

CALIFORNIA LEGISLATURE
2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

EIGHTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 29, 2007

The Senate met at 12 p.m.
Hon. Gloria Romero, of the 24th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

QUORUM CALL OF THE SENATE

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

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alquist, Ashburn, 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, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee—39.

Quorum present.

(NOTE: Senator Battin will be excused this day due to illness.)



PRAYER

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

Our God, the Guide of Humanity, Let your spirit rule this nation and its citizens, that their deeds may be prompted by a love of justice and right, and bear fruit in goodness and peace.—AMEN.

(From *Gates of Prayer* (Reformed Jewish))

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Environmental Quality**

Senate Chamber, May 29, 2007

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

AB 1098

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

Assembly Bill 1098—An act to amend Sections 25514.5 and 25540 of the Health and Safety Code, relating to hazardous materials.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, May 29, 2007

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

AB 1405

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 1405—An act to amend Section 241.1 of the Welfare and Institutions Code, relating to juvenile law.

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 29, 2007

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

AB 951

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.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS****Senate Bill 187**—An act relating to the Salton Sea.

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 410—An act to amend Section 25742 of, and to amend and repeal Section 25740.5 of, the Public Resources Code, and to amend Section 387 of the Public Utilities Code, relating to renewable energy resources.

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 343—An act to amend Section 54957.5 of the Government Code, relating to local agencies.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 714—An act to amend Section 361.3 of the Family Code, relating to adoption.

Bill read second time.

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



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

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 859—An act to amend Sections 488.080, 512.030, 699.080, and 1011 of the Code of Civil Procedure, relating to civil procedure.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 1211—An act to amend the Section 2025.510 of the Code of Civil Procedure, relating to depositions.

Bill read second time.

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

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 343** was re-referred to the Committee on Rules.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Torlakson moved that **AB 437** be placed on the inactive file.

Motion carried.

UNANIMOUS CONSENT TO WAIVE JOINT RULE 62(a)

Without objection, Joint Rule 62(a) was waived to allow the Committee on Appropriations to hear SB 111, SB 240, SB 303, SB 375, SB 533, SB 660, SB 883, SCA 4, SCA 9, and SCA 10 without the two day notice in the Daily File.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill 191—An act to add Section 1771.11 to the Labor Code, relating to public works.

Bill read third time and presented by Senator Padilla.

Roll Call

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

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



NOES (8)—Senators Ackerman, Ashburn, Cogdill, Cox, Denham, Dutton, Harman, and McClintock.

Bill ordered transmitted to the Assembly.

Senator Perata Presiding

Senate Bill 880—An act to amend, repeal, and add Section 653o of the Penal Code, relating to crime.

Bill read third time and presented by Senator Calderon.

Roll Call

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

AYES (27)—Senators Aanestad, Ackerman, Ashburn, Calderon, Cedillo, Cogdill, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Margett, McClintock, Negrete McLeod, Oropeza, Padilla, Ridley-Thomas, Romero, Runner, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (8)—Senators Alquist, Correa, Kuehl, Lowenthal, Machado, Migden, Perata, and Simitian.

Bill ordered transmitted to the Assembly.

Senate Bill 489—An act to amend Sections 1771 and 1788 of, and to add Article 9 (commencing with Section 1793.80) to Chapter 10 of Division 2 of, the Health and Safety Code, relating to continuing care retirement communities.

Bill read third time and presented by Senator Steinberg.

Roll Call

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

AYES (23)—Senators Alquist, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

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

Bill ordered transmitted to the Assembly.

Senate Bill 527—An act to add Article 5.7 (commencing with Section 124017) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code, and to add Section 4643.4 to the Welfare and Institutions Code, relating to autism.

Bill read third time and presented by Senator Steinberg.



Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

Senate Bill 557—An act to amend Sections 139.2 and 3209.3 of the Labor Code, relating to workers' compensation.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 624—An act to amend Sections 22951, 22952, 22953, 22957, and 22958 of, and to add Section 22950.5 to, the Business and Professions Code, relating to tobacco.

Bill read third time and presented by Senator Padilla.

Roll Call

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

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

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Cogdill, Cox, Denham, Harman, Hollingsworth, Margett, McClintock, Runner, Wyland, and Yee.

Bill ordered transmitted to the Assembly.

Senate Bill 565—An act to add Section 1011.5 to the Military and Veterans Code, relating to veterans.

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

NOES (4)—Senators Aanestad, Cox, Dutton, and Margett.

Bill ordered transmitted to the Assembly.

Senate Bill 581—An act to amend Section 20230 of, and to repeal and add Chapter 4.5 (commencing with Section 50950) of Part 1 of Division 1 of Title 5 of the Government Code, relating to firefighters.

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 861—An act to amend Section 14556.50 of, and to add Section 14556.51 to, the Government Code, relating to transportation.

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

NOES (12)—Senators Aanestad, Ackerman, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Margett, McClintock, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 945—An act to amend Section 12300.2 of the Welfare and Institutions Code, relating to public social services.

Bill read third time and presented by Senator Padilla.



Roll Call

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

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, and Wiggins.

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

Bill ordered transmitted to the Assembly.

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 third time and presented by Senator Migden.

Roll Call

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

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 991—An act to amend Section 109948.1 of, and to add Article 7 (commencing with Section 111657) to Chapter 6 of Part 5 of Division 104 of, the Health and Safety Code, relating to medical devices.

Bill read third time and presented by Senator Florez.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

Senate Bill 472—An act to add Section 4076.5 to the Business and Professions Code, relating to pharmacy.

Bill read third time and presented by Senator Corbett.



Roll Call

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

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

NOES (10)—Senators Ackerman, Ashburn, Calderon, Cogdill, Dutton, Harman, Hollingsworth, Margett, McClintock, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 556—An act to add Article 10 (commencing with Section 6049.5) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to the Light Brown Apple Moth, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Wiggins.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (1)—Senator Aanestad.

Roll Call

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

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

NOES (1)—Senator Aanestad.

Bill ordered transmitted to the Assembly.

Senate Bill 50—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 third time and presented by Senator Torlakson.



Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (1)—Senator McClintock.

Roll Call

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

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 163—An act to add Section 380.1 to the Streets and Highways Code, relating to transportation.

Bill read third time and presented by Senator Migden.

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, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (12)—Senators Ackerman, Ashburn, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, and Runner.

Bill ordered transmitted to the Assembly.

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 third time and presented by Senator Ducheny.

Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, 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, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Joint Resolution 8—Relative to diabetes.

Resolution read third time and presented by Senator Migden.

Roll Call

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

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

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

Resolution ordered transmitted to the Assembly.

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 third time and presented by Senator Kuehl.

Roll Call

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

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

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Cogdill, Correa, Denham, Harman, Hollingsworth, Maldonado, Margett, McClintock, and Wyland.

Bill ordered transmitted to the Assembly.

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

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

NOES (8)—Senators Aanestad, Ackerman, Cogdill, Cox, Harman, Hollingsworth, Margett, and McClintock.

Bill ordered transmitted to the Assembly.



Senate Bill 127—An act to amend Sections 1102.3, 1102.3a, 1103.3, and 1368 of the Civil Code, relating to property disclosures.

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

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Calderon, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Oropeza.

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 803—An act to add Chapter 7.5 (commencing with Section 2370) to Division 3 of the Streets and Highways Code, relating to transportation.

Bill read third time and presented by Senator Lowenthal.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.



Senate Bill 373—An act to add Section 2831 to the Fish and Game Code, relating to wildlife 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 (33)—Senators Ackerman, Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (4)—Senators Aanestad, Ashburn, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Torlakson.

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, Harman, Kehoe, Kuehl, Lowenthal, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

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

Bill ordered transmitted to the Assembly.

Senate Bill 976—An act to amend Section 66540.20 of the Government Code, relating to transportation.

Bill read third time and presented by Senator Torlakson.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.



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

Bill read third time and presented by Senator Oropeza.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 739—An act to amend Section 10127.7 of, and to add Section 789.105 to, the Insurance Code, relating to life insurance.

Bill read third time and presented by Senator Calderon.

Roll Call

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

AYES (30)—Senators Aanestad, Ackerman, Alquist, Calderon, Cedillo, Cogdill, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Kehoe, Lowenthal, Maldonado, Margett, McClintock, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 964—An act to amend Section 54952.2 of, and to add Section 6252.7 to, the Government Code, relating to local agencies.

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 (28)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Ducheny, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Torlakson, Wiggins, and Yee.

NOES (6)—Senators Aanestad, Ackerman, Cox, Denham, Dutton, and Simitian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

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

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 77?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

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

Senator Yee Presiding**Consideration of Appointments by the Governor****Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Lloyd S. Throne, Director, Department of Community Services and Development

be taken up separately.

Consideration of Governor's Appointments

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

Charles R. Hoppin, Member, State Water Resources Control Board;

Gary Wolff, Ph.D., Member, State Water Resources Control Board.

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

Roll Call

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

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

NOES (0)—None.

Consideration of Governor's Appointment

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

Lloyd S. Throne, Director, Department of Community Services and Development.

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



Roll Call

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

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

NOES (1)—Senator McClintock.

**Consideration of Appointments by the Governor
Division of Question Demanded**

Senator McClintock demanded that the question be divided and that the confirmation of the appointment of:

Timothy T. Cremins, Industrial Welfare Commission, Daniel M. Curtin, Industrial Welfare Commission, Leslee A. Guardino Industrial Welfare Commission, Dorene C. Dominguez, Medical Board of California, Division of Medical Quality, and Allen M. Jones, State Mining and Geology Board

be taken up separately.

Consideration of Governor's Appointments

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

Timothy T. Cremins, Member, Industrial Welfare Commission;

Daniel M. Curtin, Member, Industrial Welfare Commission;

Leslee A. Guardino, Member, Industrial Welfare Commission;

Dorene C. Dominguez, Member, Medical Board of California, Division of Medical Quality;

Allen M. Jones, Member, State Mining and Geology Board.

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

Roll Call

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

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

NOES (1)—Senator McClintock.



Consideration of Governor's Appointments

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

Yvonne K. Fenner, Member, Court Reporters Board;
Gregory M. Finch, Member, Court Reporters Board ;
Toni C. O'Neill, Member, Court Reporters Board;
Willie Washington, Member, Industrial Welfare Commission;
John Chin, M.D., Member, Medical Board of California, Division of Medical Quality;
Gary Gitnick, M.D., Member, Medical Board of California, Division of Licensing;
Reginald I. Low, M.D., Member, Medical Board of California, Division of Medical Quality;
Janet K. Salomonson, M.D., Member, Medical Board of California, Division of Medical Quality;
Frank V. Zerunyan, Member, Medical Board of California, Division of Medical Quality;
Cheryl A. Bly-Chester, Member, State Mining and Geology Board;
Ronald E. Lowenberg, Member, Commission on Peace Officer Standards and Training.

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

Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, 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, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 408)**

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

Roll Call

The names of the absentees were called and SB 408 was refused passage by the following vote:

AYES (20)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Florez, Kehoe, Kuehl, Lowenthal, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Cogdill, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Migden, Runner, and Wyland.



Motion to Reconsider

Senator Oropeza moved to reconsider the vote whereby SB 408 was refused passage.

Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, 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, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered returned to third reading.

CONSENT CALENDAR

Assembly Bill 443—An act to amend Section 2106 of the Vehicle Code, relating to vehicles.

Bill read third time

Consent Calendar Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, 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, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

REQUEST TO BE ADDED TO ROLL CALL

May 29, 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 489—No

SB 581—Aye

SB 164—Aye

SB 169—No

DICK ACKERMAN, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Battin.



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

At 2 p.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

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

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Health

Senate Chamber, May 29, 2007

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

SB 1007

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1007—An act to amend Sections 1343 and 1344 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, May 29, 2007

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

AB 441

AB 854

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

ROMERO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 441—An act to add Section 1203.077 to the Penal Code, relating to sentencing.

Bill read second time.



Assembly Bill 854—An act to amend Sections 12001, 12073, 12078 and 12132 of the Penal Code, relating to firearms.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Senate Chamber, May 29, 2007

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

AB 709

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

RIDLEY-THOMAS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 709—An act to add Section 11329 to the Business and Professions Code, relating to real estate.

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 29, 2007

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

SB 70

SB 223

SB 633

SB 659

SB 795

SB 906

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.

Senate Chamber, May 29, 2007

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

SB 455

SB 969

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

TORLAKSON, Chair

Above measures ordered to second reading.



Committee on Governmental Organization

Senate Chamber, May 29, 2007

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

AB 663

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

FLOREZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 663—An act to amend Section 25503.6 of the Business and Professions Code, relating to alcoholic beverages.

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 29, 2007

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

SB 275

SB 451

SB 614

SB 743

SB 767

SB 793

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

Committee on Budget and Fiscal Review

Senate Chamber, May 29, 2007

Mr. President: The Chair of the Committee on Budget and Fiscal Review, to which was referred:

SB 54

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

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 54—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, 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.

APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President: The Committee on Rules announces the appointment of Senators Ducheny, Hollingsworth, and Machado as a Senate Committee on Conference concerning **SB 77** to meet a like committee of the Assembly.

PERATA, Chair

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 275—Do pass**

AYES (11)—Senators Ashburn, Cedillo, Corbett, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Steinberg, Torlakson, and Yee.

NOES (4)—Senators Aanestad, Cox, Dutton, and Runner.

SB 451—Do pass

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

NOES (0)—None.

SB 614—Do pass

AYES (12)—Senators Aanestad, Ashburn, Cedillo, Corbett, Cox, Kuehl, Ridley-Thomas, Runner, Simitian, Steinberg, Torlakson, and Yee.

NOES (2)—Senators Dutton and Oropeza.

SB 743—Do pass

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

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

SB 767—Do pass

AYES (15)—Senators Aanestad, Ashburn, Cedillo, Corbett, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Runner, Simitian, Steinberg, Torlakson, and Yee.

NOES (0)—None.

SB 793—Do pass

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

NOES (0)—None.

SB 839—Do pass as amended

AYES (11)—Senators Ashburn, Cedillo, Corbett, Florez, Kuehl, Ridley-Thomas, Runner, Simitian, Torlakson, Wyland, and Yee.

NOES (1)—Senator Aanestad.

Date of Hearing: 5/29/2007

Torlakson (Chair)



REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Douglas Morrisson of Hayward.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Rick D. Hixenbaugh of South Lake Tahoe, Kelly Layne Lafferty of Roseville, and Orrin K. Airola and Anne S. Allured of San Andreas.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Gretchen Wyler of Camarillo and Charles Nelson Reilly of Beverly Hills.

Senators Ducheny, Kehoe, Hollingsworth, and Wyland requested that when the Senate adjourns this day it do so in memory of Tom Fat of San Diego.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Chief James Orsborn of La Mesa.

Senator Negrete-McLeod requested that when the Senate adjourns this day it do so in memory of Dpty. Sheriff Raul V. Gama of Los Angeles, and Provie Charles Howard of San Bernardino.

Senator Oropeza requested that when the Senate adjourns this day it do so in memory of Pfc. Joseph Anzack Jr. of Torrance.

ADJOURNMENT

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

PAULA K. ROSSETTO, Minute Clerk

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