

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FORTIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, January 24, 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.

### 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, 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, Wiggins, Wyland, and Yee—38.

Quorum present.

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



**PRAYER**

Upon invitation of the President, the following prayer was offered by Rev. Lucinda Ashby of St. Matthew's Episcopal Church, Sacramento:

On this day, we are thankful for the freshness of the morning air, for the rain and snow that we sorely need. And we thank you especially for our families, friends and colleagues. Today, we are most grateful for the life of Ruben Medina, a long-time member of our Senate family, who passed away this week. During this day, help us to be aware that in all that we do and in all that we are, you are there, Holy God. Help each of us to act in that awareness of you, making choices that honor your vision for the world you have entrusted to us.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, January 22, 2008

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

AJR 33

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Joint Resolution 33**—Relative to a commemorative stamp recognizing the Nisei (Japanese American) veterans of World War II.

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

**Senate Bill 107**—An act to add Article 2.7 (commencing with Section 115950) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to wave pools.

Bill read second time.

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

**Senate Joint Resolution 19**—Relative to health professionals.

Resolution 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.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1491**—An act to amend Section 70321 of the Government Code, relating to court facilities.

Bill read second time and ordered to third reading.



**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Machado moved that **AB 1159** be placed on the inactive file.

Motion carried.

**MOTION TO STRIKE FROM FILE**

Senator Romero moved that **SB 451** and **SB 210** be stricken from the file.

Senator Machado moved that **SB 555** be stricken from the file.

Motions carried.

Governor's vetoes sustained.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **ACR 86** was withdrawn from Committee and placed on today's Special Consent Calendar.

**Senator Romero Presiding****CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Perata placed the following Governor's appointment before the Senate:

Judith G. Case, Member, Air Resources Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

**Roll Call**

The roll was called and the appointment was refused confirmation by the following vote:

**AYES (15)**—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

**NOES (20)**—Senators Alquist, Calderon, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

**CONSENT CALENDAR**

**Senate Bill 561**—An act to amend Section 19592 of the Business and Professions Code, relating to horse racing.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 986**—An act to amend Section 122350 of the Health and Safety Code, relating to pet stores.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*



**Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (1)—Senator Kuehl.

**REQUEST FOR UNANIMOUS CONSENT (SCR 67)**

Senator Steinberg asked for, and was granted, unanimous consent to take up SCR 67 at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 67**

**Senate Concurrent Resolution 67**—Relative to Dr. Martin Luther King, Jr. Day.

Resolution read.

**Roll Call**

The roll was called and the measure was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**SPECIAL CONSENT CALENDAR**

**Assembly Concurrent Resolution 86**—Relative to Korean-American Day.

Resolution read.

**Special Consent Calendar Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



**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 Senator was granted leave of absence for the day due to illness: Senator Corbett.

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

At 9:40 a.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 until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, January 28, 2008.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, January 24, 2008

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

AB 23	AB 529	AB 564	AB 1111
AB 1129	AB 1519	AB 1565	AB 1646

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 23**—An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

**Assembly Bill 529**—An act to add Section 2924.8 to the Civil Code, relating to mortgages.

**Assembly Bill 564**—An act to amend Sections 2 and 16 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

**Assembly Bill 1111**—An act relating to mobilehomes.

**Assembly Bill 1129**—An act to add Chapter 13.5 (commencing with Section 50845) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.



**Assembly Bill 1519**—An act to add Chapter 2.5 (commencing with Section 7070) to Part 1 of Division 7 of the Health and Safety Code, relating to human remains.

**Assembly Bill 1565**—An act to amend Section 676.10 of the Insurance Code, relating to insurance policies.

**Assembly Bill 1646**—An act to add Chapter 4 (commencing with Section 7292) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Rules**

State Capitol, January 23, 2008

The Committee on Rules has referred the following measures to committee:

**Business, Professions and Economic Development**—AB 518.

**Education**—AB 125, AB 1028; SB 1097, SB 1104.

**Human Services**—SB 1094.

**Judiciary**—SB 1107.

**Local Government**—SB 1103.

**Natural Resources and Water**—SB 1102, SB 1108.

**Revenue and Taxation**—SB 1101.

**Rules**—SB 1095, SB 1099, SB 1100, SB 1109.

**Transportation and Housing**—AB 963; SB 1106.

The Committee on Rules has re-referred the following measures to committees:

**Education**—SR 18.

**Judiciary**—AB 983.

The Committee on Rules has referred the following measures to two or more committees:

**Education and Rules**—SB 1105.

**Health and Judiciary**—SB 1096.

**Judiciary and Revenue and Taxation**—SB 1098.

**Revenue and Taxation, Elections, Reapportionment, and Constitutional Amendments, and Appropriations**—SCA 17.



State Capitol, January 23, 2008

Mr. President: The Senate Rules Committee has appointed Julia B. Quint, Ph.D. of Berkeley as a member of the California Environmental Contaminant Biomonitoring Program Scientific Guidance Panel to serve for a term ending January 1, 2009.

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:

Linda A. Capuano, Ph.D., Member, Independent System Operator Governing Board (5-0)

B. Timothy Gage, Member, Independent System Operator Governing Board (5-0)

Thomas A. Page, Ph.D., Member, Independent System Operator Governing, Board (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

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:

Kathy E. Lund, Member, State Mining and Geology Board (5-0)

Thomas J. Moran, Member, California Veterans Board (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

### **Committee on Appropriations**

Senate Chamber, January 23, 2008

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

SB 129

SB 301

SB 447

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.

Date of Hearing, January 24, 2008

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

SB 441

SB 780

SB 940



Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

Date of Hearing, January 24, 2008

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

SB 790

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

TORLAKSON, Chair

Above measure ordered to second reading.

#### **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 1118:** By Senators Negrete McLeod—An act to amend Sections 21670, 21670.2, 21670.3, 21670.4, 21674.7, 21675.1, 21678, 21679, and 21679.5 of, and to repeal Sections 21670.1 and 21677 of, the Public Utilities Code, relating to airports.

**Senate Bill 1119:** By Senator Harman—An act to amend Section 1501 of the Health and Safety Code, relating to community care facilities.

**Senate Bill 1120:** By Senator Harman—An act to amend Section 16164 of the Welfare and Institutions Code, relating to foster children.

**Senate Bill 1121:** By Senator Migden—An act to add Article 6.8 (commencing with Section 110809) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food labeling.

**Senate Concurrent Resolution 72:** By Senators Negrete McLeod, Kehoe, and Kuehl (Coauthors: Assembly Members Berg, Brownley, Carter, Fuller, Karnette, Ma, Salas, and Saldaña)—Relative to California Girls and Women in Sports Day.

#### **MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AJR 30** was withdrawn from Committee and placed on third reading.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, January 28:

SB 612	SB 685	SB 891
SB 157	SB 911	





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

**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 third time.

**Amendments Adopted**

Amendments to SB 926 proposed by Senator Perata were read and adopted and the measure ordered printed, engrossed, and to second reading.

**LETTERS OF TRANSMITTAL**

The following letters of transmittal were ordered printed in the Journal:

An annual report dated: January 11, 2008, relating to Consolidated Annual Report for Fiscal Year 2006–07, was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A supplemental report dated: December 7, 2007, relating to requirement from the 2002 & 2006 Budget Acts Annual Report on Sales and Use Tax Audit and Collection Activities for FY 2006–07, was received from the Board of Equalization and transmitted to the Committee on Budget and Fiscal Review.

A supplemental report dated: December 21, 2007, relating to requirement from the 2006 Budget Act on the Use of Resale Certificates, was received from the Board of Equalization and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 11, 2008, relating to Gang Suppression Enforcement Team, was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A Title Summary Report dated: January 16, 2008, relating to Government Acquisition, Regulation of Private Property. Constitutional Amendment, was received from the Department of Justice and transmitted to the Committee on Rules.

An agency report dated: January 16, 2008, relating to Department of Social Services, was received from the Department of Social Services and transmitted to the Committee on Human Services.

An audit report dated: January 22, 2008, relating to California Highway Patrol's (CHP) purchasing and contract practices, conflict-of-interest guidelines and use of state resources, was received from the California State Auditor and transmitted to the Committee on Rules.



An annual report dated: January 14, 2008, relating to Disposition of Criminal Cases According to the Race and Ethnicity of the Defendant, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: January 16, 2008, relating to Police Pursuits, was received from the Department of California Highway Patrol and transmitted to the Committee on Public Safety.

An agency report dated: January 10, 2008, relating to Assessments Practices Survey, was received from the Board of Equalization and transmitted to the Committee on Environmental Quality.

An annual report dated: January 22, 2008, relating to Taxpayers Bill of Rights, was received from the Franchise Tax Board and transmitted to the Committee on Budget and Fiscal Review.

A Title Summary Report 07-0073 dated: January 13, 2008, relating to Shall The U.S. Government Fully Fund Healthcare for Veterans? Initiative. was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0069 dated: December 13, 2007, relating to bonds. Drinking Water. Water Conservation and Water Protection. Statute., was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0075 dated: December 14, 2007, relating to Three Strikes Law. Sentencing Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0067 dated: December 14, 2007, relating to Renewable Energy. Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0077 dated: December 17, 2007, relating to Redistricting. Constitutional Amendment and Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0078 dated: December 17, 2007, relating to Redistricting. Constitutional Amendment and Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0080 dated: January 2, 2008, relating to Homeowner's Real Property Tax Exemption and Renter's Tax Credit. Constitutional Amendment and Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0076 Amdt. #1 S dated: January 2, 2008, relating to Criminal Penalties and Laws.

State Spending. Statute. was received from the Department of Justice and transmitted to the Committee on Rules.



A Title Summary Report 07-0081 dated: January 2, 2008, relating to Nonviolent Offenders. Sentencing, Parole and Rehabilitation. Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary Report 07-0082 Amdt. #1 NS dated: January 2, 2008, relating to Wealth Tax. Constitutional Amendment and Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: January 22, 2008, relating to Kapiloff Land Bank, was received from the State Lands Commission and transmitted to the Committee on Governmental Organization.

An agency report dated: January 11, 2008, relating to 2006–07 Student Expenses and Resources Survey, was received from the California Student Aid Commission and transmitted to the Committee on Education.

An annual report dated: January 10, 2008, relating to Discrimination Complaint Activity in the State Civil Service for Calendar Year 2006, was received from the Personnel Board and transmitted to the Committee on Governmental Organization.

An agency report dated: January 16, 2008, relating to Action Plan to Implement Fiscal Reforms Regarding San Mateo Pharmacy and Laboratory Services Program, was received from the Department of Mental Health and transmitted to the Committee on Rules.

An agency report dated: January 16, 2008, relating to The Feasibility of Mandating School Breakfast in California's Severe Need Schools: Costs, Challenges, and Recommendations, was received from the Department of Education and transmitted to the Committee on Education.

An agency report dated: January 16, 2008, relating to Activity Report of Rail Inspection Staff Increase, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: January 11, 2008, relating to Status Report on Implementation of County Centralized Eligibility Lists, was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 11, 2008, relating to 2007 California Physical Fitness Test, was received from the Department of Education and transmitted to the Committee on Education.

An agency report dated: January 10, 2008, relating to Inmate Treatment and Prison to Employment Plan, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Transportation and Housing.



A supplemental report dated: January 22, 2008, relating to 2007–08 Fiscal Year Supplemental Report, was received from the Air Resources Board and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 11, 2007, relating to California Community College Cal Grant Transfer Entitlement Program 2006–07, was received from the California Student Aid Commission and transmitted to the Committee on Education.

A quarterly report dated: January 10, 2008, relating to Expenditures Qtr Ending May 31, 2007, was received from the Department of Water Resources and transmitted to the Committee on Budget and Fiscal Review.

A supplemental report dated: November 8, 2007, relating to Reading, Writing, and Mathematics Proficiency of All First time Freshmen, was received from the California State University and transmitted to the Committee on Education.

An agency report dated: January 10, 2008, relating to Update Plan for the Closure of Agnews Developmental Center, was received from the Department of Developmental Services and transmitted to the Committee on Health.

An annual report dated: January 10, 2008, relating to Save at Home 2007, was received from the Office of the Secretary of State and transmitted to the Committee on Health.

An agency report dated: January 9, 2008, relating to FY 2006–07 Project Development Cost and Project Delivery Report, was received from the Department of Transportation and transmitted to the Committee on Environmental Quality.

An annual report dated: January 8, 2008, relating to 2007 DNA Fund, was received from the County of Lake and transmitted to the Committee on Public Safety.

An agency report dated: December 24, 2007, relating to Payments to Inmates Released from Prison, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Transportation and Housing.

An agency report dated: January 8, 2008, relating to Master Agreement Between BP Technology Ventures and the Regents of the University of California, was received from the University of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 8, 2008, relating to Medical Investigation of Neurodevelopment Disorders (M.I.N.D.) Institute, was received from the University of California and transmitted to the Committee on Budget and Fiscal Review.



An agency report dated: January 8, 2008, relating to Streamlined Capitol Outlay Projects Funded from Capitol Outlay Bond funds, was received from the University of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 8, 2008, relating to Student Academic Preparation and Educational Partnerships, was received from the University of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: October 1, 2007, relating to Potential Roles for the State in Global Market Development, was received from the Business, Transportation and Housing Agency and transmitted to the Committee on Business, Professions and Economic Development.

An annual report dated: January 4, 2008, relating to Asset Forfeiture 2006, was received from the Department of Justice and transmitted to the Committee on Public Safety.

An agency report dated: January 7, 2008, relating to Denial of CAL Fire's Deficiency Request, was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 8, 2008, relating to Gang Management, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 8, 2008, relating to Reliability Standards for Telecommunications Emergency Backup Power Systems and Emergency Notification Systems, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

A quarterly report dated: January 15, 2008, relating to Allocations from the Appropriations Contained in AB 900, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

A supplemental report dated: January 15, 2008, relating to Contracting Out for Services at Newly Developed Facilities 2007, was received from the University of California and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 11, 2008, relating to Consolidated Annual Report for Fiscal Year 2005–06, was received from the Department of General Services and transmitted to the Committee on Governmental Organization.



An agency report dated: January 9, 2008, relating to Allocation of FY 2006–07 New Judgeship Funding, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 15, 2008, relating to Allocation of FY 2007–08 New Judgeship Funding, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 15, 2008, relating to Trial Court Expenditures for FY 2006–07, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An annual report dated: January 7, 2008, relating to Target Business Enterprise Program 2006–2007 Annual Report, was received from the Office of the State Treasurer and transmitted to the Committee on Governmental Organization.

An agency report dated: December 21, 2007, relating to Voluntary Disclosure Program, was received from the Board of Equalization and transmitted to the Committee on Revenue and Taxation.

An annual report dated: January 2, 2008, relating to EMS Fund 2006–07, was received from the County of Ventura and transmitted to the Committee on Health.

An annual report dated: January 2, 2008, relating to California's Transportation Commission's 2007 Annual Report, was received from the California Transportation Commission and transmitted to the Committee on Transportation and Housing.

An agency report dated: December 21, 2007, relating to 2007 OAL Determination No. 26(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: December 7, 2007, relating to Implementation of Sentencing Reform Under Senate Bill 40, was received from the Judicial Council of California and transmitted to the Committee on Health.

A biennial report dated: December 31, 2007, relating to 2007 Internal Control Review, was received from the Department of Rehabilitation and transmitted to the Committee on Rules.

An agency report dated: January 1, 2008, relating to Neighborhood Electric Vehicle Transportation Plan Evaluation, was received from the City of Lincoln and transmitted to the Committee on Public Safety.



An annual report dated: December 23, 2007, relating to Level of Participation of Small Businesses, Socially and Economically Disadvantaged Businesses in all Contracts Awarded, was received from the State Lottery and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 31, 2007, relating to Managed Audit Program, was received from the Board of Equalization and transmitted to the Committee on Revenue and Taxation.

A biennial report dated: January 2, 2008, relating to Review of the Systems of Internal Control, was received from the Board of State and Consumer Services Agency and transmitted to the Committee on Rules.

An agency report dated: December 17, 2007, relating to Assessment of the Efficacy, Availability and Environmental Impacts of Ballast Water Treatment Systems for Use in California Waters, was received from the State Lands Commission and transmitted to the Committee on Environmental Quality.

An agency report dated: December 19, 2007, relating to Reliability Standards for Telecommunications Emergency Backup Power Systems and Emergency Notification Systems, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: December 28, 2007, relating to Dental Board of California's Report on the Impact of the Licensure by Credential (LBC) Program on Dental Shortage Areas in California, was received from the Department of Consumer Affairs and transmitted to the Committee on Business, Professions and Economic Development.

An annual report dated: January 14, 2008, relating to DNA Fund 2006, was received from the County of El Dorado and transmitted to the Committee on Public Safety.

An annual report dated: January 10, 2008, relating to CPUC Division of Ratepayer Advocates Annual Budget & Staffing Report, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An agency report dated: January 9, 2008, relating to Mineral and Land Audit Program, was received from the State Lands Commission and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 9, 2008, relating to Potential Hazards on State School Lands, was received from the State Lands Commission and transmitted to the Committee on Budget and Fiscal Review.





A supplemental report dated: December 21, 2007, relating to Financial Assurances for Post closure Landfills, was received from the California Integrated Waste Management Board and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 18, 2007, relating to the New and Emerging Conversion Technologies, was received from the California Integrated Waste Management Board and transmitted to the Committee on Natural Resources and Water.

A supplemental report dated: December 21, 2007, relating to Waste Tire Enforcement Program, was received from the California Integrated Waste Management Board and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: January 10, 2008, relating to Baseline Evaluation of Staffing and Quality of Care Indicators in Skilled Nursing Facilities, was received from the Department of Social Services and transmitted to the Committee on Health.

An annual report dated: January 10, 2008, relating to Unclaimed Property Audits, was received from the Office of the State Controller and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: December 12, 2007, relating to EMS Fund 2006–07, was received from the Orange County Health Care Agency and transmitted to the Committee on Health.

A quarterly report dated: December 13, 2007, relating to Financial Statements for three months ended September 30, 2007, was received from the State Lottery and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: December 13, 2007, relating to 2007 OAL Determination No. 25(S), was received from the Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: November 26, 2007, relating to Dual-Status Children: Protocols for Implementing Assembly Bill 129, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: December 6, 2007, relating to State mandates, was received from the Department of Finance and transmitted to the Committee on Local Government.

An audit report dated: December 11, 2007, relating to California State University hiring practices and employment discrimination lawsuits was received from the California State Auditor and transmitted to the Committee on Rules.





An agency report dated: December 13, 2007, relating to Maintenance of the Codes, was received from the Legislative Counsel and transmitted to the Committee on Judiciary.

An annual report dated: January 16, 2008, relating to Emergency Medical Services Fund (EMS), was received from the Riverside County Community Health Agency and transmitted to the Committee on Health.

An annual report dated: December 31, 2007, relating to the Railroad Safety Activity Report, was received from the Commission on Public Utilities and transmitted to the Committee on Energy, Utilities and Communications.

An annual report dated: January 17, 2008, relating to Division of Workers' Compensation 2007 Annual Audit Report, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An annual report dated: January 17, 2008, relating to DNA Fund for Calendar Year 2007, was received from the County of Los Angeles and transmitted to the Committee on Public Safety.

An agency report dated: January 18, 2008, relating to Notice of Modification to Test of Proposed Regulations, was received from the Public Employment and Retirement System and transmitted to the Committee on Public Employment and Retirement.

An agency report dated: January 23, 2008, relating to the SUT Exemption for Lease-Leaseback Transactions by Public Transit Districts, was received from the Office of the Legislative Analyst and transmitted to the Committee on Revenue and Taxation.

A Title Summary Report dated: January 23, 2008, relating to Eminent Domain. Acquisition of Owner Occupied Residence. Constitutional Amendment., was received from the Department of Justice and transmitted to the Committee on Rules.

A quarterly report dated: January 18, 2008, relating to Real ID Act for the quarter ending September 30, 2007, was received from the Department of Motor Vehicles and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: January 23, 2008, relating to Achievements in Conservation, Recycling and Ground Water Recharge, was received from the Metropolitan Water District of Southern California and transmitted to the Committee on Natural Resources and Water.

An agency report dated: January 16, 2008, relating to Management Plan, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Public Safety.



**SENATE COMMITTEE ROLL CALLS****Committee on Appropriations****SB 242—Do pass as amended**

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

NOES (0)—None.

**SB 327—Do pass as amended**

AYES (12)—Senators Aanestad, Ashburn, Battin, Cox, Kuehl, Oropeza, Runner, Simitian, Steinberg, Torlakson, Wyland, and Yee.

NOES (0)—None.

**SB 364—Do pass as amended**

AYES (12)—Senators Aanestad, Ashburn, Battin, Cedillo, Kuehl, Oropeza, Runner, Simitian, Steinberg, Torlakson, Wyland, and Yee.

NOES (1)—Senator Cox.

**SB 441—Do pass**

AYES (9)—Senators Cedillo, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Steinberg, Torlakson, and Yee.

NOES (6)—Senators Aanestad, Ashburn, Battin, Cox, Runner, and Wyland.

**SB 491—Do pass as amended**

AYES (12)—Senators Aanestad, Ashburn, Battin, Cox, Kuehl, Oropeza, Runner, Simitian, Steinberg, Torlakson, Wyland, and Yee.

NOES (0)—None.

**SB 726—Do pass as amended**

AYES (10)—Senators Cedillo, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Steinberg, Torlakson, Wyland, and Yee.

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

**SB 780—Do pass**

AYES (12)—Senators Aanestad, Ashburn, Battin, Cedillo, Cox, Kuehl, Oropeza, Runner, Simitian, Steinberg, Torlakson, and Yee.

NOES (0)—None.

**SB 790—Do pass as amended**

AYES (9)—Senators Cedillo, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Steinberg, Torlakson, and Yee.

NOES (6)—Senators Aanestad, Ashburn, Battin, Cox, Runner, and Wyland.

**SB 825—Do pass as amended**

AYES (10)—Senators Ashburn, Battin, Cox, Kuehl, Oropeza, Simitian, Steinberg, Torlakson, Wyland, and Yee.

NOES (2)—Senators Aanestad and Runner.

**SB 902—Do pass as amended**

AYES (11)—Senators Aanestad, Ashburn, Cox, Kuehl, Oropeza, Runner, Simitian, Steinberg, Torlakson, Wyland, and Yee.

NOES (1)—Senator Battin.



**SB 940—Do pass**

AYES (10)—Senators Ashburn, Cedillo, Cox, Kuehl, Oropeza, Simitian, Steinberg, Torlakson, Wyland, and Yee.

NOES (3)—Senators Aanestad, Battin, and Runner.

Date of Hearing: 1/24/2008

Torlakson (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Denham requested that when the Senate adjourns this day it do so in memory of Nanci Ceja of Merced.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Patricia Laughlin of San Diego.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Joan Rachael Galanty of Pacific Palisades.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Dale Goddard of Chino Hills.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Sgt. David Joseph Hart of Lake View Terrace, City of Los Angeles.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Ronald J. Wood and Ruben Medina of Sacramento.

Senator Runner requested that when the Senate adjourns this day it do so in memory of James William Wray, Jr. and Wilma Victoria Miller of Lancaster.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Masayoshi Abe of San Jose.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 28, 2008.

PAULA K. ROSSETTO, Minute Clerk

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