

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, April 8, 2008

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, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, 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—35.

Quorum present.

*(NOTE: Senators Aanestad and Denham will be excused this day on legislative business, Senator McClintock will be excused this day on personal business, Senator Vincent will be excused this day due to a family illness, and Senator Florez will be excused this day due to illness.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 7, 2008

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

ACR 100

E. DOTSON WILSON, Chief Clerk of the Assembly



**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 100**—Relative to California Museum Month.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, April 7, 2008

Mr. President: The Committee on Rules has examined:

SCR 60

SCR 73

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 7th day of April, 2008, at 4 p.m.

PERATA, Chair

**Committee on Environmental Quality**

Senate Chamber, April 8, 2008

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

SB 1520

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**

**Senate Bill 1520**—An act to amend Sections 13168 and 13325 of the Water Code, relating to water quality.

Bill read second time.

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

Date of Hearing, April 7, 2008

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

SB 1161

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, April 7, 2008

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

SB 1258



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

SIMITIAN, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, April 8, 2008

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

SB 1267

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**

**Senate Bill 1267**—An act to amend Sections 8547.2, 8547.8, 19683, and 19683.5 of the Government Code, relating to whistleblower protections.

Bill read second time.

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

**Committee on Health**

Senate Chamber, April 8, 2008

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

SB 1729

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 1729**—An act to add Section 1257.5 to the Health and Safety Code, relating to health facilities.

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, April 8, 2008

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

SB 1575

SB 1713



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**

**Senate Bill 1575**—An act to add Chapter 3 (commencing with Section 108070) to Part 3 of Division 104 of, and to repeal the heading of Chapter 3 of Part 3 of Division 104 of, the Health and Safety Code, relating to consumer product safety.

Bill read second time.

**Senate Bill 1713**—An act to amend Sections 108935, 108937, and 108939 of the Health and Safety Code, relating to product safety.

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**

Date of Hearing, April 7, 2008

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

SB 1337                      SB 1400                      SB 1633

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

RIDLEY-THOMAS, Chair

Above measures re-referred to the Committee on Judiciary.

Date of Hearing, April 7, 2008

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

SB 1307

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

RIDLEY-THOMAS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2008

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

SB 1060

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

RIDLEY-THOMAS, Chair

Above measure re-referred to the Committee on Governmental Organization.



**Committee on Public Employment and Retirement**

Senate Chamber, April 8, 2008

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

SB 1123

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 Bill 1123**—An act to add Section 7507.2 to, and to repeal and add Section 7507 of, the Government Code, relating to public employee benefits.

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, April 8, 2008

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

SB 1215

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**

**Senate Bill 1215**—An act to amend Section 6501 of the Business and Professions Code, relating to professional fiduciaries.

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, April 8, 2008

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

SB 1277

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****Senate Bill 1277**—An act relating to synthetic turf.

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, April 1, 2008

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

SB 1423

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 Banking, Finance and Insurance**

Date of Hearing, April 2, 2008

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

SB 1137

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

MACHADO, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 7, 2008

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

SB 1056

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

SIMITIAN, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, April 8, 2008

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

SB 1097

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

TORLAKSON, Chair



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

**Senate Bill 1097**—An act to amend Section 60605 of, and to add Section 60605.4 to, the Education Code, relating to school curriculum.

Bill read second time.

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

**Committee on Health**

Senate Chamber, April 2, 2008

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

SB 1594

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, April 8, 2008

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

SB 1269

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**

**Senate Bill 1269**—An act to add Sections 44257.6 and 66015.8 to, and to add and repeal Section 60605.4 of, the Education Code, relating to science education.

Bill read second time.

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

**Committee on Transportation and Housing**

Senate Chamber, April 8, 2008

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

SB 1226

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

LOWENTHAL, Chair



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

**Senate Bill 1226**—An act to amend Sections 50650.3 and 50650.4 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 Public Safety**

Senate Chamber, April 8, 2008

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

SB 1203

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**

**Senate Bill 1203**—An act to amend Sections 3000, 3003.5, and 3004 of, and to add Section 645.5 to, the Penal Code, relating to crime.

Bill read second time.

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

Date of Hearing, April 1, 2008

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

SB 1261

SB 1266

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 Health**

Date of Hearing, April 2, 2008

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

SB 1213

SB 1616

SB 1738

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 measures ordered to second reading.

**Committee on Natural Resources and Water**

Date of Hearing, April 8, 2008

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

SB 1617





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

STEINBERG, Chair

Above measure re-referred to the Committee on Revenue and Taxation.

Date of Hearing, April 8, 2008

Mr. President: The Committee on Natural Resources and Water, to which were referred:

SB 1108

SB 1690

SCR 85

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

STEINBERG, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 8, 2008

Mr. President: The Committee on Natural Resources and Water, to which were referred:

SB 1127

SB 1172

SB 1435

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

STEINBERG, Chair

Above measures re-referred to the Committee on Appropriations.

#### **Committee on Veterans Affairs**

Date of Hearing, April 8, 2008

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

SJR 16

Reports the same back with the recommendation: Be adopted.

WYLAND, Chair

Above resolution ordered to third reading.

#### **Committee on Human Services**

Date of Hearing, April 8, 2008

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

SB 1094

SB 1599

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

ALQUIST, Chair

Above measures re-referred to the Committee on Appropriations.



Date of Hearing, April 8, 2008

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

SB 1136

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

ALQUIST, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, April 8, 2008

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

SB 1380

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

ALQUIST, Chair

Above measure ordered to second reading.

### **Committee on Agriculture**

Senate Chamber, April 8, 2008

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

SB 1404

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

MALDONADO, Chair

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

**Senate Bill 1404**—An act to add Section 53482.5 to the Food and Agricultural Code, relating to plant labeling.

Bill read second time.

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

Date of Hearing, April 1, 2008

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

SB 1280

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

MALDONADO, Chair

Above measure ordered to second reading.



**Committee on Public Employment and Retirement**

Senate Chamber, April 8, 2008

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

SB 1718

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 Bill 1718**—An act to add Sections 3505.05, 3519.3, and 3543.9 to the Government Code, relating to public employment.

Bill read second time.

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

**Committee on Human Services**

Date of Hearing, April 8, 2008

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

SB 1774

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

ALQUIST, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Environmental Quality**

Date of Hearing, April 7, 2008

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

SB 1230

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

SIMITIAN, Chair

Above measure ordered to second reading.

**Committee on Education**

Date of Hearing, April 2, 2008

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

SB 1545

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

SCOTT, Chair

Above measure ordered to second reading.



Date of Hearing, April 2, 2008

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

SB 1105

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

SCOTT, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, April 8, 2008

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

SB 1212

SB 1701

Reports the same back with the recommendation: Do pass.

ROMERO, Chair

Above bills ordered to second reading.

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

**Senate Bill 1602**—An act to amend Section 82015 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

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

**Senate Bill 1573**—An act to repeal and amend Section 44013 of the Health and Safety Code, relating to air pollution.

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.

**Senate Bill 1395**—An act to add Article 10.1.2 (commencing with Section 25214.4.3) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to lead plumbing.

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 Environmental Quality.



**Senate Bill 1321**—An act to add Article 3 (commencing with Section 38150) to Chapter 4 of Part 23 of Division 3 of Title 2 of the Education Code, relating to school recycling programs.

Bill read second time.

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

**Senate Bill 1204**—An act to add Section 87500.1 to the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

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

**Senate Bill 1118**—An act to amend Sections 21670, 21670.1, 21670.4, 21674.7, 21675.1, 21678, 21679, and 21679.5 of, and to repeal Section 21677 of, the Public Utilities Code, relating to airports.

Bill read second time.

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

**Senate Bill 1059**—An act to add Section 758.6 to 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 Judiciary.

**Senate Bill 1145**—An act to amend Section 11121.1 of the Government Code, and to amend Sections 11770 and 11785 of, and to repeal Section 11770.5 of, the Insurance Code, relating to workers' compensation 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 Judiciary.



**Senate Bill 1361**—An act to amend Sections 13352, 13352.1, and 13352.4 of the Vehicle Code, relating to vehicles.

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.

**Senate Bill 1191**—An act to amend Section 61100 of the Government Code, relating to local government.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1237**—An act to amend Sections 66412, 66434, 66439, 66445, 66447, 66452.11, 66452.13, and 66477.5 of, and to add Section 66452.16 to, the Government Code, relating to land use.

Bill read second time.

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

**Senate Bill 1293**—An act to amend Sections 6503.5 and 6547 of, to add Sections 6548.5, 6592.1, and 53895.7 to, and to add Chapter 10.7 (commencing with Section 5870) to Division 6 of Title 1 of, the Government Code, relating to joint exercise of powers.

Bill read second time.

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

**Senate Bill 1114**—An act to amend Section 12814.6 of, and to add Section 12814.8 to, the Vehicle Code, relating to vehicles, and making an appropriation therefor.

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 Appropriations.

**Senate Bill 1551**—An act to amend Sections 23001, 23027, 23035, 23036, and 23037 of the Financial Code, relating to deferred deposit transactions.

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 Judiciary.

**Senate Bill 1604**—An act to amend Sections 22104, 22112, 50124, and 50306 of, and to add Sections 22169.1, 22169.2, 50318.1, and 50318.2 to, the Financial Code, relating to lending.

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 Judiciary.

**Senate Bill 1396**—An act to amend Section 27388 of the Government Code, relating to local government.

Bill read second time.

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

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill 242**—An act to amend Section 65584.07 of the Government 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 to third reading.

**Assembly Bill 450**—An act to make an appropriation in augmentation of the Budget Act of 2007, relating to the state budget, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time and ordered to third reading.

**Assembly Bill 152**—An act to amend Sections 100001.5, 100161, 100163, and 100164 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

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

Without objection, **SB 1300**, **SB 1322**, and **SB 1565** were withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

**SB 1692** was withdrawn from the Committee on Governmental Organization 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 and Denham.

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

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

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, April 9, 2008.

PAULA K. ROSSETTO, Minute Clerk

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