

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, January 23, 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, Battin, Calderon, Cedillo, Cogdill, Correa, 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, Wyland, and Yee—37.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to a family illness and Senators Corbett and Denham will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 16, 2008

To the Members of the Senate:

Enclosed are the Governor's 2007 Executive Report on Parole Review Decisions and the 2007 Acts of Executive Clemency, issued pursuant to Article V, Section 8 of the California Constitution.

Sincerely,

RYAN W. MARCROFT
Deputy Legal Affairs Secretary

Above report transmitted to the Committee on Public Safety.



Governor's Office, State Capitol
January 23, 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

Kathleen R. Brugger, has been on the Chaffey College Board of Governors in Rancho Cucamonga since first elected in 1993; and has served on the State Teachers' Retirement Board since 2005. Reappointed 01/09/08. Effective 01/22/08.

Member of the State Teachers' Retirement Board, term ending 12/31/2011.

Alice M. Dowdin Calvillo, former chief deputy cabinet secretary in the Office of Governor Arnold Schwarzenegger since 2006; former chief deputy appointments secretary and deputy appointments secretary in the Office of Governor Arnold Schwarzenegger from 2005 to 2006. Appointed 1/11/08. Effective 1/18/08.

Member, Public Employment Relations Board, vice Lilian S. Shek, term expired, term ending 12/31/2012.

Mason Willrich, independent consultant advising clients on energy matters since 1996; and has served on the Independent System Operator Governing Board since 2005. Reappointed 1/10/08. Effective 1/18/08.

Member and Chair, Independent System Operator Governing Board, term ending 12/31/2010.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Health

Date of Hearing, January 16, 2008

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

SB 107

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

KUEHL, Chair

Above measure ordered to second reading.



Committee on Business, Professions and Economic Development

Date of Hearing, January 14, 2008

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

SJR 19

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

RIDLEY-THOMAS, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, January 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 she not be confirmed:

Judith G. Case, Member, Air Resources Board (3–2)

PERATA, Chair

State Capitol, January 23, 2008

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:

Jerry A. Hill, Member, Air Resources Board (3–2)

Daniel Sperling, Ph.D., Member, Air Resources Board (3–2)

PERATA, Chair

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 1116: By Senator Alquist—An act to amend Section 13848.6 of the Penal Code, relating to crime.

Senate Bill 1117: By Senator Cox (Principal coauthor: Assembly Member La Malfa)—An act to add Section 20527.14 to the Water Code, relating to water districts.

Senate Concurrent Resolution 71: By Senator Yee—Relative to the Tom Lantos Tunnel at Devil's Slide.



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

Senate Bill 685—An act to repeal and add Section 15212 of the Probate Code, relating to pet trusts.

Bill read second time.

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

Senate Bill 891—An act to add and repeal Section 1256.01 of the Health and Safety Code, relating to public health.

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

Senate Bill 31—An act to add Title 1.80 (commencing with Section 1798.79) and Title 1.81.4 (commencing with Section 1798.98) to Part 4 of Division 3 of the Civil Code, relating to privacy.

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

Senate Bill 157—An act to amend Sections 23399.6 and 25503.9 of the Business and Professions Code, relating to alcoholic beverages.

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

Senate Bill 349—An act to add Section 1363.08 to the Health and Safety Code, and to add Section 10113.92 to the Insurance Code, relating to health care coverage.

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

Senate Bill 361—An act to amend Section 66903 of, to repeal Sections 69563 and 99155 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of Division 14 of Title 3 of, the Education Code.

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

Senate Bill 585—An act to amend Sections 22507.8, 22511.7, 22511.8, and 40203.5 of the Vehicle Code, relating to parking for persons with disabilities.

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

Senate Bill 610—An act to amend Section 804 of the Penal Code, relating to criminal proceedings.

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

Senate Bill 791—An act to repeal Section 14529.15 of the Government Code, relating to transportation.

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

Senate Bill 908—An act to amend 33541 of the Education Code, relating to environmental education.

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



Senate Bill 911—An act to amend Sections 5500, 5501, and 5513 of the Public Utilities Code, relating to commercial air carriers.

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

Senate Bill 977—An act relating to infrastructure.

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

Senate Bill 994—An act to amend Section 19605.25 of, and to add Article 9.3 (commencing with Section 19609) to Chapter 4 of Division 8 of, the Business and Professions Code, relating to horse racing.

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

Senate Bill 1033—An act to amend Section 12001.1 of the Penal Code, relating to undetectable knives, and declaring the urgency thereof, to take effect immediately.

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

Senate Bill 926—An act to add and repeal Sections 2923.5, 2923.6, 2924.8, and 2929.3 of the Civil Code, and to add and repeal Section 1161b of the Code of Civil Procedure, relating to mortgages, and declaring the urgency thereof, to take effect immediately.

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

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 152** was withdrawn from the Committee on Education and re-referred to the Committee on Rules; and

AB 117 was withdrawn from the Committee on Public Safety and re-referred to the Committee on Transportation and Housing.

UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (AB 1491)

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1491 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1491

Assembly Bill 1491—An act to amend Sections 70321, 70374, and 70402 of, and to add Section 70356.5 to, the Government Code, relating to court facilities, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1491 proposed by Senator Corbett were read and adopted and the measure ordered printed and to second reading.



SENATE COMMITTEE ROLL CALLS**Committee on Human Services**

SB 1—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Romero, and Yee.

NOES (1)—Senator Cogdill.

SB 42—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Romero, and Yee.

NOES (1)—Senator Cogdill.

SB 104—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alquist, Cogdill, Romero, and Yee.

NOES (0)—None.

Date of Hearing: 2/27/2007

Alquist (Chair)

LEAVES OF ABSENCE FOR THE DAY

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

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Margett requested that when the Senate adjourns this day it do so in memory of Scott Lawrence of Cerritos, Fred James of Los Angeles, and David Altman of Covina.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Eric Lee of Monterey Park.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Jack Linkletter of Cloverdale.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, January 24, 2008.

PAULA K. ROSSETTO, Minute Clerk

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