

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 1, 2007

The Senate met at 6 p.m.

Hon. Gloria Romero, of the 24th District, presiding.

Chief Assistant Secretary David Valverde 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:

O Gracious God, Be with us this evening as each of us seeks to serve your people as each of us are called to do so. Especially be with those who serve in this Senate, that those who are elected to make decisions for the many will be guided by the better angels of our nature.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

July 27, 2007

To the Members of the California State Senate:

I am returning **Senate Bill 304** without my signature.

For the past two years I have vetoed similar measures because these bills would allow the media to glamorize murderers and thereby once again traumatize crime victims and their families.

This year I directed the California Department of Corrections and Rehabilitation to address the media access issues by adopting new regulations. Through this process my administration met with stakeholders from both crime victims groups and groups supporting media access to address concerns on both sides. These regulations are pending approval and public comment at the Office of Administrative Law.

While the regulations do not go as far as the provisions in this bill, I believe the regulations provide more clear and appropriate access to our prisons and preserve the balance with crime victims and their families. I believe these regulations should be given a chance to work.

To the extent that stakeholders believe more media access can be provided while respecting the concerns of crime victims and their families, I encourage them to participate in the public comment period of the regulation process which will take place over the next two months.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 27th day of July 2007 at 2:45 p.m., of SB 304 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Mikhael Skvarla.

BERNADETTE McNULTY
Assistant Secretary of the Senate



Governor's Office, State Capitol
July 30, 2007

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

Mark A. Hutchinson, former Deputy Director for Administration, California Department of Health Services. Appointed 07/12/07. Effective 07/18/07.

Chief Deputy Director, Department of Developmental Services vice Therese M. Delgadillo, re-assigned, term ending at the Pleasure of the Governor.

Monica S. Liu, Research Assistant, Los Angeles Biomedical Institute at the Harbor—University of California Los Angeles Medical Center; and a senior attending the Palos Verdes Peninsula High School. Appointed 07/17/07. Effective 07/27/07.

Member, State Board of Education vice Andrew D. Estep, term expired, term ending 07/31/08.

Sharron L. Leason, Director, Disaster and Emergency Management, California Volunteers. Appointed 07/05/07. Effective 07/28/07.

Member, Alfred E. Alquist Seismic Safety Commission vice Keith M. Wheeler, term expired, term ending 05/15/11.

Bradley V. Mitzelfelt, Chief of Staff, San Bernardino County Board of Supervisors representing the First District. Appointed 07/05/07. Effective 07/26/07.

Member, Alfred E. Alquist Seismic Safety Commission vice James R. Wattenburger, resigned, term ending 05/15/09.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, July 25, 2007

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

Linda C. Brown, Deputy Director, Office of Administrative Law (5-0).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, July 25, 2007

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

Steve M. Hardy, Director, Alcoholic Beverage Control (5-0);

Burks Dean Shelton, Member, California Gambling Control Commission (5-0);

Stephanie K. Shimazu, Member, California Gambling Control Commission (5-0).

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, July 25, 2007

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:

Gary C. Shallcross, Member, California Regional Water Quality Control Board, Central Coast Region (3-2).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, July 25, 2007

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

Amy L. Horne, Ph.D., Member, California Regional Water Quality Control Board, Lahontan Region (3-2).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, July 25, 2007

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

Francine B. Diamond, Member, California Regional Water Quality Control Board, Los Angeles Region (3-2).

PERATA, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, July 25, 2007

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:

Terry F. Young, Ph.D., Member, California Regional Water Quality Control Board, San Francisco Bay Region (3–2).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, July 25, 2007

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:

Seymour D. Van Gundy, Ph.D., Member, California Regional Water Quality Control Board, Santa Ana Region (4–0).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, July 25, 2007

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

Douglas M. Metz, Member, Boating and Waterways Commission (5–0);

David T. Hodgin, Member, California Regional Water Quality Control Board, Central Coast Region (5–0);

Cheryl K. Maki, Member, California Regional Water Quality Control Board, Central Valley Region (5–0);

Sandra O. Meraz, Member, California Regional Water Quality Control Board, Central Valley Region (5–0);

Jack L. Clarke, Member, California Regional Water Quality Control Board, Lahontan Region (5–0);

David A. King, Member, California Regional Water Quality Control Board, San Diego Region (5–0);

Susan E. Ritschel, Member, California Regional Water Quality Control Board, San Diego Region (5–0);

William E. Peacock, Member, California Regional Water Quality Control Board, San Francisco Bay Region (5–0);

Fred M. Ameri, Member, California Regional Water Quality Control Board, Santa Ana Region (5–0);



Maurice W. Gallarda, Member, California Regional Water Quality Control Board, Santa Ana Region (5-0);

William A. Ruh, Member, California Regional Water Quality Control Board, Santa Ana Region (5-0).

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, July 25, 2007

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Josefina Canchola of Santa Fe Springs as a member of the Board of Vocational Nursing & Psychiatric Technicians to serve for a term ending June 1, 2011.

Appointed the following persons as members of the Legislative Task Force on Diabetes and Obesity to serve at the pleasure of the Rules Committee: Mr. Henry Perea of Fresno, Senator Elaine Alquist, Senator Abel Maldonado, Senator Mark Ridley-Thomas, Senator Tom Torlakson.

PERATA, Chair

Committee on Appropriations

Senate Chamber, August 1, 2007

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

AB 15	AB 550	AB 922	AB 1456
AB 35	AB 570	AB 949	AB 1512
AB 340	AB 746	AB 1248	AB 1526
AB 402	AB 897	AB 1291	
AB 422	AB 903	AB 1427	

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

Assembly Bill 15—An act relating to Vasco Road.

Bill read second time.

Assembly Bill 35—An act to add Part 3.1 (commencing with Section 71117) to Division 34 of the Public Resources Code, relating to the environment.

Bill read second time.

Assembly Bill 340—An act to amend Section 8712 of the Family Code, and to add Sections 16519 and 16519.5 to the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

Bill read second time.



Assembly Bill 402—An act to amend Section 63.1 of, and to add Section 480.8 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Assembly Bill 422—An act to amend Section 25356.1.5 of the Health and Safety Code, and to amend Section 13304 of, and to add Section 13304.2 to, the Water Code, relating to hazardous substances.

Bill read second time.

Assembly Bill 550—An act to add Part 6.7 (commencing with Section 12739.50) to Division 2 of the Insurance Code, relating to health care coverage.

Bill read second time.

Assembly Bill 570—An act to add and repeal Section 14105.07 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

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.

Assembly Bill 897—An act to amend Section 23701d of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Assembly Bill 903—An act to add Article 6 (commencing with Section 8692) to Chapter 7.5 of Division 1 of Title 2 to, the Government Code, relating to emergency services, and making an appropriation therefor.

Bill read second time.

Assembly Bill 922—An act to add Section 11093.1 to the Government Code, relating to local government.

Bill read second time.

Assembly Bill 949—An act to amend Sections 1569.651, 1569.884, and 1569.886 of, and to add Section 1569.682 to, the Health and Safety Code, relating to long-term health care facilities.

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, 116.570, 411.21, 1502, 2031.210, 2031.270, and 2031.280 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, 70603, 70612, 70617, 70621, 70624,



70633, 70650, 70651, 70653, 70654, 70655, 70657, 70658, and 70677, of, and to add Sections 68500.2, 68506.5, 70613.5, 70615, 70657.5, and 70658.5 to, the Government Code, to amend Section 98.2 of the Labor Code, to amend Section 1214.1 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 Section 395 of the Welfare and Institutions Code, relating to courts.

Bill read second time.

Assembly Bill 1291—An act to add Section 727.7 to the Welfare and Institutions Code, relating to juveniles.

Bill read second time.

Assembly Bill 1427—An act to add and repeal Section 4695.3 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

Assembly Bill 1456—An act to add Chapter 12.5 (commencing with Section 14990) to Part 5.5 of Division 3 of Title 2 of the Government Code, relating to intellectual property.

Bill read second time.

Assembly Bill 1512—An act to add Section 14093.10 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

Assembly Bill 1526—An act to amend Sections 1505, 1568.03, 1569.145, and 1788 of, and to add Section 1788.2 to, the Health and Safety Code, relating to community care.

Bill read second time.

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

Committee on Education

Senate Chamber, August 1, 2007

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

SB 895

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 895—An act to add Sections 66745 and 84750.6 to the Education Code, relating to postsecondary education.

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, August 1, 2007

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

AB 44	AB 419	AB 527	AB 1077
AB 81	AB 424	AB 587	AB 1184
AB 258	AB 494	AB 828	AB 1294
AB 380	AB 515	AB 886	AB 1548

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

Assembly Bill 44—An act to amend Section 2150 of, and to add Section 3023.5 to, the Elections Code, relating to absentee voters.

Bill read second time.

Assembly Bill 81—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to child protection.

Bill read second time.

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 380—An act to add Section 9569 to the Welfare and Institutions Code, relating to seniors.

Bill read second time.

Assembly Bill 419—An act to amend Section 4850 of the Labor Code, relating to workers' compensation: public employees: leaves of absence.

Bill read second time.

Assembly Bill 424—An act to add Article 2 (commencing with Section 1855) to Chapter 9 of Division 2 of the Fish and Game Code, and to add Section 65854.5 to the Government Code, relating to wetlands.

Bill read second time.



Assembly Bill 494—An act to amend Section 64001 of the Education Code, relating to education.

Bill read second time.

Assembly Bill 515—An act to amend Section 142.3 of the Labor Code, relating to occupational safety and health.

Bill read second time.

Assembly Bill 527—An act to add Sections 15814.50 and 15814.51 to the Government Code, relating to state buildings, and making an appropriation therefor.

Bill read second time.

Assembly Bill 587—An act relating to antiterrorism, and making an appropriation therefor.

Bill read second time.

Assembly Bill 828—An act to add Section 1345.5 to the Fish and Game Code, relating to fish and game.

Bill read second time.

Assembly Bill 886—An act to amend Sections 1185 and 1189 of the Civil Code, and to amend Sections 6203, 8201, 8201.1, 8201.2, 8201.5, 8202, 8206, 8213.5, 8213.6, 8214.1, 8214.2, 8214.15, 8221, 8225, 8228, and 8228.1 of, and to add Sections 8214.21, and 8214.23 to, the Government Code, relating to notaries.

Bill read second time.

Assembly Bill 1077—An act to add Article 5.5 (commencing with Section 43850) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, and to add Section 740.2 to the Public Utilities Code, relating to air pollution.

Bill read second time.

Assembly Bill 1184—An act to add Section 4474.4 to the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

Assembly Bill 1294—An act to add Chapter 2 (commencing with Section 10050) to Part 1 of Division 10 of the Elections Code, relating to elections.

Bill read second time.

Assembly Bill 1548—An act to add Section 66406.7 to the Education Code, relating to public postsecondary education.

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, August 1, 2007

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

AB 136

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 136—An act to add Section 14628 to the Government Code, relating to the State Capitol.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, August 1, 2007

Madam President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 793

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

OROPEZA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 793—An act to amend Sections 110 and 402.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy .

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, August 1, 2007

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

AB 224	AB 1109	AB 1195	AB 1280
AB 706	AB 1130	AB 1216	AB 1571
AB 739	AB 1177	AB 1222	

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

Assembly Bill 224—An act to add Part 1.6 (commencing with Section 10100) to Division 6 of the Water Code, relating to water.

Bill read second time.

Assembly Bill 706—An act to amend Sections 19161 and 19161.3 of the Business and Professions Code, and to add Chapter 11 (commencing with Section 108930) to Part 3 of Division 104 of the Health and Safety Code, relating to fire retardants.

Bill read second time.

Assembly Bill 739—An act to add Sections 5096.827.2, 5096.827.3, 75050.2, and 75050.4 to the Public Resources Code, and to add Sections 13383.7 and 13383.8 to the Water Code, relating to water.

Bill read second time.

Assembly Bill 1109—An act to add Article 10.02 (commencing with Section 25210.9) to Chapter 6.5 of Division 20 of, and to repeal Section 25210.11 of, the Health and Safety Code, and to add Section 25402.5.4 to the Public Resources Code, relating to energy resources.

Bill read second time.

Assembly Bill 1130—An act to amend Sections 25270.2, 25270.3, 25270.6, 25270.8, 25270.12, 25270.13, 25404, 25404.1.1, and 25404.5 of, to add Section 25270.4.5 to, to repeal Sections 25270.1, 25270.7, and 25270.10 of, to repeal and add Sections 25270, 25270.4, 25270.5, and 25270.9 of, and to repeal, add, and repeal Section 25270.11 of, the Health and Safety Code, relating to aboveground storage tanks.

Bill read second time.

Assembly Bill 1177—An act to add and repeal Chapter 7 (commencing with Section 450) of Part 1 of Division 1 of Title 1 of the Education Code, relating to education.

Bill read second time.

Assembly Bill 1195—An act to add Section 25250.29 to the Health and Safety Code, and to amend Sections 48623, 48624, 48631, 48651, 48652, 48653, 48655, 48660.5, 48662, and 48670 of, and to add Sections 48619.5 and 48654 to, the Public Resources Code, relating to recycling.

Bill read second time.

Assembly Bill 1216—An act to amend Section 52055.57 of, to add Sections 52055.56 and 52055.565 to, and to repeal Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to school accountability.

Bill read second time.

Assembly Bill 1222—An act to amend Sections 17518.5, 17551, 17553, 17558, 17561, 17564, 17581, and 17581.5 of, to add Sections 17521.5, 17557.1, and 17557.2 to, to add Article 1.5 (commencing with



Section 17572) to Chapter 4 of Part 7 of Division 4 of Title 2 of, and to repeal Section 17572 of, the Government Code, relating to state mandates.

Bill read second time.

Assembly Bill 1280—An act to amend Section 35650 of the Public Resources Code, relating to ocean resources.

Bill read second time.

Assembly Bill 1571—An act to amend Section 8222.1 of the Education Code, relating to child care.

Bill read second time.

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

Senate Chamber, August 1, 2007

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

AB 182	AB 241	AB 371	AB 684
AB 1079	AB 1168	AB 1393	

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

Assembly Bill 182—An act to amend Section 12301.6 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

Assembly Bill 241—An act to amend Sections 19410 and 19605.51 of, and to add Sections 19410.7, 19605.25, 19605.26, and 19605.54 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time.

Assembly Bill 371—An act to add Section 15459.10 to the Government Code, relating to health facility financing, and making an appropriation therefor.

Bill read second time.

Assembly Bill 684—An act to amend Section 11018 of, and to add and repeal Section 11018.5 to, the Health and Safety Code, relating to industrial hemp.

Bill read second time.

Assembly Bill 1079—An act to add Section 11062 to the Penal Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.



Assembly Bill 1168—An act to add Sections 1798.88 and 1798.89 to the Civil Code, to amend Sections 9516 and 9521 of, and to add Section 9526.5 to, the Commercial Code, to add Section 66018.55 to the Education Code, and to amend Section 27361 of, to add Sections 6254.27 and 15705 to, and to add Article 3.5 (commencing with Section 27300) to Chapter 6 of Part 3 of Division 2 of Title 3 of, the Government Code, relating to social security numbers.

Bill read second time.

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

Assembly Bill 1393—An act to amend Sections 6258 and 6259 of, and to add Sections 6253.3, 6257, and 6259.1 to, 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.

Senate Chamber, August 1, 2007

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

AB 1404

AB 1420

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

Assembly Bill 1404—An act to amend Sections 5100, 5103, and 10004.6 of, and to add Article 4.3 (commencing with Section 531) to Chapter 8 of Division 1 of, the Water Code, relating to water.

Bill read second time.

Assembly Bill 1420—An act to amend Sections 10631.5 and 10644 of, and to add Section 10631.7 to, the Water Code, relating to water.

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 64: By Senator Calderon—Relative to electrical generating facilities.



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

Assembly Bill 1441—An act to add Section 85304.5 to the Government Code, relating to the Political Reform Act of 1974.

Bill read second time and ordered to third reading.

Assembly Bill 962—An act relating to speech-language pathologists.

Bill read second time and ordered to third reading.

Assembly Bill 1580—An act relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 797—An act to amend Sections 1637, 1749, 1749.1, and 1751.1 of, and to add Sections 1625.55, 1625.56, 1625.57, and 1749.32 to, the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 328—An act to add Section 1379.5 to the Health and Safety Code, relating to health care service plans.

Bill read second time and ordered to third reading.

Assembly Bill 958—An act to amend Section 26802.5 of the Government Code, to add Section 71.7.5 to the Harbors and Navigation Code, and to amend Sections 7 and 14 of Chapter 1617 of the Statutes of 1982, relating to state and local government.

Bill read second time and ordered to third reading.

CONFERENCE COMMITTEE REPORTS

Senate Bill 77—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

The report of the Committee on Conference was presented by Senator Ducheny.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Ducheny moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 78—An act to amend and supplement the Budget Act of 2007 by amending Items 0502-001-9730, 0510-001-0001, 0855-001-0367, 1111-003-0001, 1760-001-0001, 1760-001-0666,



2660-001-0042, 2665-001-0046, 2720-001-0044, 3790-001-0001, 3900-001-0044, 3900-001-0115, 3910-001-0387, 3940-001-0001, 3940-001-0193, 4200-101-0001, 4200-101-3019, 4200-105-0001, 4280-101-0001, 4280-111-0232, 4280-111-0233, 4280-112-0232, 4280-112-0233, 4440-011-0001, 4440-103-0001, 4440-115-0001, 5180-101-0001, 5180-101-0514, 5180-101-0890, 5180-111-0001, 5180-141-0001, 5180-141-0890, 5180-151-0001, 5180-403, 5225-101-0001, 6110-009-0001, 6110-111-0001, 6110-113-0001, 6110-188-0001, 6110-227-0001, 6110-485, 6110-495, 7100-001-0514, 7100-001-0870, 8860-001-0001, 8860-002-0001, and 9350-104-6065, of, by adding Items 0690-001-6061, 0690-001-6073, 0690-101-6061, 0690-101-6073, 2660-004-6072, 2660-104-6072, 2660-304-6072, 4280-111-0236, and 6110-111-0046 to, and by repealing Items 0690-001-6054, 0690-101-6054, 2660-004-6053, 2660-004-6056, 2660-004-6060, 2660-104-6053, 2660-104-6056, 2660-104-6060, 2660-304-6053, and 2660-304-6056 of, Section 2.00 of, and by amending Sections 4.05, 12.32, and 35.50 of, and by adding Sections 9.00, 11.15, 24.80, and 29.50 to, that act, relating to the State Budget, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 78?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Ducheny moved a call of the Senate.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (AB 191)

Senator Hollingsworth requested unanimous consent to take up AB 191 at this time for the purpose of amendment.

Senator Kuehl withheld unanimous consent.

Roll Call

The roll was called and the request for unanimous consent lost by the following vote:

AYES (14)—Senators Aanestad, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

NOES (21)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 77)**

On motion of Senator Ducheny, further proceedings under the call of the Senate were dispensed with.

Urgency Clause

The names of the absentees were called and the urgency clause to SB 77 was refused adoption by the following vote:

AYES (26)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Margett, McClintock, Runner, and Wyland.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 78)**

On motion of Senator Ducheny, further proceedings under the call of the Senate were dispensed with.

Urgency Clause

The names of the absentees were called and the urgency clause to SB 78 was refused adoption by the following vote:

AYES (26)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Margett, McClintock, Runner, and Wyland.

MOTION TO SUSPEND SENATE RULE 43

On motion of Senator Perata, and without objection, Senate Rule 43 was suspended to permit reconsideration of SB 77 and the supplemental budget trailer bill a second time.

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to SB 77 was refused adoption.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Oropeza,



Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, and Wiggins.

NOES (2)—Senators Hollingsworth and McClintock.

Above bill ordered to unfinished business file.

Motion to Reconsider

Senator Ducheny moved to reconsider the vote whereby the urgency clause to SB 78 was refused adoption.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, and Wiggins.

NOES (2)—Senators Hollingsworth and McClintock.

Above bill ordered to unfinished business file.

MOTION RELATIVE TO ADJOURNMENT

Senator McClintock moved that when the Senate adjourns this evening it do so until 9 a.m. tomorrow, Wednesday, August 2.

Senator Perata objected to the motion.

Roll Call

The roll was called and the motion lost by the following vote:

AYES (14)—Senators Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

NOES (22)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Kehoe, Kuehl, Lowenthal, Machado, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, and Wiggins.

REQUEST FOR UNANIMOUS CONSENT (AB 207)

Senator Denham requested unanimous consent to take up AB 207 at this time, for the purpose of amendment.

Senator Perata withheld unanimous consent.

Roll Call

The roll was called and the request for unanimous consent lost by the following vote:

AYES (13)—Senators Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Margett, McClintock, Runner, and Wyland.

NOES (25)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.



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

At 8:45 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 upon call of the President pro Tempore.

Motion carried.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alquist requested that when the Senate adjourns this day it do so in memory of Katherine Fay Lallas-Winchester and Roberto J. Causor, Jr. of San Jose.

Senators Cogdill, Denham, and Cox requested that when the Senate adjourns this day it do so in memory of Mary Ellen Berryhill of Modesto.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Joseph Nicholas Espinoza of Sacramento.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Lee Negri, MG Sidney Novaresi, and Esther Mae Smith of Sacramento, George F. Eddy of Colfax, Cpl. Sean A. Stokes of Auburn, and CHP Officer Douglas Scott Russell of Folsom.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Sgt. Joshua P. Mattero of Chula Vista.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Sgt. Shawn G. Adams of Dixon, John Evans of Lodi, and Lee Davies of Stockton.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Det. George Selleh, (LAPD), Officer David Rodriguez, (LAPD), and June M. Bratton of Boston MA.

Senators Perata and Migden requested that when the Senate adjourns this day it do so in memory of Rene Jefferson of San Francisco.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Albert Newman of Thousand Oaks.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Sgt. Travon T. Johnson of Palmdale.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Mel Lane of Atherton.



Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Irvin Deutscher of Lafayette.

Senator Vincent requested that when the Senate adjourns this day it do so in memory of Mary Putnam Borell of San Pedro.

ADJOURNMENT

A 8:45 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests upon call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

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