

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, January 22, 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, Calderon, Cedillo, Cogdill, Cox, 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, Wiggins, and Yee—34.

Quorum present.

*(NOTE: Senators Battin, Correa, and Wyland will be excused this day on legislative business and Senators Corbett, Denham, and Vincent will be excused this day due to illness.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 22, 2008

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

SB 692

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.



Assembly Chamber, January 22, 2008

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

AB 86	AB 164	AB 822	AB 1012
AB 1115	AB 1218	AB 1340	

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 86**—An act to amend Sections 32261, 32265, and 32270 of the Education Code, relating to pupil safety.

**Assembly Bill 164**—An act to amend Section 43.8 of the Civil Code, relating to immunity.

**Assembly Bill 822**—An act to add Section 42913 to the Public Resources Code, relating to recycling.

**Assembly Bill 1012**—An act to amend Section 276 of the Revenue and Taxation Code, relating to taxation.

**Assembly Bill 1115**—An act to amend Section 557.5 of the Insurance Code, and to amend Section 16051 of the Vehicle Code, relating to peace officers.

**Assembly Bill 1218**—An act to amend Section 12132 of the Penal Code, relating to firearms.

**Assembly Bill 1340**—An act to amend Section 2620 of the Probate Code, relating to guardians and conservators.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Judiciary**

Date of Hearing, January 15, 2008

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

SB 685

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

CORBETT, Chair

Above measure ordered to second reading.

##### **Committee on Appropriations**

Date of Hearing, January 22, 2008

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

SB 891

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bill ordered to second reading.

Senate Chamber, January 22, 2008

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

SB 31	SB 361	SB 791	SB 977
SB 157	SB 585	SB 908	SB 994
SB 349	SB 610	SB 911	SB 1033

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, January 22, 2008

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

SB 926

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

TORLAKSON, Chair

Above measure ordered to second reading.

#### **Committee on Public Safety**

Senate Chamber, January 22, 2008

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

AB 117

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 117**—An act to add and repeal Section 1463.21 of the Penal Code, and to add and repeal Section 42012 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

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



**Senate Bill 1113:** By Senator Migden—An act to add Section 62.3 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 1114:** By Senator Torlakson—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.

**Senate Bill 1115:** By Senator Migden—An act to amend Section 4663 of the Labor Code, relating to workers' compensation.

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

**Senate Bill 628**—An act to add Chapter 8.5 (commencing with Section 13875) to Title 6 of Part 4 of the Penal Code, relating to controlled substances.

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 726**—An act to amend Section 3212.8 of the Labor Code, relating to workers' compensation.

Bill read second time.

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

**Senate Bill 602**—An act to amend Section 51241 of the Education Code, relating to physical education.

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

#### **RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10, **SB 242** was re-referred to the Committee on Rules.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Appropriations to meet and hear the following bills on January 24, without two days notice in the Daily File: SB 491, SB 689, SB 695, SB 780, SB 790, SB 825, SB 902, SB 940, and SB 971; and to hear at regular order of business: SB 441 postponed by committee from hearing on January 22, and SB 628 pending receipt from the Committee on Public Safety.



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

State Capitol, January 22, 2008

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3–0, has referred SB 242 (Torlakson) to the Senate Committee on Appropriations.

PERATA, Chair

**SENATE COMMITTEE ROLL CALLS****Committee on Appropriations****SB 891—Do pass**

AYES (10)—Senators Aanestad, Ashburn, Cox, Florez, Kuehl, Runner, Simitian, Steinberg, Torlakson, and Yee.

NOES (0)—None.

Date of Hearing: 1/22/2008

Torlakson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin, Correa, and Wyland.

The following Senators were granted leaves of absence for the day due to illness: Senators Corbett, Denham, and Vincent.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Frank Tibon Jr. of Sacramento.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Helen Bailey of Stockton.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Edith Cobb Lucas of Murrieta.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Sgt. James. K. Healy of Hesperia.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Dr. Robert E. Swenson of Santa Cruz.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, January 23, 2008.

PAULA K. ROSSETTO, Minute Clerk

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