

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

---

---

# SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FIRST LEGISLATIVE DAY

---

## IN SENATE

---

Senate Chamber, Sacramento  
Monday, January 28, 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, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Dutton, 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—36.

Quorum present.

*(NOTE: Senators Calderon, Correa, and Florez will be excused this day on legislative business and Senator Vincent will be excused this day due to illness.)*

### MESSAGES FROM THE ASSEMBLY

For Assembly Messages received this day, please refer to the February 27, 2008 Senate Journal, page 3046.

### BILLS GIVEN SECOND READING

Without objection, Senate bills reported out by the Committee on Appropriations “Do Pass as Amended” will be given their second reading upon crossing the Senate Desk.



**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing, January 24, 2008

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

SB 327

SB 364

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

TORLAKSON, Chair

Above measures ordered to second reading.

Senate Chamber, January 28, 2008

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

SJR 19

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.

Date of Hearing, January 24, 2008

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

SB 902

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 1122:** By Senator Correa—An act to amend Section 18420 of the Health and Safety Code, relating to mobilehomes.

**Senate Bill 1123:** By Senator Wiggins (Principal coauthor: Assembly Member Hernandez)—An act to amend Section 7507 of, and to add Section 7507.2 to, the Government Code, relating to public employee benefits.

**Senate Bill 1124:** By the Committee on Local Government (Senators Negrete McLeod (Chair), Cox, Harman, Kehoe, and Machado)—An act to amend Sections 8855, 8856, 15975, 25558, 25904, 26020, 26100, 26101, 26802.5, 37617, 53646, 53839, and 66412 of the Government Code, and to amend Sections 36000, 36021, 36023, 36025, 36040, 36060, 36061, 36062, 36063, and 36081 of, and to add Section 36025.5 to, the Streets and Highways Code, relating to local government.



**Senate Bill 1125:** By Senator Denham—An act to add Chapter 8.4 (commencing with Section 3800) to Division 2 of, and to repeal Section 3840.5 of, the Business and Professions Code, relating to polysomnographic technologists.

**Senate Bill 1126:** By Senator Cedillo—An act to amend Section 186.22a of the Penal Code, relating to criminal street gangs.

**Senate Bill 1127:** By Senator Dutton—An act to amend Section 513 of the Public Resources Code, relating to state parks.

**Senate Concurrent Resolution 73:** By Senator Negrete McLeod—Relative to American Heart Month.

**Senate Joint Resolution 21:** By Senator Machado (Principal coauthors: Senators Corbett, Perata, and Runner) (Principal coauthor: Assembly Member Lieu)—Relative to mortgage loans.

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

**Senate Bill 129**—An act to amend Section 653m of the Penal Code, relating to criminal communications.

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

**Senate Bill 301**—An act to amend Sections 11005 and 11005.3 of the Revenue and Taxation Code, relating to local government finance.

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

**Senate Bill 447**—An act to amend Section 21606 of the Business and Professions Code, relating to junk dealers.

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

**Senate Bill 441**—An act to add Section 11005.4 to the Government Code, relating to state property.

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

**Senate Bill 780**—An act to amend Section 739.3 of the Public Utilities Code, relating to telecommunications.

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

**Senate Bill 940**—An act to amend Sections 203, 203.1, 204, 210, 215, 220, and 2699.5 of, and to add Section 201.3 to, the Labor Code, relating to employment.

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

**Senate Bill 790**—An act to amend Sections 123870, 123940, and 123955 of the Health and Safety Code, relating to children's health.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, 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.

#### **SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill 327**—An act to amend Sections 11106, 12030, 12071, 12076, 12077, and 12078 of, and to add Section 12084 to, the Penal Code, relating to firearms.

Bill read second time.

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

**Senate Bill 364**—An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to personal information.

Bill read second time.

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

**Senate Bill 902**—An act to add Section 13159.85 to the Health and Safety Code, relating to firefighters.

Bill read second time.

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

#### **MOTION TO STRIKE FROM FILE**

Without objection, **SB 304** was stricken from the file.

Governor's veto sustained.

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

Without objection, **AB 1491** was re-referred to the Committee on Rules.

#### **LEAVES OF ABSENCE FOR THE DAY**

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

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

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of Ben Austin of Tehachapi.

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of Erminia Figueroa Morales of Corcoran.



Senator Machado requested that when the Senate adjourns this day it do so in memory of Perfecto Peter Flores and Andrew Prouty of Stockton.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Frank lane of Quartz Hill and Ralph Reece of Lancaster.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 29, 2008.

PAULA K. ROSSETTO, Minute Clerk

O

└