

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

NINETY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 25, 2007

The Senate met at 9 a.m.  
Hon. Don Perata, of the 9th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Kipchoge Randall reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Simitian, Steinberg, Torlakson, Vincent, and Wiggins—31.

Quorum present.

*(NOTE: Senators Aanestad, Corbett, Denham, Florez, Wyland, and Yee will be excused this day on legislative business, Senator Oropeza will be excused this day on personal business, and Senators Battin and Scott will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
June 22, 2007

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate



confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Angela M. Bradstreet, former Managing Partner and Vice Chair, Employment Group, Carroll, Burdick & McDonough; and former Research Attorney, San Mateo County Superior Court. Appointed 06/19/07. Effective 06/19/07.

Chief of the Division of Labor Standards Enforcement, Department of Industrial Relations vice Donna M. Dell, resigned, term ending at the Pleasure of the Director.

William C. Bush, former Interim Director, Department of General Services; former Undersecretary, State and Consumer Services Agency; and former Interim Executive Officer, the Franchise Tax Board. Appointed 06/20/07. Effective 06/21/07.

Director, General Services vice Ronald Joseph, retired, term ending at the Pleasure of the Governor.

David N. Muraki, former Deputy Director, California Volunteers, formerly the California Service Corps; former Director of Development, California Volunteers; and former Manager of the Planning and Quality Assurance Division, California Conservation Corps. Appointed 06/21/07. Effective 06/22/07.

Director, California Conservation Corps vice William W. Semmes, re-assigned, term ending at the Pleasure of the Governor.

Above appointments referred to the Committee on Rules.

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

Assembly Chamber, June 21, 2007

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

AJR 24

Assembly Chamber, June 25, 2007

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

SB 138            SB 271            SB 822            SB 283

Above measures ordered enrolled.

Assembly Chamber, June 25, 2007

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

SCR 34            SJR 6            SCR 39

Above resolutions ordered enrolled.



Assembly Chamber, June 25, 2007

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

SB 183            SB 313            SB 649            SB 611

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

Above measures ordered to unfinished business file.

Assembly Chamber, June 25, 2007

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

AJR 23

Assembly Chamber, June 25, 2007

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1685

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:

**Assembly Joint Resolution 24**—Relative to speech.

**Assembly Joint Resolution 23**—Relative to education.

### **REPORTS OF STANDING COMMITTEES**

#### **Committee on Banking, Finance and Insurance**

Senate Chamber, June 25, 2007

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which was referred:

AB 1502

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

MACHADO, Chair

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

**Assembly Bill 1502**—An act to add Division 18 (commencing with Section 40000) to the Financial Code, relating to banking development districts.

Bill read second time.

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



Date of Hearing, June 20, 2007

Mr. President: The Committee on Banking, Finance and Insurance, to which was referred:

AB 797

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

MACHADO, Chair

Above measure re-referred to the Committee on Appropriations.

#### **Committee on Rules**

Senate Chamber, June 21, 2007

Mr. President: The Committee on Rules has examined:

SCR 49

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 21st day of June, 2007, at 3:30 p.m.

PERATA, Chair

#### **Committee on Labor and Industrial Relations**

Senate Chamber, June 25, 2007

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

AB 354

AB 514

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

MIGDEN, Chair

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

**Assembly Bill 354**—An act to amend Section 6716 of, and to add Sections 6717.1, 6717.2, 6717.3, 6717.6, and 6717.7 to, the Labor Code, relating to occupational safety and health.

Bill read second time.

**Assembly Bill 514**—An act to add Section 144.8 to the Labor Code, relating to occupational health.

Bill read second time.

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

#### **Committee on Rules**

Senate Chamber, June 25, 2007

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

AB 1743

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****Assembly Bill 1743**—An act relating to San Quentin State Prison.

Bill read second time.

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

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 19, 2007

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 809

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

KEHOE, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, June 25, 2007

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

AB 334

AB 1657

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

Bill read second time.

**Assembly Bill 1657**—An act to amend Section 25658 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

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

**Committee on Local Government**

Date of Hearing, June 20, 2007

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

AB 1580

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.



**Committee on Banking, Finance and Insurance**

Senate Chamber, June 25, 2007

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which were referred:

AB 512                      AB 522                      AB 720  
AB 804                      AB 1008

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

MACHADO, Chair

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

**Assembly Bill 512**—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read second time.

**Assembly Bill 522**—An act to amend and repeal Section 1764.1 of the Insurance Code, relating to nonadmitted insurers.

Bill read second time.

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

Bill read second time.

**Assembly Bill 804**—An act to amend Sections 17210.2, 17346, 17406, and 17600 of, and to add Sections 17421.5 and 17425 to, the Financial Code, and to amend Section 11121.1 of the Government Code, relating to escrow agents.

Bill read second time.

**Assembly Bill 1008**—An act to amend Sections 12800, 12805, and 12820 of, to add Section 12836 to, and to repeal Section 116.5 of, the Insurance Code, relating to insurance.

Bill read second time.

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

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 19, 2007

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 1428

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

KEHOE, Chair

Above measure ordered to second reading.



**Committee on Appropriations**

Senate Chamber, June 25, 2007

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

SCR 51	AB 485	AB 1376	ACR 20
AB 87	AB 504	AB 1462	ACR 22
AB 227	AB 542	AB 1467	ACR 25
AB 234	AB 711	AB 1526	ACR 26
AB 315	AB 714	AB 1568	ACR 27
AB 328	AB 749	AB 1616	ACR 30
AB 356	AB 913	AB 1642	ACR 31
AB 390	AB 936	AB 1698	ACR 35
AB 432	AB 957	ACR 4	ACR 39
AB 470	AB 1196	ACR 10	ACR 41

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, June 21, 2007

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

AB 1123

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.

**Committee on Governmental Organization**

Senate Chamber, June 25, 2007

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

AB 761

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 761**—An act to amend Section 11541.5 of, and to add Section 14838.1 to, the Government Code, relating to state contracts.

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**

Date of Hearing, June 19, 2007

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

AB 673

AB 1349

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

ROMERO, Chair

Above measures ordered to second reading.

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 19, 2007

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 918

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

KEHOE, Chair

Above measure ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, June 19, 2007

Mr. President: The Committee on Transportation and Housing, to which was referred:

AB 829

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, June 19, 2007

Mr. President: The Committee on Transportation and Housing, to which was referred:

AB 927

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

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, June 25, 2007

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

AB 700

AB 888



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 700**—An act to add Section 39607.7 to the Health and Safety Code, relating to air pollution.

Bill read second time.

**Assembly Bill 888**—An act to add Part 4.5 (commencing with Section 71350) to Division 34 of the Public Resources Code, relating to building standards.

Bill read second time.

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

**Committee on Public Safety**

Date of Hearing, June 19, 2007

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

AB 430

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

ROMERO, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Date of Hearing, June 20, 2007

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

AB 1208

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 25, 2007

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 1064

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

KEHOE, Chair



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

**Assembly Bill 1064**—An act to amend Sections 224 and 379.6 of the Public Utilities 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.

**Committee on Natural Resources and Water**

Senate Chamber, June 25, 2007

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

AB 1280

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 1280**—An act to amend Section 35650 of the Public Resources Code, relating to ocean resources.

Bill read second time.

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

**Committee on Local Government**

Date of Hearing, June 20, 2007

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

AB 745

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, June 25, 2007

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

AB 634

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 634**—An act to amend Section 23001 of the Financial Code, relating to deferred deposit transactions.

Bill read second time.

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

Date of Hearing, June 19, 2007

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

AB 1670

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 Business, Professions and Economic Development**

Senate Chamber, June 25, 2007

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

AB 706

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 706**—An act to amend Sections 19161 and 19161.3 of the Business and Professions Code, and to add Chapter 11 (commencing with Section 108930) to Part 3 of Division 104 of the Health and Safety Code, relating to fire retardants.

Bill read second time.

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

**Committee on Health**

Date of Hearing, June 20, 2007

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

AB 1442

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

KUEHL, Chair

Above measure ordered to second reading.

Date of Hearing, June 20, 2007

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

AB 595



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

KUEHL, Chair

Above measure ordered to second reading.

### **Committee on Education**

Senate Chamber, June 22, 2007

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

AB 666

AB 1409

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

SCOTT, Chair

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

**Assembly Bill 666**—An act to amend Section 52499.6 of, and to add Section 52498.5 to, the Education Code, relating to pupil instruction.

Bill read second time.

**Assembly Bill 1409**—An act to amend Sections 48800, 48800.5, 48802, 76001, and 76002 of, and to add and repeal Section 48800.1 of, the Education Code, relating to pupils.

Bill read second time.

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

### **Committee on Rules**

Senate Chamber, June 25, 2007

Mr. President: The Committee on Rules has examined:

SB 16

SB 206

SB 376

SB 444

SB 488

And reports that the same have been correctly enrolled, and presented to the Governor on the 25th day of June, 2007, at 3 p.m.

PERATA, Chair

### **Committee on Labor and Industrial Relations**

Senate Chamber, June 25, 2007

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 1034

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

MIGDEN, Chair



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

**Assembly Bill 1034**—An act to add Section 512.7 to the Labor Code, relating to employment.

Bill read second time.

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

**Committee on Education**

Date of Hearing, June 20, 2007

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

AB 598

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

SCOTT, Chair

Above measure ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

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

**Senate Concurrent Resolution 59:** By Senator Ashburn—Relative to Valley Fever Awareness Month.

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

**Assembly Bill 796**—An act to amend Sections 739.3, 1765.1, 10082.5, and 12100 of the Insurance Code, relating to insurance.

Bill read second time.

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

**Assembly Bill 1364**—An act to amend Section 11691 of the Insurance Code, relating to workers' compensation.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 498**—An act to amend Section 11105.6 of the Penal Code, relating to law enforcement information.

Bill read second time.

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

**Assembly Bill 361**—An act to amend Section 9202 of the Probate Code, relating to decedents' estates.

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 367**—An act to amend Sections 1463.007 and 1463.010 of, and to add Section 1463.02 to, the Penal Code, and to amend Section 19280 of the Revenue and Taxation Code, relating to courts.

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 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.

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 863**—An act relating to the Los Angeles County Superior Court.

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 434**—An act to amend Section 8206 of the Government Code, relating to notaries public.

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.

**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.

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.

**Assembly Bill 1575**—An act to amend Section 3068 of the Civil Code, relating to vehicle liens.

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.

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

Bill read second time and ordered to third reading.



**Assembly Bill 216**—An act to amend Section 56366.10 of the Education Code, relating to special education.

Bill read second time and ordered to third reading.

**Assembly Bill 72**—An act to amend Section 51221.4 of the Education Code, relating to curriculum.

Bill read second time and ordered to third reading.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Thursday, June 28.

SB 170	AJR 14	AB 181	AB 774
SB 330	AB 1175	AB 1019	
SJR 5	AB 417	AB 434	
SCR 50	AB 1716	AB 1575	

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 1747** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Judiciary and to the Committee on Revenue and Taxation; and

**AB 1708** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Rules.

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

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Corbett, Denham, Florez, Wyland, and Yee.

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

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

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

Senator Cox requested that when the Senate adjourns this day it do so in memory of Raymond Nelson of Elk Grove, Sgt. Derek T. Roberts of Gold River and Raymond Spencer Jr. of Carmichael.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Robert Franklin Dickey of Yuma, AZ.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, June 26, 2007.

PAULA K. ROSSETTO, Minute Clerk

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