

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Friday, May 25, 2007

The Senate met at 9 a.m.

Hon. Alex Padilla, of the 20th 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, Calderon, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Hollingsworth, Kuehl, Lowenthal, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Runner, Scott, Steinberg, and Torlakson—25.

Quorum present.

*(NOTE: Senators Corbett, Denham, Florez, Harman, Kehoe, Machado, Perata, Ridley-Thomas, Romero, Simitian, Wiggins, and Yee will be excused this day on legislative business, Senator Wyland will be excused this day on personal business, and Senators Battin and Vincent will be excused this day due to illness.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 24, 2007

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

SCR 42

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

Above measure ordered to unfinished business file.



Assembly Chamber, May 25, 2007

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

SB 101

Above measure ordered enrolled.

Assembly Chamber, May 25, 2007

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

AB 292

AB 813

AB 815

AB 980

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 292**—An act to amend Section 8610.5 of the Government Code, and to add Section 758 to the Public Utilities Code, relating to emergency services.

**Assembly Bill 813**—An act to amend Section 19604 of the Business and Professions Code, relating to horse racing.

**Assembly Bill 815**—An act to add Section 221 to the Fish and Game Code, relating to fish and game.

**Assembly Bill 980**—An act to add Section 711.2 to the Civil Code, relating to real estate transfer fees.

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

##### **Committee on Natural Resources and Water**

Senate Chamber, May 25, 2007

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

AB 222

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

STEINBERG, Chair

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

**Assembly Bill 222**—An act to amend, renumber, and add Section 4600 of, and to add Section 4602 to, the Fish and Game Code, relating to fish and game, 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 Judiciary**

Date of Hearing, May 22, 2007

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

AB 714

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

CORBETT, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Date of Hearing, May 21, 2007

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

SB 187

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

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, May 22, 2007

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

AB 604

AB 859

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

CORBETT, Chair

Above measures ordered to second reading.

Date of Hearing, May 22, 2007

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

AB 1211

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

CORBETT, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, May 24, 2007

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

SB 410

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 25, 2007

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

SB 732

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 732**—An act to add Article 3.6 (commencing with Section 1373) to Chapter 4 of Division 2 of the Fish and Game Code, and to amend Sections 75076 and 75077 of, to add Chapter 12 (commencing with Section 75100) to, and Chapter 13 (commencing with Section 75120) to, Division 43 of, the Public Resources Code, and to amend Section 10533 of, and to add Sections 10544 and 10544.5 to, the Water Code, relating to the environment.

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 68**—An act to amend Sections 2207, 2715, 2716, 2727.1, 2763, 2770, 2772.7, 2773.1, 2774, and 2775 of the Public Resources Code, relating to mining.

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

**Senate Bill 169**—An act to add Section 25000.2 to the Business and Professions Code, relating to alcoholic beverages.

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 948**—An act to add Section 1363.002 to the Civil Code, relating to common interest developments.

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.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 437**—An act to add Section 101037 to the Health and Safety Code, relating to local health officers.

Bill read second time and ordered to third reading.



**Assembly Bill 342**—An act to amend Section 49423.5 of the Education Code, relating to pupil health.

Bill read second time and ordered to Consent Calendar.

### THIRD READING OF SENATE BILLS

**Senate Bill 343**—An act to amend Section 54954.2 of the Government Code, relating to local agencies.

Bill read third time.

### Amendments Adopted

Amendments to SB 343 proposed by Senator Negrete McLeod were read and adopted and the measure ordered printed, engrossed, and to second reading.

### SENATE COMMITTEE ROLL CALLS

#### Committee on Health

**SJR 8**—Be adopted

AYES (8)—Senators Alquist, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, Wyland, and Yee.

NOES (2)—Senators Aanestad and Cox.

**AB 315**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alquist, Cox, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, Wyland, and Yee.

NOES (0)—None.

**AB 342**—Do pass, to Consent Calendar

AYES (10)—Senators Aanestad, Alquist, Cox, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, Wyland, and Yee.

NOES (0)—None.

**AB 437**—Do pass

AYES (7)—Senators Alquist, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, and Yee.

NOES (3)—Senators Aanestad, Cox, and Wyland.

**AB 647**—Do pass and re-refer to Committee on Education

AYES (10)—Senators Aanestad, Alquist, Cox, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, Wyland, and Yee.

NOES (0)—None.

**AJR 13**—Be adopted as amended

AYES (10)—Senators Aanestad, Alquist, Cox, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, Wyland, and Yee.

NOES (0)—None.

**AJR 19**—Be adopted

AYES (10)—Senators Aanestad, Alquist, Cox, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 5/23/2007

Kuehl (Chair)



**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Corbett, Denham, Florez, Harman, Kehoe, Machado, Perata, Ridley-Thomas, Romero, Simitian, Wiggins, and Yee.

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

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

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Laurence J. Norry of San Leandro and Consuelo Parra of Hayward.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Phoebe True of San Rafael.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 12 m., Tuesday, May 29, 2007.

PAULA K. ROSSETTO, Minute Clerk

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