

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, April 24, 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, Cox, Denham, Ducheny, Dutton, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete, McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Steinberg, Torlakson, Wiggins, and Wyland—32.

Quorum present.

(NOTE: Senators Aanestad, Correa, Florez, Ridley-Thomas, Simitian, and Yee will be excused this day on legislative business, Senator Hollingsworth will be excused this day on personal business, and Senator Vincent will be excused this day due to illness.)



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 24, 2008

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

| | | | |
|---------|---------|---------|---------|
| AB 1764 | AB 1824 | AB 2059 | AB 2442 |
| AB 2130 | AB 1829 | AB 2092 | AB 2444 |
| AB 2160 | AB 1877 | AB 2096 | AB 2445 |
| AB 2192 | AB 1897 | AB 2100 | AB 2555 |
| AB 2379 | AB 1913 | AB 2273 | AB 2559 |
| AB 2468 | AB 1923 | AB 2284 | AB 2658 |
| AB 2742 | AB 1949 | AB 2330 | AB 2816 |
| AB 2840 | AB 1974 | AB 2352 | AB 3045 |
| AB 1810 | AB 1998 | AB 2433 | |

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

ACR 121

ACR 124

Assembly Chamber, April 24, 2008

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

SCR 82

SCR 91

Above resolutions ordered enrolled.

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 1764—An act to amend Section 51201 of the Government Code, relating to land use.

Assembly Bill 2130—An act to amend Section 104113 of the Health and Safety Code, relating to public health.

Assembly Bill 2160—An act to add Section 9012.5 to, and to repeal Section 9653 of, the Welfare and Institutions Code, relating to senior wellness.

Assembly Bill 2192—An act relating to telecommunications.

Assembly Bill 2379—An act to amend Section 904.1 of, and to add Section 1021.11 to, the Code of Civil Procedure, relating to court records.

Assembly Bill 2468—An act to amend Section 60005 of the Education Code, relating to instructional materials.

Assembly Bill 2742—An act to amend Section 15250.6 of the Vehicle Code, relating to vehicles.

Assembly Bill 2840—An act relating to state lands.



Assembly Bill 1810—An act to amend Sections 24001 and 24013.5 of the Food and Agricultural Code, relating to horses.

Assembly Bill 1824—An act to amend Section 4519.7 of the Welfare and Institutions Code, relating to developmental centers.

Assembly Bill 1829—An act to amend Section 10333 of the Public Contract Code, relating to public contracts.

Assembly Bill 1877—An act to amend Section 3111 of the Family Code, relating to child custody.

Assembly Bill 1897—An act to add Section 4980.40.5 to the Business and Professions Code, relating to marriage and family therapists.

Assembly Bill 1913—An act to amend Sections 52851, 52852, 52856, 52863, 52871, 52873, 52876, 52879, 52882, 52883, 52886, 52887, 52891.1, 52892, 52893, 52901, 52931, 52932, 52934, 52935, 52936, 52937, 52951, 52953, 52972, and 52975 of, and to add Sections 52867 and 52868 to, the Food and Agricultural Code, relating to agriculture.

Assembly Bill 1923—An act to amend Section 4575 of the Penal Code, relating to correctional facilities.

Assembly Bill 1949—An act to amend Section 36 of the Code of Civil Procedure, to amend Sections 6103, 68071, 71601 of the Government Code, to amend Section 832.9 of the Penal Code, and to amend Section 42006 of the Vehicle Code, relating to courts.

Assembly Bill 1974—An act to amend Section 3 of Chapter 1358 of the Statutes of 1987, relating to state property.

Assembly Bill 1998—An act to add Section 82035.5 to, and to add Article 2.5 (commencing with Section 84250) to Chapter 4 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974.

Assembly Bill 2059—An act to add Section 17514 to the Business and Professions Code, relating to advertising.

Assembly Bill 2092—An act to amend Section 1203.4 of the Penal Code, relating to criminal procedure.

Assembly Bill 2096—An act to amend Section 362.05 of the Welfare and Institutions Code, relating to dependent children.

Assembly Bill 2100—An act to amend Section 15630 of the Welfare and Institutions Code, relating to elder abuse.

Assembly Bill 2273—An act to amend Section 11515.2 of the Vehicle Code, relating to vehicles.

Assembly Bill 2284—An act to amend Section 62521 of the Food and Agricultural Code, relating to milk.



Assembly Bill 2330—An act to amend Section 3031 of, and to add Section 1050.3 to, the Fish and Game Code, relating to wildlife.

Assembly Bill 2352—An act to add Section 5328.04 to the Welfare and Institutions Code, relating to confidential information.

Assembly Bill 2433—An act to amend Sections 1987.1 and 1987.2 of the Code of Civil Procedure, relating to civil discovery.

Assembly Bill 2442—An act to repeal Sections 821.5 and 821.6 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 2444—An act to amend Section 2233 of the Business and Professions Code, relating to medicine.

Assembly Bill 2445—An act to amend Section 2221 of, and to add Section 2221.05 to, the Business and Professions Code, relating to medicine.

Assembly Bill 2555—An act to add Section 56321.6 to the Education Code, relating to special education.

Assembly Bill 2559—An act to amend Section 5080.18 of the Public Resources Code, relating to state parks.

Assembly Bill 2658—An act to amend Section 120130 of the Health and Safety Code, relating to disease prevention.

Assembly Bill 2816—An act to amend Section 594.2 of the Penal Code, relating to crimes.

Assembly Bill 3045—An act to amend Section 13997.2 of the Government Code, relating to economic development.

Assembly Concurrent Resolution 121—Relative to National Multicultural Cancer Awareness Week.

Assembly Concurrent Resolution 124—Relative to Automotive Career Month.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, April 23, 2008

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

William C. Bush, Director Department of General Services (5–0)

PERATA, Chair



State Capitol, April 23, 2008

The Senate Rules Committee has made the following member changes in the standing committees:

Removed Senators Battin and Steinberg from the Senate Committee on Appropriations.

Appointed Senator Corbett as a member of the Senate Committee on Environmental Quality to replace Senator Steinberg.

Appointed Senator Harman as a member of the Senate Committee on Governmental Organization to replace Senator Maldonado.

Appointed Senator Maldonado as member and Vice Chair of the Senate Committee on Human Services to replace Senator Harman.

Appointed Senator Battin as a member of the Senate Committee on Human Services to replace Senator Cogdill.

Appointed Senator Hollingsworth as Vice Chair of the Senate Committee on Natural Resources and Water to replace Senator Margett as Vice Chair only.

Appointed Senator Margett as Vice Chair of the Senate Committee on Public Safety to replace Senator Cogdill as Vice Chair only.

Appointed Senator McClintock as a member of the Senate Committee on Revenue and Taxation to replace Senator Harman.

Appointed Senator Hollingsworth as a member of the Senate Committee on Transportation and Housing to replace Senator Dutton.

Appointed Senator Maldonado as a member of the Senate Committee on Transportation and Housing to fill an existing vacancy.

PERATA, Chair

State Capitol, April 23, 2008

The Senate Rules Committee has created a Select Committee on the Los Angeles County Health Care Crisis to be chaired by Senator Ridley-Thomas and adopted Senate Rules Committee Resolution #2 outlining its jurisdiction.

PERATA, Chair

Committee on Appropriations

Senate Chamber, April 24, 2008

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

SB 1395

SB 1550

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 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.



Senate Bill 1550—An act to add Section 318.2 to the Corporations Code, relating to corporations.

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, April 23, 2008

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

SB 1221

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

KUEHL, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 23, 2008

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

SB 1369

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bill ordered to second reading.

Committee on Judiciary

Senate Chamber, April 24, 2008

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

SB 1443

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 1443—An act to amend Section 1714.25 of, and to add Section 1714.26 to, the Civil Code, relating to food facilities.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, April 24, 2008

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

SB 1617



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 1617—An act to add Chapter 1.5 (commencing with Section 4210) to Part 2 of Division 4 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

Senate Chamber, April 24, 2008

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

SB 1762

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 1762—An act 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 Appropriations

Senate Chamber, April 24, 2008

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

SB 1525

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 1525—An act to amend Sections 1363.5, 1367.01, 1374.30, and 1380 of the Health and Safety Code, and to amend Sections 10123.135 and 10169 of the Insurance Code, relating to health care coverage.

Bill read second time.

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



Committee on Public Employment and Retirement

Senate Chamber, April 24, 2008

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

SB 1586

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 1586—An act to add Article 8.10 (commencing with Section 31699.1) to Chapter 3 of Part 3 of Division 4 of Title 3 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.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, April 23, 2008

The Committee on Rules has referred the following measures to committee:

Appropriations—AB 2597.

Business, Professions and Economic Development—AB 1760, AB 1922.

Environmental Quality—AB 1972.

Health—AB 2899.

Judiciary—AB 1873, AB 2025, AB 2248, AB 3051, AB 3053.

Local Government—AB 1856, AB 2803.

Natural Resources and Water—AB 2882.

Public Safety—AB 2125, AB 2126.

Rules—AB 2165.

Transportation and Housing—AB 2693.

The Committee on Rules has re-referred the following measures to committees:

Education—ACR 69, ACR 99, ACR 114.

Environmental Quality—SB 1405.

Judiciary—SB 1612; AB 225.

Public Safety—SB 1665.



Transportation and Housing—SCR 103, SCR 109; AB 996, ACR 82, ACR 107.

The Committee on Rules has re-referred the following measures to two committees:

Business, Professions and Economic Development and Judiciary—SB 1608.

Environmental Quality and Judiciary—SB 1762.

Transportation and Housing and Judiciary—AB 1892, AB 2019.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 1778—An act to amend Section 972.1 of the Military and Veterans Code, relating to veterans.

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

Senate Bill 1271—An act to amend Section 3212.1 of the Labor Code, relating to workers' compensation.

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

Senate Bill 1349—An act to amend Section 5778 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

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

Senate Bill 1234—An act to amend Section 798.26 of the Civil Code, relating to mobilehomes.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 602—An act to amend Sections 40200.5 and 40215 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill 1166—An act to amend Sections 10506, 10507, and 10514 of the Fish and Game Code, relating to game refuges.

Bill read third time.

Amendments Adopted

Amendments to SB 1166 proposed by Senator Cox were read and adopted and the measure ordered printed, engrossed, and to second reading.



Senate Bill 1732—An act to amend Section 54952.2 of, and to add Section 6252.7 to, the Government Code, relating to local agencies.

Bill read third time.

Amendments Adopted

Amendments to SB 1732 proposed by Senator Romero were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1220—An act to amend Section 50675.1 of the Health and Safety Code, relating to housing.

Bill read third time.

Amendments Adopted

Amendments to SB 1220 proposed by Senator Cedillo were read and adopted and the measure ordered printed, engrossed, and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 97)

On request of Senator Alquist, and without objection, AB 97 was taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 97

Assembly Bill 97—An act to amend Section 113705 of, and to add Chapter 12.6 (commencing with Section 114377) to Part 7 of Division 104 of, the Health and Safety Code, relating to food facilities.

Bill read second time.

Motion to Amend

Amendments to AB 97 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1303** was withdrawn from the Committee on Rules and placed on second reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday April 28, 2008:

| | | | |
|---------|---------|---------|---------|
| SCR 88 | SB 1116 | SB 1280 | SB 1774 |
| SB 1262 | SB 1168 | SB 1336 | SB 1349 |
| SB 1207 | SB 1204 | SB 1359 | SCR 106 |
| SB 1393 | SB 1213 | SB 1435 | AB 602 |
| SB 1371 | SB 1260 | SB 1495 | AB 813 |
| SB 1104 | SB 1261 | SB 1641 | |



SENATE COMMITTEE ROLL CALLS**Committee on Health****SB 1141—Do pass as amended**

AYES (9)—Senators Aanestad, Alquist, Cedillo, Cox, Kuehl, Maldonado, Negrete McLeod, Steinberg, and Yee.

NOES (0)—None.

SB 1221—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, Cedillo, Kuehl, Negrete McLeod, Steinberg, and Yee.

NOES (2)—Senators Aanestad and Cox.

SB 1313—Do pass as amended

AYES (7)—Senators Alquist, Cedillo, Kuehl, Maldonado, Negrete McLeod, Steinberg, and Yee.

NOES (2)—Senators Aanestad and Cox.

SB 1369—Do pass

AYES (9)—Senators Aanestad, Alquist, Cedillo, Cox, Kuehl, Maldonado, Negrete McLeod, Steinberg, and Yee.

NOES (0)—None.

Date of Hearing: 4/23/2008

Kuehl (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Correa, Florez, Ridley-Thomas, Simitian, and Yee.

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

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

REQUEST TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Edwina Patricia Reddick Russell of San Antonio, TX.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 2 p.m., Monday, April 28, 2008.

PAULA K. ROSSETTO, Minute Clerk

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