday, May 21, 2007.

Motion carried.

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

Assembly Chamber, May 17, 2007

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

AB 144	AB 1259	AB 936	AB 1509
AB 241	AB 1282	AB 959	AB 1515
AB 349	AB 1333	AB 1019	AB 1576
AB 392	AB 1483	AB 1020	AB 1580
AB 446	AB 1484	AB 1092	AB 1581
AB 452	AB 1520	AB 1104	AB 1598
AB 467	AB 1670	AB 1119	AB 1642
AB 504	AB 1678	AB 1153	AB 1645
AB 597	AB 64	AB 1176	AB 1667
AB 611	AB 136	AB 1189	AB 1686
AB 701	AB 257	AB 1208	AB 1698
AB 738	AB 298	AB 1246	AB 1706
AB 830	AB 339	AB 1262	AB 1718
AB 916	AB 429	AB 1304	AB 1735
AB 935	AB 432	AB 1349	AB 1741
AB 949	AB 469	AB 1362	AB 1744
AB 1008	AB 774	AB 1385	AB 1745
AB 1043	AB 763	AB 1424	AB 1747
AB 1143	AB 776	AB 1438	AB 1748
AB 1174	AB 897	AB 1448	AB 1749
AB 1238	AB 933	AB 1475	

E. DOTSON WILSON, Chief Clerk of the Assembly



Assembly Chamber, May 17, 2007

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

ACR 45

ACR 52

AJR 10

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 144**—An act to add and repeal Section 60860 of the Education Code, relating to pupil testing.

**Assembly Bill 241**—An act to amend Section 19410 of, and to add Sections 19605.25 and 19605.37 to, the Business and Professions Code, relating to horse racing.

**Assembly Bill 349**—An act to amend Section 27293 of the Government Code, relating to recorded instruments.

**Assembly Bill 392**—An act to add Section 395.10 to the Military and Veterans Code, relating to military benefits, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 446**—An act to amend Section 798.73 of the Civil Code, relating to mobilehomes.

**Assembly Bill 452**—An act to amend Sections 2155 and 2156 of, and to add Section 2155.5 to, the Elections Code, relating to voter registration.

**Assembly Bill 467**—An act to add Article 6 (commencing with Section 68630) to Chapter 2 of Title 8 of, and to repeal Section 68511.3 of, the Government Code, relating to the courts.

**Assembly Bill 504**—An act to add Section 1138.7 to the Labor Code, relating to labor strikes.

**Assembly Bill 597**—An act to add Section 52499.66 to the Education Code, relating to career technical education.

**Assembly Bill 611**—An act to amend Section 3523 of the Business and Professions Code, and to add Article 6 (commencing with Section 128559) to Chapter 5 of Part 3 of Division 107 of the Health and Safety Code, relating to physician assistants.

**Assembly Bill 701**—An act to amend Section 36516 of the Government Code, relating to local government.

**Assembly Bill 738**—An act to amend Section 1107 of the Ojai Basin Groundwater Management Agency Act (Chapter 750 of the Statutes of 1991), relating to water.



**Assembly Bill 830**—An act to add Section 5442.14 to the Business and Professions Code, relating to outdoor advertising.

**Assembly Bill 916**—An act to add and repeal Section 20133.1 of the Public Contract Code, relating to public contracts.

**Assembly Bill 935**—An act to amend Sections 6403, 22351, and 22452 of the Business and Professions Code, and to amend Sections 1815, 12070, and 12073 of the Insurance Code, relating to public records.

**Assembly Bill 949**—An act to amend Sections 1569.651, 1569.884, 1569.886 of, and to add Section 1569.682 to, the Health and Safety Code, relating to long-term health care facilities.

**Assembly Bill 1008**—An act to amend Sections 12800 and 12805 of, and to repeal Section 116.5 of, the Insurance Code, relating to insurance.

**Assembly Bill 1043**—An act to add Section 924 to the Labor Code, relating to employment.

**Assembly Bill 1143**—An act to add Section 1348.5 to the Fish and Game Code and to add Section 5006.9 to the Public Resources Code, relating to fish and game.

**Assembly Bill 1174**—An act to amend Section 32121 of the Health and Safety Code, relating to hospital districts.

**Assembly Bill 1238**—An act to amend Section 25365 of the Government Code, relating to county property.

**Assembly Bill 1259**—An act to amend Section 65588 of the Government Code, relating to local planning.

**Assembly Bill 1282**—An act to add Section 17537.10 to the Business and Professions Code, relating to advertising.

**Assembly Bill 1333**—An act to amend Section 7507.5 of the Government Code, relating to the University of California.

**Assembly Bill 1483**—An act to amend Sections 9884.8 and 9884.9 of the Business and Professions Code, relating to automotive repair.

**Assembly Bill 1484**—An act to repeal and add Chapter 2 (commencing with Section 14200) of Division 6 of the Business and Professions Code, relating to trademarks.

**Assembly Bill 1520**—An act to amend Section 633 of the Penal Code, relating to criminal procedure.

**Assembly Bill 1670**—An act to amend Sections 17900, 17903, 17910, 17911, 17913, 17914, 17915, 17917, 17922, 17923, 17926, 17927, and 17929 of the Business and Professions Code, relating to business.

**Assembly Bill 1678**—An act to amend Section 1092 of the Government Code, relating to conflicts of interest.



**Assembly Bill 64**—An act to add Article 7.7 (commencing with Section 8599.5) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to volunteer emergency services.

**Assembly Bill 136**—An act to add Section 14628 to the Government Code, relating to the State Capitol.

**Assembly Bill 257**—An act to amend Section 5011.5 of the Public Resources Code, relating to parks.

**Assembly Bill 298**—An act to amend Sections 361.5, 366.21, 366.22, 366.26, and 366.3 of the Welfare and Institutions Code, relating to relative caregivers.

**Assembly Bill 339**—An act to amend Section 18035 of the Health and Safety Code, relating to housing.

**Assembly Bill 429**—An act to add Section 1865.5 to the Civil Code, relating to lodging.

**Assembly Bill 432**—An act to amend Section 11234 of the Business and Professions Code, relating to real estate.

**Assembly Bill 469**—An act to amend Section 44350 of the Education Code, relating to teacher credentialing.

**Assembly Bill 774**—An act to add Section 35021.3 to the Education Code, relating to physical education.

**Assembly Bill 763**—An act to amend Sections 66452.5, 66452.8, 66452.9, 66459, and 66499.37 of, to add Sections 66452.11 and 66452.12 to, and to repeal and add Section 66427.1 of, the Government Code, relating to housing.

**Assembly Bill 776**—An act to add Section 25503.38 to the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 897**—An act to amend Section 23701d of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 933**—An act to repeal Section 33101 of the Education Code, and to amend Sections 11550, 11552, 11553, 11554, 11555, 11556, 11563.7, 11564, 11565.5, 11569, and 12500 of, and to repeal Sections 8901, 8901.5, 8901.6, 11551, 11551.5, 11552.5, 12000, 12100, 12150, 12300, and 12400 of, the Government Code, relating to public employment.

**Assembly Bill 936**—An act to amend Sections 7069, 7083.1, and 7153.1 of the Business and Professions Code, relating to contractors.

**Assembly Bill 959**—An act to amend Section 19630.5 of the Welfare and Institutions Code, relating to blind persons, and making an appropriation therefor.





**Assembly Bill 1019**—An act to amend Section 65584.07 of the Government Code, relating to land use.

**Assembly Bill 1020**—An act to amend Section 27279 of the Government Code, and to amend Section 62 of the Revenue and Taxation Code, relating to recordation of documents.

**Assembly Bill 1092**—An act to amend Section 11713.3 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1104**—An act to amend Sections 14030.1, 14034, and 14075 of the Corporations Code, relating to small businesses, and making an appropriation therefor.

**Assembly Bill 1119**—An act to add Section 44282.5 to the Health and Safety Code, relating to air pollution.

**Assembly Bill 1153**—An act to amend Section 18050 of the Health and Safety Code, relating to housing.

**Assembly Bill 1176**—An act to amend Section 6608 of the Welfare and Institutions Code, relating to sexually violent predators.

**Assembly Bill 1189**—An act to amend Section 999.5 of the Military and Veterans Code, relating to veterans.

**Assembly Bill 1208**—An act to amend Sections 36522, 36535, 36541, 36622, 36623, 36712, and 36714 of the Streets and Highways Code, relating to improvement districts.

**Assembly Bill 1246**—An act to amend Section 65965 of the Government Code, relating to land use.

**Assembly Bill 1262**—An act to amend Section 56425 of the Government Code, relating to local government.

**Assembly Bill 1304**—An act to add Section 130062 to the Health and Safety Code, relating to hospital safety.

**Assembly Bill 1349**—An act to add Section 2057 to the Penal Code, relating to corrections.

**Assembly Bill 1362**—An act to amend Section 5018.1 of the Public Resources Code, relating to parks and recreation.

**Assembly Bill 1385**—An act to amend Section 40000.13 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1424**—An act to amend Section 166 of the Penal Code, relating to elder abuse.

**Assembly Bill 1438**—An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.





**Assembly Bill 1448**—An act to amend Section 538d of the Penal Code, relating to peace officers.

**Assembly Bill 1475**—An act to amend Sections 11165.7 and 11166 of the Penal Code, relating to crime.

**Assembly Bill 1509**—An act to amend Section 3003 of the Penal Code, and to add Section 6608.6 to the Welfare and Institutions Code, relating to sex offenders.

**Assembly Bill 1515**—An act to amend Section 4584 of the Public Resources Code, relating to public resources.

**Assembly Bill 1576**—An act to amend Section 17518.5 of, and to add Sections 17521.5, 17557.1, and 17557.2 to, and to add Article 2.5 (commencing with Section 17590) to Chapter 4 of Part 7 of Division 4 of Title 2 of, the Government Code, relating to state mandates.

**Assembly Bill 1580**—An act relating to water.

**Assembly Bill 1581**—An act to add and repeal Section 21450.5 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1598**—An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 1642**—An act to amend Section 14103.5 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1645**—An act to add Section 8571.5 to the Government Code, relating to emergency powers.

**Assembly Bill 1667**—An act to add Sections 4511.1 and 4511.2 to the Food and Agricultural Code, relating to county fairs.

**Assembly Bill 1686**—An act to amend Sections 241 and 243 of the Penal Code, relating to assault and battery.

**Assembly Bill 1698**—An act relating to truancy.

**Assembly Bill 1706**—An act to add Sections 290.001, 290.002, 290.003, 290.004, 290.005, 290.006, 290.007, 290.008, 290.009, 290.010, 290.011, 290.012, 290.013, 290.014, 290.015, 290.016, 290.017, 290.018, 290.019, 290.020, 290.021, 290.022, and 290.023 to, and to repeal and add Section 290 to, the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1718**—An act to amend Sections 16522.5, 77051, 77922, 77961, 78839, 78921, and 78923 of, to add Section 68082 to, and to add Article 9 (commencing with Section 68141) to Chapter 6 of Part 2 of Division 22 of the Food and Agricultural Code, relating to agriculture.



**Assembly Bill 1735**—An act to amend Sections 33527, 35781, 35783, 35783.1, 35861, 35891, 35893, 35971, 36861, 36951, 36981, 38421, 38671, 38731, and 38791 of, and to repeal and add Article 29 (commencing with Section 38761) of Chapter 5 of Part 3 of Division 15 of, the Food and Agricultural Code, relating to milk and dairy products.

**Assembly Bill 1741**—An act to amend Section 25244.22 of the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 1744**—An act to amend Sections 56011, 56036, 56064, 56381, 56663, 56755, and 56811 of the Government Code, relating to local government reorganization.

**Assembly Bill 1745**—An act to amend Section 53601 of the Government Code and to amend Sections 75.52, 2504, 2613, 3362, 3372, 3691, 3692.4, 4911, and 5140 of the Revenue and Taxation Code, relating to government finance.

**Assembly Bill 1747**—An act to amend Section 1789.30 of the Civil Code, and to amend Sections 18416, 18631.7, and 21006 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1748**—An act to amend Sections 6405, 6478, 7204.3, 7211, 7252, 7273, 7659.7, 9304, 18533, 30182, 30187, 41030, 41031, 41032, and 60653 of, to add Sections 7269, 7657.5, 8880, 11408.5, 30285, 32258, 38454.5, 40105, 41099, 43159.1, 43159.2, 45158, 46159, 50112.6, 55045.1, and 60210.5 to, to repeal Sections 7204.02, 7204.5, 7208, 7251.2, 7252.5, 7252.6, 7252.7, 7252.8, 7252.9, 7252.10, 7252.11, 7252.12, 7252.13, 7252.15, 7252.16, 7252.21, 7252.22, 7252.30, and 7271.05 of, and to repeal Chapter 2.67 (commencing with Section 7286.28) of, Chapter 2.8 (commencing with Section 7286.40) of, Chapter 2.90 (commencing with Section 7286.47) of, Chapter 2.95 (commencing with Section 7286.56) of, and Chapter 2.96 (commencing with Section 7286.65) of, Part 1.7 of Division 2 of, the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1749**—An act to amend Sections 1341.4, 1342.5, 1343, 1347.15, and 1352 of, and to repeal Section 1342.1 of, the Health and Safety Code, and to amend Sections 106 and 10113.95 of, and to repeal Section 12693.365 of, the Insurance Code, relating to health care coverage.

**Assembly Concurrent Resolution 45**—Relative to the 2007 State Scientist Day.

**Assembly Concurrent Resolution 52**—Relative to National Missing Children's Day.

**Assembly Joint Resolution 10**—Relative to Family Day.



**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, May 16, 2007

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

**Agriculture**—AB 1717.

**Banking, Finance and Insurance**—AB 804.

**Business, Professions and Economic Development**—AB 234, AB 986, AB 1224, AB 1721, AB 1722.

**Education**—AB 280, AB 1194, AB 1685.

**Elections, Reapportionment and Constitutional Amendments**—AB 332, AB 404, AB 473, AB 965, AB 1287, AB 1441.

**Energy, Utilities and Communications**—AB 231.

**Environmental Quality**—AB 1183, AB 1447.

**Governmental Organization**—AB 87, AB 356, AB 525, AB 663, AB 733, AB 982, AB 1123, AB 1196, AB 1219, AB 1308, AB 1616, AB 1736, AB 1738, AB 1739.

**Health**—AB 342, AB 895, AB 1323.

**Human Services**—AB 314, AB 749.

**Judiciary**—AB 102, AB 603, AB 1264, AB 1361, AB 1575, AB 1679, AB 1727.

**Labor and Industrial Relations**—AB 812, AB 1034, AB 1073, AB 1711.

**Local Government**—AB 745, AB 847, AB 1047.

**Natural Resources and Water**—AB 450, AB 646, AB 817, AB 1144, AB 1376, AB 1406, AB 1568.

**Public Employment and Retirement**—AB 67, AB 775, AB 1124, AB 1288, AB 1307, AB 1316.

**Public Safety**—AB 229, AB 369, AB 475, AB 670, AB 679, AB 686, AB 924, AB 996, AB 1033, AB 1172, AB 1229.

**Revenue and Taxation**—AB 538.

**Transportation and Housing**—AB 382, AB 881, AB 1244, AB 1492, AB 1495, AB 1612, AB 1728.



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

**Governmental Organization**—AB 908.

**Health**—AJR 13.

**Judiciary**—SB 694.

**Transportation and Housing**—ACR 41.

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

**Agriculture and Public Safety**—AB 684.

**Banking, Finance and Insurance and Judiciary**—AB 251, AB 941.

**Education and Business, Professions and Economic Development**—AB 1525.

**Education and Public Safety**—AB 1593.

**Governmental Organization and Judiciary**—AB 1016.

**Governmental Organization and Public Safety**—AB 951.

**Health and Business, Professions and Economic Development**—AB 329.

**Health and Education**—AB 647.

**Judiciary and Public Safety**—AB 702, AB 1405.

**Natural Resources and Water and Environmental Quality**—AB 1338.

**Transportation and Housing and Public Safety**—AB 801.

#### **Committee on Appropriations**

Senate Chamber, May 17, 2007

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

SB 509            SB 578            SB 659            SB 756

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 509**—An act to add Section 41713 to the Health and Safety Code, relating to air pollution.

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 659**—An act to amend Sections 7500.3, 7507.6, 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.

**Senate Bill 756**—An act to add Sections 686.3 and 686.31 to the Penal Code, relating to criminal investigations.

Bill read second time.

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

### Committee on Rules

State Capitol, May 16, 2007

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

James D. Aschwanden, Member, State Board of Education (5–0)

Ruth Bloom, Member, State Board of Education (5–0)

Andrew D. Estep, Member, State Board of Education (5–0)

David P. Lopez, Ed.D., Member, State Board of Education (5–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, May 16, 2007

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Yvonne K. Fenner, Member, Court Reporters Board (5–0)

Gregory M. Finch, Member, Court Reporters Board (5–0)

Toni C. O'Neill, Member, Court Reporters Board (5–0)

Timothy T. Cremins, Member, Industrial Welfare Commission (5–0)

Daniel M. Curtin, Member, Industrial Welfare Commission (5–0)

Leslee A. Guardino, Member, Industrial Welfare Commission (5–0)

Willie Washington, Member, Industrial Welfare Commission (5–0)

John Chin, M.D., Member, Medical Board of California, Division of Medical Quality (5–0)

Dorene C. Dominguez, Member, Medical Board of California, Division of Medical Quality (5–0)

Gary Gitnick, M.D., Member, Medical Board of California, Division of Licensing (5–0)

Reginald I. Low, M.D., Member, Medical Board of California, Division of Medical Quality (5–0)

Janet K. Salomonson, M.D., Member, Medical Board of California, Division of Medical Quality (5–0)



Frank V. Zerunyan, Member, Medical Board of California, Division of Medical Quality (5–0)

Cheryl A. Bly-Chester, Member, State Mining and Geology Board (5–0)

Allen M. Jones, Member, State Mining and Geology Board (5–0)

Ronald E. Lowenberg, Member, Commission on Peace Officer Standards and Training (5–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

Senate Chamber, May 17, 2007

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

SB 70

SCR 39

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 70**—An act to add Article 5 (commencing with Section 39870) to Chapter 1 of Part 23.5 of Division 3 of Title 2 of the Education Code, and to add Section 43861 to the Health and Safety Code, relating to biodiesel.

Bill read second time.

**Senate Concurrent Resolution 39**—Relative to physical fitness.

Resolution read second time.

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

**Committee on Judiciary**

Senate Chamber, May 17, 2007

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

AB 604

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**

**Assembly Bill 604**—An act to add Section 217 to the Probate Code, relating to deceased persons.

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 17, 2007

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

SB 332

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 332**—An act to amend Section 25402 of the Public Resources Code, relating to energy.

Bill read second time.

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

Senate Chamber, May 16, 2007

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

SB 472

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 17, 2007

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

SB 306

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

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Rules**

State Capitol, May 17, 2007

Mr. President: The Senate Rules Committee has made the following changes to standing committees:

Appointed Senator Steinberg as a member of the Senate Committee on Appropriations to replace Senator Calderon;

Appointed Senator Simitian as a member of the Senate Committee on Appropriations to replace Senator Correa;

Appointed Senator Yee as a member of the Senate Committee on Transportation and Housing to replace Senator Oropeza;

Appointed Senator Padilla as a member of the Senate Committee on Elections, Reapportionment and Constitutional Amendments to replace Senator Oropeza.

PERATA, Chair

### **SENATE COMMITTEE ROLL CALLS**

#### **Committee on Energy, Utilities and Communications**

**AB 1714**—Do pass as amended

AYES (8)—Senators Battin, Calderon, Cox, Dutton, Kehoe, Padilla, Simitian, and Wiggins.

NOES (0)—None.

Date of Hearing: 5/17/2007

Kehoe (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Battin requested that when the Senate adjourns this day it do so in memory of William “Tony” Farrar, Jr. of Palm Springs.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Francette Sneed of San Francisco.

Senator Ridley-Thomas requested that when the Senate adjourns this day it do so in memory of Willard Wright Lester of Los Angeles.

Senators Ridley-Thomas and Kuehl requested that when the Senate adjourns this day it do so in memory of Yolanda Denise King of Santa Monica.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Rosalie Faucett of Palmdale.

Senators Steinberg and Cox requested that when the Senate adjourns this day it do so in memory of Walter P. Gray III of Sacramento.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Lois Evelyn Montgomery of Upper Lake and Former Senator Joseph Rattigan of Santa Rosa.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators’ requests until 2 p.m., Monday, May 21, 2007.

PAULA K. ROSSETTO, Minute Clerk

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