

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, July 9, 2007

The Senate met at 12 p.m.  
Hon. Don Perata, of the 9th 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, Battin, 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—40.

Quorum present.



**PRAYER**

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

*Almighty God, the Father of Us All*, We ask you to inspire the people of this land with the spirit of justice, truth and love so that in all our dealings with one another we may know that together we are one in you.—AMEN.

(Anglican Church of South Africa—Adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Judiciary**

Senate Chamber, July 9, 2007

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

AB 310

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 310**—An act to amend Section 21710 of the Business and Professions Code, to amend Section 3154 of the Civil Code, to amend Sections 12a, 222, 396a, 585, 618, 644, 904, 990, 1011, 1015, 1169, and 1986 of the Code of Civil Procedure, to amend Sections 16701, 16701.5, and 16914 of the Corporations Code, to amend Section 17595 of, and to repeal Sections 43040.5 and 43060 of, the Education Code, to amend Sections 8610.13 and 12003.5 of, and to repeal Sections 8610.7 and 8610.8 of, the Fish and Game Code, to amend Sections 7910 and 26801 of the Government Code, to amend Sections 1196, 1207, 1213, and 1326 of the Penal Code, and to amend Sections 1803.3, 23140, and 23229.1 of the Vehicle Code, relating to the maintenance of the codes.

Bill 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, July 5, 2007

Mr. President: The Committee on Rules has examined:

SCR 30	SCR 45	SCR 46
SCR 47	SCR 48	SCR 54

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 5th day of July, 2007, at 3:30 p.m.

PERATA, Chair

**Committee on Natural Resources and Water**

Senate Chamber, July 9, 2007

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

AB 1252

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 1252**—An act to add Chapter 8 (commencing with Section 50700) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

Bill 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, July 5, 2007

Mr. President: The Committee on Rules has examined:

SB 100	SB 249	SB 611	SB 796
SB 125	SB 317	SB 641	SB 957
SB 174	SB 566	SB 715	SB 969

And reports that the same have been correctly enrolled, and presented to the Governor on the 5th day of July, 2007, at 3:30 p.m.

PERATA, Chair

**Committee on Health**

Senate Chamber, July 9, 2007

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

AB 1749

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**

**Assembly Bill 1749**—An act to add Section 12712 to the Health and Safety Code, relating to health facilities, 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 Environmental Quality**

Senate Chamber, July 9, 2007

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

AB 258

AB 1209

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 258**—An act to add Chapter 5.2 (commencing with Section 13367) to Division 7 of the Water Code, relating to water quality.

Bill read second time.

**Assembly Bill 1209**—An act to add Section 39611 to the Health and Safety Code, relating to air pollution.

Bill read second time.

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

**Committee on Health**

Date of Hearing, June 27, 2007

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

AB 1155

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 Governmental Organization**

Senate Chamber, July 9, 2007

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

AB 813

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

Bill read second time.

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



**Committee on Environmental Quality**

Date of Hearing, July 2, 2007

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

AB 888

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

SIMITIAN, Chair

Above measure ordered to second reading.

Date of Hearing, July 2, 2007

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

AB 1010

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

SIMITIAN, Chair

Above measure ordered to second reading.

**Committee on Public Employment and Retirement**

Senate Chamber, July 9, 2007

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

AB 1124

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**

**Assembly Bill 1124**—An act to amend Sections 31694, 31694.1, and 31694.2 of the Government Code, relating to county employees' retirement.

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, July 9, 2007

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

AB 1008

AB 1248

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

Bill read second time.

**Assembly Bill 1248**—An act to amend Section 6321 of the Business and Professions Code, to amend Section 1714.1 of the Civil Code, to amend Sections 116.230, 116.320, 116.570, 411.21, and 1502 of the Code of Civil Procedure, to amend Sections 2142 and 14310 of the Elections Code, to amend Sections 304 and 3204 of the Family Code, to amend Sections 53069.4, 68076, 68084.1, 68085.1, 68085.4, 68152, 68516, 68666, 70372, 70375, 70603, 70612, 70617, 70621, 70624, 70627, 70633, 70650, 70651, 70653, 70654, 70655, 70657, 70658, 70677, 76000, 76000.5, 76104.1, 76104.6, and 76104.7 of, and to add Sections 68500.2, 68506.5, 70613.5, 70615, 70657.5, and 70658.5 to, the Government Code, to amend Section 11488.5 of the Health and Safety Code, to amend Section 98.2 of the Labor Code, to amend Sections 1202.4, 1202.45, 1214.1, 1463, 1464, 1465.8, and 12028.5 of the Penal Code, to amend Section 99582 of the Public Utilities Code, to amend Sections 40230, 40307, 40508, 40509, 40509.5, 40512, 40512.6, 40515, 40521, 42006, and 42007 of, and to add Section 40510.5 to, the Vehicle Code, and to amend Sections 395 and 8102 of the Welfare and Institutions Code, relating to courts.

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, July 9, 2007

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

AB 746

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 746**—An act to repeal the heading of Chapter 6.5 (commencing with Section 25550) of Division 15 of, and to add and repeal Chapter 6.5 (commencing with Section 25550) of Division 15 of, the Public Resources Code, relating to public resources.

Bill read second time.

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



**Committee on Environmental Quality**

Date of Hearing, July 2, 2007

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

AB 294

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

SIMITIAN, Chair

Above measure ordered to second reading.

**Committee on Banking, Finance and Insurance**

Date of Hearing, July 2, 2007

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

AB 812

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

MACHADO, Chair

Above measure ordered to second reading.

**Committee on Business, Professions and Economic Development**

Date of Hearing, July 2, 2007

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

AB 139

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

RIDLEY-THOMAS, Chair

Above measure ordered to second reading.

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

**Assembly Bill 1100**—An act to add Section 110806 to the Health and Safety Code, relating to food labeling.

Bill read second time.

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

**Assembly Bill 665**—An act to add Section 65075 to the Government Code, and to add Section 50461 to the Health and Safety Code, relating to land use.

Bill read second time.

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



**Assembly Bill 679**—An act to add Section 1202.51 to the Penal Code, relating to illegal dumping.

Bill read second time.

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

**Assembly Bill 76**—An act to add Chapter 5 (commencing with Section 3430) to Title 2 of Part 3 of the Penal Code, relating to inmates.

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 717**—An act to amend Sections 13953 and 13957 of the Government Code, and to amend Section 216 of the Probate Code, relating to compensation of victims.

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 996**—An act to add Section 3044 to the Penal Code, relating to parole.

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 1300**—An act to amend Sections 1710 and 1714 of, and to add Section 1712.1 to, the Welfare and Institutions Code, relating to juveniles.

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 1705**—An act to amend Section 12022.6 of the Penal Code, relating to sentencing.

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

Bill read second time and ordered to third reading.





**Assembly Bill 484**—An act to add Section 42704 to the Public Resources Code, relating to recycling.

Bill read second time.

The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

**Assembly Bill 1338**—An act to add Sections 30522.5 and 30522.7 to the Public Resources Code, relating to public resources.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Natural Resources and Water.

**Assembly Bill 740**—An act to amend Sections 71200, 71201, 71204, and 71205 of, and to add Section 71204.6 to, the Public Resources Code, relating to vessels.

Bill read second time.

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

### CONSENT CALENDAR

#### Objections Raised

Without objection, **SB 1039** was removed from the Special Consent Calendar and ordered returned to the Assembly for further action.

The President ordered the above measure returned to the Assembly for further action.

Without objection, **SB 692** was removed from the Special Consent Calendar.

The President ordered the above measure placed on the unfinished business file.

Without objection, **AB 1178** and **AB 1725** were removed from the Consent Calendar.

The President ordered the above measures placed on the third reading file.

Without objection, **AB 1589**, **AB 1183**, **AB 223**, and **AB 602** were removed from the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

Without objection, **AB 1734** was removed from the Special Consent Calendar and ordered to the inactive file.

The President ordered the above measure placed on the Inactive file.



**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Denham moved that **AB 434** be placed on the inactive file.

Without objection, **AB 856**, was removed from the Special Consent Calendar and placed on the inactive file.

Motions carried.

**Senator Yee Presiding****SENATE RULE 55 WAIVED**

Without objection Senate Rule 55 was waived and the Senate was pleased to entertain the presence of his Excellency Governor Arnold Schwarzenegger in the Senate Chamber.

**Recognition Extended**

Senator Perata, and upon his invitation, Governor Arnold Schwarzenegger extended special recognition to Joe Weider.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1525**—An act relating to private postsecondary education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ackerman.

**Urgency Clause**

Urgency clause read and adopted 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, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

**NOES (1)**—Senator McClintock.

**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, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

**NOES (1)**—Senator McClintock.

Bill ordered transmitted to the Assembly.



**UNFINISHED BUSINESS****Consideration of Governor's Appointment**

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

Thomas G. Hoffman, Director, Division of Adult Parole Operations, Department of Corrections and Rehabilitation.

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

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

**Senator Perata Presiding****CONSENT CALENDAR**

**Assembly Bill 299**—An act to amend Sections 650, 725, 1265.1, 1725, 2023.5, 2135.5, 2168.1, 2516, 2533, 2684, 4122, 4162.5, 4181, 4191, 4989.54, 4989.70, 4996.17, 5050.2, 6002.1, 6061, 6071, 6079.1, 6086.65, 6126, 6145, 6321, 6501, 7017.3, 7145.5, 7159, 7159.9, 18711, and 19601 of the Business and Professions Code, to amend Section 1788.18 of the Civil Code, to amend Sections 340.7, 1245.245, and 1277 of, and to amend and renumber the heading of Title 9.3 (commencing with Section 1298) of Part 3 of, the Code of Civil Procedure, to amend Sections 1157, 15901.02, 15901.10, 15901.16, 15903.03, 15905.06, 15911.12, and 15911.26 of the Corporations Code, to amend Sections 317, 10600, 10601, 10601.5, 15146, 17077.42, 17078.53, 17213, 22950, 24300.2, 32221.5, 33126, 33126.1, 33353, 33354, 33370, 35179, 35900, 35932, 37220, 41207.1, 42238.51, 44041, 44041.5, 44468, 49561, 51221.4, 51251, 51871.5, 52052, 52055.730, 52055.770, 60640, 60900, 87040, and 87040.5 of the Education Code, to amend Sections 782 and 1117 of the Evidence Code, to amend Sections 177, 216, 291, 1816, 5614, 8623, 8632.5, 8919, and 9205 of the Family Code, to amend Sections 17419 and 22168 of the Financial Code, to amend Sections 5650, 12003.2, and 13007 of the Fish and Game Code, to amend Sections 19348.1, 33251, 33261, 33262, and 33297 of, and to amend and renumber Section 79843 of, the Food and Agricultural Code, to amend Sections 905, 6103.2, 7072, 7085.1, 8592.1, 8610, 8880.325, 9359, 9359.1, 12011.5, 13952, 13955, 14995, 16584, 17558.8, 19822.3, 20037.7, 20479, 20636, 21150, 21227, 26744.5, 31485.7, 31485.8, 53343.1, 53635.8, 68661, 69927, 70311, 70359, 70640, 71601, 71615, 71639, 71675, 77003, 77009, 77200, 77201.1, 77202,

77203, 77209, 85316, and 89513 of, to amend and renumber Section 19632 of, to repeal and amend Section 77201 of, and to amend the heading of Chapter 8.1 (commencing with Section 8710) of Division 1 of Title 2 of, the Government Code, to amend Sections 1250.8, 1262.4, 1265.5, 1265.6, 1266.9, 1279.1, 1568.09, 1575.7, 1597.46, 1604.6, 11162.1, 11592, 11773.1, 18080.5, 38505, 43869, 44525.6, 53533, 101965, 106780, 108680, 109280, 110552, 118280, 120155, 120440, 124116.5, 124174, 124900, 127400, 127405, 127410, and 127425 of the Health and Safety Code, to amend Section 1194.82 of the Insurance Code, to amend Section 3201.81 of the Labor Code, to amend Sections 186.9, 271.5, 290, 295, 298.1, 374.5, 977, 1037.1, 1037.2, and 12082 of the Penal Code, to amend Sections 1458, 2352.5, and 4690 of the Probate Code, to amend Sections 21071 and 22154 of the Public Contract Code, to amend Sections 5096.805, 5096.821, 5097.98, 5645, 6314, 14581, 16053, 21151.8, 21167.6, 25205, 25303, 25310, 25742, 25743, 29735, 30340.5, 42310.3, and 48023 of, and to amend and renumber the heading of Chapter 12 (commencing with Section 5860) of Division 5 of, the Public Resources Code, to amend Sections 303, 399.12, 399.20, 421, 455.1, 7662, 7665.2, 8340, 8341, and 132610 of the Public Utilities Code, to amend Sections 18766, 18847.3, 19533, 23704.4, and 30182 of the Revenue and Taxation Code, to amend Sections 97, 97.1, 143, and 149.7 of the Streets and Highways Code, to amend Sections 5160, 11713.1, 12804.9, 13352, 13352.1, and 13353.2 of the Vehicle Code, to amend Sections 13385, 21100, and 50780.10 of the Water Code, to amend Sections 202, 319, 4094, 9103, 11155.6, 14107.2, 14115, 14123.05, 14166.18, 16540, 16541.5, 16542, 16545, 16809, 16809.3, 18309, 18945, and 18951 of the Welfare and Institutions Code, to amend Section 17 of the Orange County Water District Act, and to amend Section 1 of Chapter 34, Section 1 of Chapter 323, and Section 1 of Chapter 710 of the Statutes of 2006, relating to the maintenance of the codes.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1264**—An act to amend Section 68616 of the Government Code, relating to courts.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1326**—An act to amend Section 20221 of the Public Contract Code and to amend Section 130232 of the Public Utilities Code, relating to transportation.

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

*(NOTE: See Consent Calendar Roll Call)*



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

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

*(NOTE: See Consent Calendar Roll Call)*

#### **SPECIAL CONSENT CALENDAR**

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

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Joint Resolution 3**—Relative to the federal Secure Rural Schools and Community Self-Determination Act of 2000.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 102**—An act to amend Section 1645 of the Health and Safety Code, relating to blood transfusions.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 744**—An act to amend Sections 113709, 113725.1, 113751, 113789, 113818, 113907, 113909, 113945.1, 113947.1, 113947.3, 113949.1, 113949.2, 113949.5, 113961, 113967, 113977, 113982, 113984, 113984.1, 113986, 113996, 114000, 114029, 114035, 114039, 114039.1, 114039.4, 114039.5, 114060, 114074, 114091, 114099.2, 114099.3, 114149.1, 114185.1, 114192, 114245.1, 114254, 114257, 114259.1, 114259.4, 114259.5, 114271, 114276, 114299, 114311, 114323, 114325, 114326, 114358, 114371, 114380, 114393, 114417.1, 114417.6, and 114419 of, to repeal Sections 114056 and 114155 of, and to repeal and add Section 113953.4 of, the Health and Safety Code, relating to food facilities, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 998**—An act to amend Sections 1502, 2117, 6210, 8210, 25404, 28711, 31119, and 31155 of, and to add Sections 25530.1, 28716, 29105, 29538, 31204, and 31400.1 to, the Corporations Code, and to amend Sections 22050, 22105, 22109, 22112, 50123, and 50205 of, and to



add Sections 12332, 12404, 17703, 22169, 22170, 23011.5, 23015, 30218, 30609, and 50512 to, the Financial Code, relating to business.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1038**—An act to amend Sections 742, 1063.1, 1872.8, and 10168.25 of, and to repeal Section 12964 of, the Insurance Code, relating to insurance.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 14**—Relative to the Officer John Palacios Memorial Highway.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 15**—Relative to the Nomlaki Highway.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 20**—Relative to the Ricardo A. Crocker Memorial Highway.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 32**—Relative to the Army Sergeant Brud Joseph Cronkrite Memorial Bridge.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 37**—Relative to the Lewis E. Platt Memorial Highway.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 805**—An act to amend Section 12027 of the Penal Code, relating to firearms.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 61**—An act to amend Section 95400 of the Public Utilities Code, relating to transportation.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 104**—An act to amend Sections 11105 and 13300 of the Penal Code, relating to criminal records.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 369**—An act to amend Sections 11105.04 and 11170 of the Penal Code, relating to child abuse.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**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 third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 924**—An act to amend Section 186.2 of the Penal Code, relating to crimes.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 946**—An act to amend Section 399.20 of the Public Utilities Code, relating to electricity.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1047**—An act to amend Section 22020 of, and to add Section 22001.5 to, the Public Contract Code, relating to Uniform Public Construction Cost Accounting Act.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1126**—An act to amend Sections 1987.1, 2020.510, 2025.240, 2025.270, 2030.020, 2030.260, 2031.020, 2031.030, 2031.260,





2033.020, and 2033.250 of, and to add Sections 1170.8 and 1170.9 to, the Code of Civil Procedure, relating to civil discovery.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1732**—An act to amend Sections 320, 9237, and 13308 of the Elections Code, relating to elections.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 905**—An act to amend Section 8263 of the Education Code, relating to child care.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1495**—An act to amend Section 101.7 of the Streets and Highways Code, relating to highways.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 647**—An act to amend Sections 104420, 104430, 104435, and 104455 of, and to repeal Section 104425 of, the Health and Safety Code, relating to tobacco use programs.

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

*(NOTE: See Consent Calendar Roll Call)*





**Assembly Bill 895**—An act to add Section 1374.19 to the Health and Safety Code, and to add Section 10120.2 to the Insurance Code, relating to health care coverage.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1518**—An act to amend Sections 14257, 14405, 14408, 14453, 14456, 14750, 14807, and 14950 of the Financial Code, relating to credit unions.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 840**—An act to amend Sections 10177 and 10562 of the Business and Professions Code, relating to real estate.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1715**—An act to amend Sections 5810, 5830, 5840, 5850, 5860, 5870, 5880, 5890, 5900, 5910, 5930, and 5960 of the Public Utilities Code, and to amend Section 107.7 of the Revenue and Taxation Code, relating to cable and video service.

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

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, 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.

NOES (0)—None.

#### **UNFINISHED BUSINESS (RESUMED)**

##### **Consideration of Assembly Amendments**

**Senate Bill 279**—An act to amend Section 731 of the Streets and Highways Code, relating to state highways.

Bill presented by Senator Yee.

The question being: Shall the Senate concur in the Assembly amendments to SB 279?

#### **Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (29)—Senators Ackerman, Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Harman, Kehoe, Kuehl, Lowenthal,



Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (7)—Senators Aanestad, Cox, Denham, Hollingsworth, Maldonado, Margett, and McClintock.

Above bill ordered enrolled.

**Senate Joint Resolution 8**—Relative to diabetes.

Resolution presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SJR 8?

#### **Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

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

Above resolution ordered enrolled.

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

At 12:45 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 Tuesday, July 10, 2007.

Motion carried.

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

Assembly Chamber, July 9, 2007

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

SB 437            SB 519            SB 699            SB 819

Above measures ordered enrolled.

Assembly Chamber, July 9, 2007

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

SB 234            SB 684



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

Above measures ordered to unfinished business file.

Assembly Chamber, July 9, 2007

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

ACR 59

AJR 28

Assembly Chamber, July 9, 2007

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

AB 361

AB 745

AB 1514

ACR 51

AB 470

AB 1208

AB 1575

AB 711

AB 1211

ACR 4

AB 714

AB 1364

ACR 35

Assembly Chamber, July 9, 2007

*The Honorable Greg Schmidt*  
*Secretary of the Senate*

Dear Greg: The Assembly on this day withdrew **AB 485** from Enrollment, and pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

Above measure ordered held at Desk.

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 59**—Relative to the Lieutenant Jared M. Landaker Memorial Highway.

**Assembly Joint Resolution 28**—Relative to union representation.

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

##### **Committee on Environmental Quality**

Date of Hearing, July 2, 2007

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

AB 700

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

SIMITIAN, Chair

Above measure ordered to second reading.



**Committee on Transportation and Housing**

Date of Hearing, July 3, 2007

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

AB 414

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, July 3, 2007

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

AB 864

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, July 3, 2007

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

AB 462

AB 468

AB 808

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 measures ordered to second reading.

Date of Hearing, July 3, 2007

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

AB 867

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 Energy, Utilities and Communications**

Date of Hearing, July 3, 2007

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

AB 231

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

KEHOE, Chair

Above measure ordered to second reading.



Date of Hearing, July 3, 2007

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

AB 1470

AB 1613

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 measures ordered to second reading.

### **Committee on Transportation and Housing**

Date of Hearing, July 3, 2007

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

AB 616

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.

### **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 61:** By Senator Lowenthal (Principal coauthor: Senator Migden) (Coauthors: Senators Corbett and Kuehl) (Coauthors: Assembly Members Dymally, Laird, Lieu, Maze, Mullin, and Portantino)—Relative to Carbon Monoxide Awareness Week.

### **MEMORANDA OF UNDERSTANDING**

Addenda to Memoranda of Understanding (MOUs) included in AB 754, dated July 9, 2006, received from the Department of Personnel Administration were filed pursuant to Senate Rule 29.4.

### **CONFERENCE COMMITTEE REPORTS RECEIVED**

Senate Chamber, July 9, 2007

Mr. President: The Committee on Conference has met concerning:

**Senate Bill 77**, as amended in Assembly on May 21, 2007, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

DENISE MORENO DUCHENY

JOHN LAIRD

MIKE MACHADO

MARK LENO

Senate Committee on Conference

Assembly Committee on Conference

The undersigned Members dissenting to the report:

DENNIS HOLLINGSWORTH

ROGER NIELLO

Senate Committee on Conference

Assembly Committee on Conference

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

Without objection, **AB 354**, **AB 695**, **AB 937**, and **AB 1593** were withdrawn from the Committee on Public Safety and re-referred to the Committee on Appropriations;

**AB 1008** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

**AB 126** and **AB 665** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

**CONSIDERATION OF DAILY FILE (RESUMED)****THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 1706**—An act to amend Sections 1522, 1568.09, 1569.17, and 1596.871 of the Health and Safety Code, and to amend Sections 289.5, 290.01, 296.2, 311.11, 646.9, 801.1, 803, 1202.7, 1417.8, 3000.07, 3004, and 3060.6 of, to add Sections 290.001, 290.002, 290.003, 290.004, 290.005, 290.006, 290.007, 290.008, 290.009, 290.010, 290.011, 290.012, 290.013, 290.014, 290.015, 290.016, 290.017, 290.018, 290.019, 290.020, 290.021, 290.022, and 290.023 to, and to repeal and add Section 290 to, the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1706 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 222**—An act to amend Section 4600 of the Fish and Game Code, and to add Section 53074.5 to the Government Code, relating to fish and game.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 222 pursuant to Joint Rule 58.

ASSEMBLY MEMBER EMMERSON

**Permission of Rules Committee**

Senate Chamber, July 9, 2007

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 222.

PERATA, Chair

**Amendments Adopted**

Amendments to AB 222 proposed by Senator Dutton were read and adopted and the measure ordered printed and to second reading.



**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Sgt. Shin W. Kim and Shane Mikel Stinson of Fullerton, Louis Armijo of Santa Ana and Dr. Donald Bauman of Irvine.

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of SSgt. Michael L. Ruoff Jr. of Yosemite.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Cheryl K. Gibbs of Union City.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Geoffrey Shawn Harrison of Fallbrook.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Cory Hiltz of La Verne.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Antonio Aguilar Sr., of Zacatecas Mexico.

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

Senator Runner requested that when the Senate adjourns this day it do so in memory of Tracy Jara of Castaic.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Ted Tyler of Pasadena.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, July 10, 2007.

PAULA K. ROSSETTO, Minute Clerk

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