

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 20, 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, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete, McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee—32.

Quorum present.

(NOTE: Senators Aanestad, Correa, Denham, Florez, Migden, and Ridley-Thomas will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senator Wyland will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing, May 19, 2008

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

SB 1190

SB 1201

SB 1389

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.



Senate Chamber, May 19, 2008

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

SB 1158	SB 1355	SB 1710	SCR 109
SB 1165	SB 1586	SB 1781	
SB 1221	SB 1613	SCR 103	

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, May 20, 2008

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

SB 1460 SB 1734

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 1460—An act to add Section 2853 to the Public Utilities Code, relating to solar energy.

Bill read second time.

Senate Bill 1734—An act to add Chapter 2.061 (commencing with Section 1339.66) to Division 2 of the Health and Safety Code, relating to health facilities.

Bill read second time.

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

Date of Hearing, May 12, 2008

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

SB 1282

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

TORLAKSON, Chair

Above measure ordered to second reading.

Senate Chamber, May 19, 2008

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

SB 1455



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 Rules

Senate Chamber, May 20, 2008

Mr. President: The Committee on Rules has examined:

SB 579

SB 1068

And reports that the same have been correctly enrolled, and presented to the Governor on the 20th day of May, 2008, at 11 a.m.

PERATA, Chair

Senate Chamber, May 20, 2008

Mr. President: The Committee on Rules has examined:

SCR 98

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 20th day of May, 2008, at 11 a.m.

PERATA, Chair

Committee on Public Employment and Retirement

Senate Chamber, May 20, 2008

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

AB 3042

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 3042—An act to amend Section 1094.5 of the Code of Civil Procedure, and to amend Sections 18670, 19175, 19574, 19574.1, 19574.2, 19575, 19576, 19578, 19582, and 19583 of, to repeal Sections 19173.1, 19175.3, 19570.1, 19572.1, 19576.5, 19576.6, 19582.1, and 19582.6 of, and to repeal and add Section 18575 of, the Government Code, relating to civil service.

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, May 14, 2008

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

AB 16



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 Appropriations

Senate Chamber, May 20, 2008

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

SB 1151	SB 1187	SB 1200	SB 1361
SB 1438	SB 1531	SB 1582	

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 1151—An act to add Section 6403.5 to the Labor Code, relating to health facilities.

Bill read second time.

Senate Bill 1187—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

Bill read second time.

Senate Bill 1200—An act to add Section 13985 to the Government Code, relating to Indian tribes, and making an appropriation therefor.

Bill read second time.

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

Bill read second time.

Senate Bill 1438—An act to add Chapter 4 (commencing with Section 8360) to Division 4.1 of the Public Utilities Code, relating to electricity.

Bill read second time.

Senate Bill 1531—An act to add Section 13515.35 to the Penal Code, relating to peace officers.

Bill read second time.

Senate Bill 1582—An act to add Chapter 4.5 (commencing with Section 72435) to Division 38 of the Public Resources Code, relating to ocean resources, and making an appropriation therefor.

Bill read second time.

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



Committee on Health

Senate Chamber, May 20, 2008

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

AB 3000

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 3000—An act to amend Sections 4780, 4782, 4783, 4784, and 4785 of, and to amend the heading of Part 4 (commencing with Section 4780) of Division 4.7 of, the Probate Code, relating to health care decisions.

Bill read second time.

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

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

Senate Bill 1662—An act relating to air pollution.

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

Senate Bill 1520—An act to amend Section 13168 of, and to add Section 13396.8 to, the Water Code, relating to water quality.

Bill read second time.

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

Senate Bill 1172—An act to amend Sections 331, 332, 1528, 3684, 3686, and 4332 of, to add Sections 331.5, 333, 711.1, 4332.5, and 4764 to, to repeal Sections 3685 and 4334 of, and to repeal and add Sections 4656 and 4903 of, the Fish and Game Code, relating to wildlife.

Bill read second time.

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

Senate Bill 1527—An act to add Section 19622.5 to the Business and Professions Code, and to add Section 11011.27 to the Government Code, relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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



Senate Bill 1270—An act to add and repeal Section 4014 of the Business and Professions Code, relating to pharmacy.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 23—An act to amend Section 23039.1 of the Business and Professions Code, relating to alcoholic beverages and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 239—An act to amend Sections 4990, 4990.18, 4990.30, and 4990.38 of, and to add Chapter 10.5 (commencing with Section 4700) to Division 2 of, the Business and Professions Code, relating to alcoholism and drug abuse counselors.

Bill read second time.

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

Assembly Bill 117—An act to amend Sections 20211 and 20301 of, and to add Section 20916.1 to, the Public Contract Code, and to amend Section 103222 of the Public Utilities Code, relating to transportation.

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.

Assembly Bill 860—An act to amend Section 9250.14 of 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.

Assembly Bill 983—An act to amend Section 1104 of the Public Contract Code, relating to public contracts.

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 1111—An act to amend Section 798.25 of the Civil Code, relating to mobilehomes.

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.



THIRD READING OF SENATE BILLS

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

Bill read third time.

Amendments Adopted

Amendments to SB 1234 proposed by Senator Correa were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1415—An act to add Section 123106 to the Health and Safety Code, relating to patient records.

Bill read third time.

Amendments Adopted

Amendments to SB 1415 proposed by Senator Kuehl were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1254—An act relating to curriculum.

Bill read third time.

Amendments Adopted

Amendments to SB 1254 proposed by Senator Wyland were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1269—An act relating to science education.

Bill read third time.

Amendments Adopted

Amendments to SB 1269 proposed by Senator Wyland were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1699—An act to add Section 32132.5 to the Health and Safety Code, relating to health care districts.

Bill read third time.

Amendments Adopted

Amendments to SB 1699 proposed by Senator Wiggins were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1171—An act to amend Section 2006 of the Fish and Game Code, and to amend Sections 12031 and 12070 of the Penal Code, relating to firearms.

Bill read third time.



Amendments Adopted

Amendments to SB 1171 proposed by Senator Scott were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 1248—An act relating to career technical education.
Bill read third time.

Amendments Adopted

Amendments to SB 1248 proposed by Senator Wyland were read and adopted and the measure ordered printed, engrossed, and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 550** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations**

SB 1190—Do pass

AYES (12)—Senators Aanestad, Ashburn, Corbett, Cox, Dutton, Florez, Kuehl, Oropeza, Runner, Simitian, Torlakson, and Yee.

NOES (0)—None.

SB 1201—Do pass

AYES (8)—Senators Aanestad, Corbett, Dutton, Florez, Oropeza, Runner, Torlakson, and Yee.

NOES (2)—Senators Cox and Kuehl.

SB 1389—Motion to place on Appropriations suspense file refused

AYES (4)—Senators Corbett, Kuehl, Simitian, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Cox, Dutton, and Runner.

Failed passage

SB 1389—Do pass

AYES (9)—Senators Aanestad, Ashburn, Cedillo, Cox, Dutton, Florez, Oropeza, Runner, and Yee.

NOES (4)—Senators Corbett, Kuehl, Simitian, and Torlakson.

SB 1721—Do pass as amended

AYES (8)—Senators Cedillo, Corbett, Florez, Kuehl, Oropeza, Simitian, Torlakson, and Yee.

NOES (5)—Senators Aanestad, Ashburn, Cox, Dutton, and Runner.

AB 1545—Do pass as amended

AYES (12)—Senators Aanestad, Ashburn, Corbett, Cox, Dutton, Florez, Kuehl, Oropeza, Runner, Simitian, Torlakson, and Yee.

NOES (0)—None.

Date of Hearing: 5/19/2008

Torlakson (Chair)



Committee on Environmental Quality

SB 1760—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Corbett, Florez, Kuehl, Lowenthal, and Simitian.

NOES (2)—Senators Aanestad and Runner.

Date of Hearing: 5/19/2008

Simitian (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, Denham, Florez, Migden, and Ridley-Thomas.

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 Wyland.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, May 21, 2008.

PAULA K. ROSSETTO, Minute Clerk

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