

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED NINTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, June 4, 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:

Aanestad, Ackerman, Alquist, Ashburn, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete, McLeod, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee—32.

Quorum present.

*(NOTE: Senators Battin, Calderon, Corbett, Denham, Migden, Oropeza, and Ridley-Thomas will be excused this day on legislative business and Senator Vincent will be excused this day due to a family illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
June 4, 2008

*To the Senate of the State of California:*

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



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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

R. Michael Paravagna, Americans with Disabilities Act (ADA) coordinator, city of Sacramento, since 2007; former chief of the disability access section, Department of Rehabilitation from 1993 to 2007; and former administrator, Department of Rehabilitation, vocational rehabilitation work activity program, from 1989 to 1993. Appointed 05/22/08. Effective 05/30/08.

Member, State Building Standards Commission, vice, Kim R. Blackseth, not confirmed, term ending 01/01/10.

Craig S. Daley, president, Daley's Drywall & Taping Incorporated since 1999; former vice president with Daley's Drywall & Taping Incorporated, from 1985 to 1998; member, American Society for Testing and Materials, Association of the Wall and Ceiling Industry Board of Directors; and trustee for the Northern California Drywall Contractors Association. Appointed 05/22/08. Effective 05/30/08.

Member, State Building Standards Commission, vice, Timothy J. Brink, resigned, term ending 01/01/11.

Lindy Dekoven, president, DeKoven Entertainment since 2002; former executive vice president, NBC Entertainment, 1993 to 2000; former vice president, Warner Brothers Television, 1991 to 1993; and member, Commission on the Status of Women, currently serving as chair. Appointed 05/22/08. Effective 06/02/08.

Member, State Park and Recreation Commission, vice, Joseph W. Cotchett, term expired, term ending 01/15/11.

Above appointments referred to the Committee on Rules.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Public Safety**

Senate Chamber, June 4, 2008

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

AB 841

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

ROMERO, Chair

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

**Assembly Bill 841**—An act to add Section 290.024 to the Penal Code, relating to sex offenses.

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, June 2, 2008

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

AB 1062

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**

Senate Chamber, June 4, 2008

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

AB 2149

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

MACHADO, Chair

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

**Assembly Bill 2149**—An act to add Section 25235.3 to the Corporations Code, relating to securities.

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, June 2, 2008

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

AB 109

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.

Date of Hearing, June 2, 2008

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

AB 1391

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 Natural Resources and Water**

Senate Chamber, June 4, 2008

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

AJR 49

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 Joint Resolution 49**—Relative to California gray whales.

Resolution 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, June 4, 2008

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

AB 2219

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 2219**—An act to amend Section 66473.7 of the Government Code, and to amend Section 21151.9 of the Public Resources Code, relating to land use.

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, June 4, 2008

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

AB 2050

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**

**Assembly Bill 2050**—An act to amend Section 18031.7 of, and to repeal and add Section 18029.6 of, the Health and Safety Code, relating to manufactured housing.

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, June 4, 2008

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

AB 2794

ACR 87

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 2794**—An act to add Section 655.8 to the Business and Professions Code, relating to healing arts.

Bill read second time.

**Assembly Concurrent Resolution 87**—Relative to a Legislative Task Force on Peripheral Neuropathy.

Resolution read second time.

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

**Committee on Local Government**

Date of Hearing, June 4, 2008

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

AB 811

AB 1764

AB 1932

AB 2484

Reports the same back with the recommendation: Do pass.

NEGRETE McLEOD, Chair

Above bills ordered to second reading.

Date of Hearing, June 4, 2008

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

AB 3047



Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

Date of Hearing, June 4, 2008

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

AB 2218

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

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

Date of Hearing, June 4, 2008

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

AB 2427

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Business, Professions and Economic Development.

NEGRETE McLEOD, Chair

Above measure re-referred to the Committee on Business, Professions and Economic Development.

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

Senate Chamber, June 4, 2008

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

AB 1502

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

MACHADO, Chair

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

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

Bill read second time.

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



**Committee on Local Government**

Senate Chamber, June 4, 2008

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

AB 1884

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

NEGRETE McLEOD, Chair

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

**Assembly Bill 1884**—An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.

Bill read second time.

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

Date of Hearing, June 4, 2008

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

AB 1263

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

NEGRETE McLEOD, Chair

Above measure ordered to second reading.

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

Senate Chamber, June 4, 2008

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

AB 1951

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

RIDLEY-THOMAS, Chair

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

**Assembly Bill 1951**—An act to add Sections 2089.8, 2190.6, 2915.8, 2915.9, 4980.415, 4980.416, 4989.23, 4989.35, 4996.27, and 4996.275 to the Business and Professions Code, relating to healing arts.

Bill read second time.

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



**Committee on Education**

Senate Chamber, June 4, 2008

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

AB 2226

AB 2843

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

SCOTT, Chair

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

**Assembly Bill 2226**—An act to repeal and add Section 44265.1 of the Education Code, relating to teachers.

Bill read second time.

**Assembly Bill 2843**—An act to amend Section 8482.3 of the Education Code, relating to after school programs.

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, June 4, 2008

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

AB 1701

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 1701**—An act to amend Section 14126.033 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

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

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

Senate Chamber, June 4, 2008

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

AB 2445

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

RIDLEY-THOMAS, Chair





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

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

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, June 4, 2008

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

AB 851

AB 2216

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 851**—An act to amend Section 14007.9 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

**Assembly Bill 2216**—An act to amend Section 41514.1 of 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 Transportation and Housing**

Senate Chamber, June 4, 2008

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

AB 660

AB 1221

AB 1407

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**

**Assembly Bill 660**—An act to amend Sections 190, 191, 2450, 2452, 2454, 2458, and 2460.5 of, and to repeal Sections 2454.5 and 2460.7 of, the Streets and Highways Code, relating to transportation.

Bill read second time.

**Assembly Bill 1221**—An act to amend Sections 53395.1, 65460.1, 65460.2, and 65460.4 of, and to add Section 65460.2.5 to, the Government Code, relating to transit facilities.

Bill read second time.



**Assembly Bill 1407**—An act to add Article 8 (commencing with Section 340) to Chapter 4 of Division 1 of the Business and Professions Code, and to add Article 2 (commencing with Section 5515) to Chapter 9 of Division 2 of the Public Utilities Code, relating to commercial airlines.

Bill read second time.

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

**Committee on Energy, Utilities and Communications**

Senate Chamber, June 4, 2008

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

AB 2804

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

KEHOE, Chair

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

**Assembly Bill 2804**—An act to add Section 2851.5 to the Public Utilities Code, relating to energy.

Bill read second time.

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

**Committee on Public Safety**

Senate Chamber, June 4, 2008

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

AB 2718

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

ROMERO, Chair

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

**Assembly Bill 2718**—An act to amend Section 647.6 of the Penal Code, relating to crimes.

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, June 4, 2008

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

SCR 112

AB 1866

AB 2304

AB 2595



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 Concurrent Resolution 112**—Relative to services for older adults.

Resolution read second time.

**Assembly Bill 1866**—An act to add Section 1794.45 to the Civil Code, relating to service contracts.

Bill read second time.

**Assembly Bill 2304**—An act to amend Section 1277 of the Code of Civil Procedure, relating to name changes.

Bill read second time.

**Assembly Bill 2595**—An act to add Chapter 3.01 (commencing with Section 6204) to Division 7 of Title 1 of the Government Code, relating to public records.

Bill read second time.

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

**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 120:** By Senator Wiggins (Coauthor: Assembly Member Berg)—Relative to the James F. McManus Memorial Bridge.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1479**—An act to amend Sections 17175, 94120, and 94125 of the Education Code, to amend Sections 8869.83, 15433, 15434, and 16480.1 of, and to add Section 8869.94 to, the Government Code, to amend Sections 44515, 44519, and 50199.8 of the Health and Safety Code, and to amend Section 26008 of the Public Resources Code, relating to state bodies.

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.

**Assembly Bill 1781**—An act relating to the Budget Act of 2008.

Bill read second time and ordered to third reading.



**Assembly Bill 2275**—An act to amend Section 111130 of, and to add Section 111131 to, the Health and Safety Code, relating to vended water.

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.

### **THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1781**—An act relating to the Budget Act of 2008.

Bill read third time.

#### **Amendments Adopted**

Amendments to AB 1781 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

### **SENATE COMMITTEE ROLL CALLS**

#### **Committee on Local Government**

**AB 811**—Do pass

AYES (4)—Senators Cox, Harman, Kehoe, and Negrete McLeod.

NOES (1)—Senator Machado.

**AB 1263**—Do pass as amended, to Consent Calendar

AYES (5)—Senators Cox, Harman, Kehoe, Machado, and Negrete McLeod.

NOES (0)—None.

**AB 1764**—Do pass

AYES (4)—Senators Cox, Harman, Kehoe, and Negrete McLeod.

NOES (1)—Senator Machado.

**AB 1932**—Do pass

AYES (5)—Senators Cox, Harman, Kehoe, Machado, and Negrete McLeod.

NOES (0)—None.

**AB 2218**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cox, Harman, Kehoe, Machado, and Negrete McLeod.

NOES (0)—None.

**AB 2427**—Do pass and re-refer to Committee on Business, Professions and Economic Development

AYES (4)—Senators Cox, Harman, Kehoe, and Machado.

NOES (0)—None.

**AB 2484**—Do pass

AYES (5)—Senators Cox, Harman, Kehoe, Machado, and Negrete McLeod.

NOES (0)—None.



**AB 3047**—Do pass, to Consent Calendar

AYES (5)—Senators Cox, Harman, Kehoe, Machado, and Negrete McLeod.

NOES (0)—None.

Date of Hearing: 6/4/2008

Negrete McLeod (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin, Calderon, Corbett, Denham, Migden, Oropeza, and Ridley-Thomas.

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, June 5, 2008.

PAULA K. ROSSETTO, Minute Clerk

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