

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

EIGHTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, May 30, 2007

The Senate met at 9 a.m.

Hon. Leland Yee, of the 8th 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, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, 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—37.

Quorum present.

(NOTE: Senator Corbett will be excused this day on legislative business, Senator Oropeza will be excused this day on personal business, and Senator Battin will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 29, 2007

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

SCR 44

Above resolution ordered enrolled.



Assembly Chamber, May 29, 2007

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

AB 105	AB 845	AB 1471	AB 720
AB 239	AB 915	AB 1477	AB 797
AB 334	AB 969	AB 1496	AB 1061
AB 438	AB 1013	AB 1543	AB 1090
AB 523	AB 1051	AB 1617	AB 1222
AB 588	AB 1261	AB 1636	AB 1310
AB 665	AB 1275	AB 1729	AB 1428
AB 697	AB 1286	AB 424	AB 1464
AB 724	AB 1402	AB 449	AB 1473
AB 773	AB 1429	AB 617	AB 1639

Assembly Chamber, May 29, 2007

Mr. President: I am directed to inform your honorable body that the Assembly appointed the following Members of the Assembly as a Committee on Conference concerning SB 77: Laird, Leno, and Niello.

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 105—An act to amend Sections 22702, 22705, and 22706 of the Business and Professions Code, relating to tanning facilities.

Assembly Bill 239—An act to add Section 27361.10 to the Government Code, relating to recording fees.

Assembly Bill 334—An act to amend Section 12001 of, and to add Section 12043 to, the Penal Code, relating to firearms.

Assembly Bill 438—An act to amend Sections 52055.5, 52055.51, 52055.55, and 52055.650 of the Education Code, relating to schools.

Assembly Bill 523—An act to add Sections 10506.7.5 and 10506.7.6 to, and to add Article 1.6 (commencing with Section 10507.1) to Chapter 2.1 of Part 2 of Division 2 of, the Public Contract Code, relating to public contracts.

Assembly Bill 588—An act to add Chapter 4 (commencing with Section 8350) to Division 4.1 of the Public Utilities Code, relating to credit history.

Assembly Bill 665—An act to add Sections 65040.7 and 65075 to the Government Code, relating to land use.

Assembly Bill 697—An act to amend Section 5544.2 of the Public Resources Code, relating to parks and recreation.

Assembly Bill 724—An act to add Section 11834.255 to the Health and Safety Code, relating to residential facilities.

Assembly Bill 773—An act to amend Section 3017 of the Elections Code, relating to absentee ballots.

Assembly Bill 845—An act relating to foster youth, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately .

Assembly Bill 915—An act to amend Section 14407.1 of the Welfare and Institutions Code, relating to Medi-Cal.

Assembly Bill 969—An act to amend Sections 6452.1, 6487.3, and 18510 of the Revenue and Taxation Code, relating to taxation.

Assembly Bill 1013—An act to amend Section 1161 of the Code of Civil Procedure, and to add and repeal Section 12041 of the Penal Code, relating to weapons and ammunition.

Assembly Bill 1051—An act to amend Section 1760.5 of the Insurance Code, relating to insurance.

Assembly Bill 1261—An act to amend Sections 5956, 5956.1, 5956.2, 5956.3, 5956.4, 5956.5, 5956.6, 5956.7, 5956.8, 5956.9, and 5956.10 of, and to add Section 5956.11 to, the Government Code, relating to infrastructure financing.

Assembly Bill 1275—An act to amend Sections 26840.10 and 26840.11 of the Government Code, and to add Sections 103629 and 103629.5 to the Health and Safety Code, relating to domestic violence.

Assembly Bill 1286—An act to add Sections 19605.46 and 19605.47 to the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Assembly Bill 1402—An act to add Sections 4646.6 and 4704.6 to the Welfare and Institutions Code, relating to developmental services.

Assembly Bill 1429—An act to amend Section 1367.66 of the Health and Safety Code, and to amend Section 10123.18 of the Insurance Code, relating to health care coverage.

Assembly Bill 1471—An act to amend Section 12126 of the Penal Code, relating to firearms.

Assembly Bill 1477—An act to amend Section 4005 of, and to add Sections 4005.2 and 4005.3 to, the Fish and Game Code, relating to trapping.

Assembly Bill 1496—An act to amend Sections 31102, 31104, and 45000 of, and to add Section 45000.5 to, the Government Code, relating to local government.



Assembly Bill 1543—An act to add Chapter 9 (commencing with Section 1967) to Division 2.5 of the Streets and Highways Code, relating to transportation.

Assembly Bill 1617—An act to add Section 22964 to, and to repeal and add Section 22963 of, the Business and Professions Code, to amend Section 308.1 of the Penal Code, and to repeal Section 30101.7 of the Revenue and Taxation Code, relating to tobacco products.

Assembly Bill 1636—An act to amend Section 4658.5 of the Labor Code, relating to workers' compensation.

Assembly Bill 1729—An act to amend Sections 18, 62, 331, 332, 396, 711.2, 856, 1001, 1011, 1050.1, 1052, 1052.5, 1053.5, 1054, 1054.2, 1054.8, 1061, 1124, 2001, 2005, 2006, 2011, 2012, 2106, 2115, 2120, 2121, 2127, 2150.3, 2150.4, 2186, 2187, 2189, 2192, 2345, 2346, 2347, 2348, 2349, 2353, 2362, 2535, 3001, 3003.5, 3004, 3007, 3031.2, 3050, 3051, 3054, 3080, 3087, 3242, 3500, 3680, 3683, 3801, 3801.6, 3803, 4000, 4005, 4012, 4152, 4180, 4181.5, 4186, 4330, 4331, 4332, 4333, 4334, 4336, 4340, 4341, 4652, 4653, 4655, 4657, 4750, 4751, 4752, 4753, 4754, 4755, 4902, 4904, 5514, 5650, 5652, 6301, 7145, 7147, 7149.2, 7149.4, 7149.45, 7153, 7180, 7852.27, 8022, 8030, 8051.4, 8250.5, 8284, 8372, 8573, 8576, 8597, 8598, 8632, 8681, 10500, 10506, 11032, 12000, 12001.5, 12002, 12002.1, and 12013 of, to add Sections 19, 89.1, 12002.11, and 12002.2.1 to, to repeal Sections 397, 2150.5, 3005.9, 3005.91, 3005.92, 3005.93, 3005.94, 3055, 3055.1, 3304, 4001, 5020, 5502, and 8383 of, and to repeal and add Section 12157.5 of, the Fish and Game Code, relating to fish and wildlife.

Assembly Bill 424—An act to add Article 2 (commencing with Section 1855) to Chapter 9 of Division 2 of the Fish and Game Code, and to add Section 65854.5 to the Government Code, relating to wetlands.

Assembly Bill 449—An act to add Section 4005.1 to the Fish and Game Code, relating to trapping.

Assembly Bill 617—An act to repeal and add Section 12112 of the Public Contract Code, relating to public contracts.

Assembly Bill 720—An act to amend Section 1626 of the Insurance Code, relating to insurance licensees.

Assembly Bill 797—An act to amend Sections 1637, 1749, 1749.1, and 1751 of, and to add Sections 1625.55, 1625.56, 1625.57, and 1749.32 to, the Insurance Code, relating to insurance.

Assembly Bill 1061—An act to amend Sections 33126, 33126.1, 35256, and 35258 of the Education Code, relating to school accountability.

Assembly Bill 1090—An act to amend Section 13107 of, and to add Section 13107.3 to, the Elections Code, relating to elections.



Assembly Bill 1222—An act to amend Sections 17518.5, 17551, 17553, 17564, 17581, and 17581.5 of, to add Section 17521.5 to, to add Article 1.5 (commencing with Section 17572) to Chapter 4 of Part 7 of Division 4 of Title 2 of, and to repeal Section 17572 of, of the Government Code, relating to state mandates.

Assembly Bill 1310—An act to amend Sections 5371.5, 5386, and 5413.5 of, to add Section 5371.6 to, and to repeal Section 5386.1 of, the Public Utilities Code, relating to charter-party carriers.

Assembly Bill 1428—An act to amend Section 2827.9 of the Public Utilities Code, relating to energy.

Assembly Bill 1464—An act to amend Sections 4776, and 40002.1 of, and to repeal and add Section 40002 to, the Vehicle Code, relating to vehicles.

Assembly Bill 1473—An act to add Sections 44002.1 and 44002.2 to the Public Resources Code, relating to solid waste.

Assembly Bill 1639—An act to amend Sections 1749.5, 1765, 1765.3, 14042, and 15031 of the Insurance Code, relating to insurance.

REPORTS OF STANDING COMMITTEES

Committee on Public Employment and Retirement

Senate Chamber, May 30, 2007

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

SCR 52

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

WIGGINS, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 52—Relative to the University of California Retirement Plan.

Resolution read second time.

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

Committee on Rules

Senate Chamber, May 30, 2007

Mr. President: The Committee on Rules has examined:

SB 101

And reports that the same has been correctly enrolled, and presented to the Governor on the 30th day of May, 2007, at 2 p.m.

PERATA, Chair



Committee on Health

Date of Hearing, May 23, 2007

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

AJR 13

Reports the same back with the recommendation: Be adopted as amended.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Rules

Date of Hearing, May 30, 2007

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

SB 924

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

PERATA, Chair

Above measure re-referred to the Committee on Appropriations.

State Capitol, May 30, 2007

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 5–0, has referred SB 343 (Negrete McLeod) to the Senate Committee on Local Government.

PERATA, Chair

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

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, ordered engrossed, and to third reading.

Senate Bill 223—An act to amend Section 11323 of the Business and Professions Code, and to add Article 7 (commencing with Section 1090.5) to Chapter 1 of Title 4 of Part 4 of Division 2 of the Civil Code, relating to real estate appraisals, and declaring the urgency thereof, to take effect immediately.

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

Senate Bill 633—An act to amend Section 1262.5 of the Health and Safety Code, relating to persons with disabilities.

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

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, ordered engrossed, and to third reading.

Senate Bill 795—An act to amend Section 8778 of, and to add Section 8778.5 to, the Health and Safety Code, relating to cemeteries.

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

Senate Bill 906—An act to add Section 4608.1 to the Labor Code, relating to workers' compensation.

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

Senate Bill 455—An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 969—An act to amend Section 4826 of, and to add and repeal Section 4836.1 of, the Business and Professions Code, relating to veterinary medicine.

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

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

Senate Bill 451—An act to add Chapter 8 (commencing with Section 2840) to Part 2 of Division 1 of the Public Utilities Code, relating to energy.

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

Senate Bill 614—An act to amend Sections 17250.20, 17250.30, 17250.35, 81700, and 81702 of, and to repeal Sections 81700.5 and 81700.7 of, the Education Code, relating to public works.

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

Senate Bill 743—An act to add Section 128752 to, and to add Division 1.6 (commencing with Section 1190) to, the Health and Safety Code, relating to health facilities.

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

Senate Bill 767—An act to add and repeal Section 1714.22 of the Civil Code, relating to drug overdose treatment.

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



Senate Bill 793—An act to amend Sections 116028 and 116033 of the Health and Safety Code, relating to public swimming pools.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 951—An act to add Section 25608.5 to the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

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

THIRD READING OF SENATE BILLS

Senate Bill 650—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to SB 650 proposed by Senator Padilla were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 819—An act to amend Sections 56375 and 56826.5 of, and to amend and repeal Sections 56030, 56700, and 56886.5, relating to local government entities.

Bill read third time.

Amendments Adopted

Amendments to SB 819 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1019—An act to amend Section 832.7 of the Penal Code, relating to peace officer records.

Bill read third time.

Amendments Adopted

Amendments to SB 1019 proposed by Senator Romero were read and adopted and the measure ordered printed, engrossed, and to second reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Thursday, May 31.

SCR 42	SB 795	SB 969	SB 793
SB 223	SB 906	SB 451	AB 1211
SB 659	SB 455	SB 767	



MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1007** was withdrawn from the Committee on Health and re-referred to the Committee on Rules; and

AB 603 was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS**Committee on Rules**

SB 924—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Cedillo, Padilla, and Perata.

NOES (2)—Senators Ashburn and Dutton.

Date of Hearing: 5/30/2007

Perata (Chair)

LEAVES OF ABSENCE FOR THE DAY

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

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

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

REQUEST TO ADJOURN IN MEMORIAM

Senator Oropeza requested that when the Senate adjourns this day it do so in memory of Pfc. Daniel Cagle of Hawthorne.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, May 31, 2007.

PAULA K. ROSSETTO, Minute Clerk

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