

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED TWENTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, July 7, 2008

The Senate met at 2 p.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, Corbett, Correa (waiving per diem), Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal (waiving per diem), Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rev. Canon James Richardson:

Holy and Gracious God, We give thanks today for the call to serve. Remind us again that all of us can be great because all of us can serve. Give to all who serve in this Capitol an abiding sense of your compassion; open our minds to see the possibilities; give us eyes to see those who are on the margins; and instill in us a sense of urgency that justice delayed is justice denied. Help each of us to rise above ourselves with courage and strength.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 7, 2008

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective July 7, 2008, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Carlos Bustamante Member, Fair Employment and
Housing Commission

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, July 7, 2008

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

AB 360	AB 730	AB 830
AB 1825	AB 2233	

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 360—An act to add Section 237 to the Welfare and Institutions Code, relating to juveniles.

Bill read second time.

Assembly Bill 730—An act to add Section 6612 to the Public Contract Code, relating to public contracts.

Bill read second time.

Assembly Bill 830—An act to amend Section 40081 of the Education Code, to add Section 5384.2 to the Public Utilities code, to amend Section 545 of, and to add Section 12517.4.5 to, the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 1825—An act to add Article 2.5 (commencing with Section 4659.5) to Chapter 5 of Division 4.5 of the Welfare and Institutions Code, relating to services for persons with developmental disabilities.

Bill read second time.

Assembly Bill 2233—An act to add Section 23118 to the Vehicle Code, relating to vehicles.

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, July 7, 2008

Mr. President: The Committee on Rules has examined:

SB 1680

And reports that the same has been correctly enrolled, and presented to the Governor on the 7th day of July, 2008, at 11:30 a.m.

PERATA, Chair

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 55—An act to amend Section 650 of the Business and Professions Code, and to amend Section 14107.2 of the Welfare and Institutions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 2405—An act to add Section 1463.27 to the Penal Code, relating to domestic violence.

Bill read second time and ordered to third reading.

Assembly Bill 2567—An act to amend Section 37222 of the Education Code, and to add Section 6721 to the Government Code, relating to Harvey Milk Day.

Bill read second time and ordered to third reading.



Assembly Bill 734—An act to amend Sections 3070, 3073.1, and 3075 of, and to add Sections 3075.5, 3075.6, and 3075.7 to, the Labor Code, relating to apprenticeships.

Bill read second time and ordered to third reading.

Assembly Bill 3034—An act to add Sections 185033 and 185035 to the Public Utilities Code, to amend Sections 2704.01, 2704.04, 2704.05, 2704.06, 2704.08, 2704.09, 2704.095, 2704.10, 2704.11, 2704.12, 2704.13, 2704.15, 2704.18, and 2704.21 of the Streets and Highways Code, and to amend Sections 1, 3, and 4 of Chapter 697 of the Statutes of 2002, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Perata moved that **AB 2756** be placed on the inactive file.

Senator Torlakson moved that **AB 2272** be placed on the inactive file.

Senator Lowenthal moved that **AB 2000** be placed on the inactive file.

Motions carried.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Simitian moved that **AB 1183** be taken from the inactive file and placed on the second reading file.

Motion carried.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 61** was re-referred to the Committee on Rules.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Padilla, **AB 2191** was returned to the Assembly for further action.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 2396—An act to amend Section 48205 of the Education Code, relating to pupils.

Bill read third time and presented by Senator Simitian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Migden, Negrete



McLeod, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (12)—Senators Aanestad, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, and Wyland.

Bill ordered transmitted to the Assembly.

Assembly Bill 1884—An act to add and repeal Section 6529.5 of the Government Code, relating to joint powers agreements.

Bill read third time and presented by Senator Negrete McLeod.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (2)—Senators Aanestad and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution 48—Relative to student loans.

Resolution read third time and presented by Senator Torlakson.

Roll Call

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

AYES (25)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Denham, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wyland, and Yee.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Harman, Hollingsworth, Margett, and McClintock.

Resolution ordered transmitted to the Assembly.

Assembly Bill 1724—An act to add Section 23112.8 to the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Cedillo.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal,

Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1028—An act to amend Section 8448 of, to add Section 8267.5 to, to repeal Section 8269 of, and to repeal and add Section 8268 of, the Education Code, relating to child care.

Bill read third time and presented by Senator Denham.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (3)—Senators Ackerman, Ashburn, and Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 1852—An act to amend Section 337a of, and to add Section 336.9 to, the Penal Code, relating to sports betting pools.

Bill read third time and presented by Senator Denham.

Roll Call

The roll was called and the bill was passed by the following vote:

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

NOES (1)—Senator Wiggins.

Bill ordered transmitted to the Assembly.

Assembly Bill 2305—An act to amend Section 47605 of the Education Code, relating to charter schools.

Bill read third time and presented by Senator Alquist.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—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, Wiggins, and Yee.

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

Bill ordered transmitted to the Assembly.

Senator Yee Presiding

SPECIAL RECOGNITION

Senator Perata extended special recognition to Senate Chaplain, the Reverend James Richardson, who is leaving the Senate to become Rector of St. Paul's Memorial Church in Charlottesville, VA.

Senator Perata Presiding

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 16—An act to amend Section 1367.66 of, and to add Section 1367.661 to, the Health and Safety Code, and to amend Section 10123.18 of the Insurance Code, relating to health care coverage.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 2606—An act to amend Sections 1001.60, 1001.64, and 1001.65 of the Penal Code, relating to the bad check diversion program.

Bill read third time and presented by Senator Margett.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators 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, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



Assembly Bill 1062—An act to add Section 17282.5 to the Education Code, relating to school facilities.

Bill read third time and presented by Senator Padilla.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators 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, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1333—An act to add Section 2924.9 to the Civil Code, and to amend, repeal, and add Section 12811.1 of the Public Utilities Code, relating to utility charges.

Bill read third time and presented by Senator Corbett.

Roll Call

The roll was called and the bill was passed by the following vote:

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 2259—An act to amend Sections 1368 and 1373 of, and to add Section 1360.2 to, the Civil Code, relating to common interest developments.

Bill read third time and presented by Senator Lowenthal.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, 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, Wiggins, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

(NOTE: Reconsideration granted later this day.)



Assembly Bill 2949—An act to amend Sections 1815, 1816, and 1981 of the Civil Code, relating to involuntary deposits.

Bill read third time.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alquist, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 346—An act to add Section 25205 to the Business and Professions Code, relating to alcoholic beverages.

Bill read third time and presented by Senator Steinberg.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Denham, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Dutton, Harman, Hollingsworth, Margett, McClintock, and Runner.

Bill ordered transmitted to the Assembly.

Assembly Bill 1870—An act to amend Section 21628 of the Business and Professions Code, relating to secondhand goods.

Bill read third time and presented by Senator Cedillo.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—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, Wiggins, and Yee.

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

Bill ordered transmitted to the Assembly.



UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 1070—An act to amend Sections 9090 and 9094 of the Elections Code, and to amend Section 88005 of the Government Code, relating to elections, 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 1070?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators 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, Wiggins, Wyland, and Yee.

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (39)—Senators 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, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1572—An act to add Article 5x (commencing with Section 998.400) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to the financing of a program to provide farm and home aid for veterans in accordance with the Veterans' Farm and Home Purchase Act of 1974, and acts amendatory thereof and supplemental thereto, through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Wyland.

The question being: Shall the Senate concur in the Assembly amendments to SB 1572?



Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (39)—Senators 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, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1446—An act to add and repeal Section 60852.4 of the Education Code, relating to the high school exit examination, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 1446?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Denham, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Dutton, Harman, Hollingsworth, Margett, McClintock, and Runner.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Joint Resolution 31—Relative to commercial fishing health care coverage.

Resolution read third time and presented by Senator Wiggins.

Roll Call

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

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

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

Resolution ordered transmitted to the Assembly.



MOTION TO RECONSIDER (AB 2259)

Senator Lowenthal moved to reconsider the vote whereby AB 2259 was passed.

Roll Call

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

AYES (39)—Senators 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, Wiggins, Wyland, and Yee.

NOES (0)—None.

Measure ordered returned to third reading.

CONSENT CALENDAR

Senate Resolution 18—Relative to University of California study abroad programs.

Resolution read and adopted.

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 60—Relative to a speech shield law for America's journalists.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 2057—An act to amend Sections 35535, 44225, 44256, 44263, 44270, 44279.1, 44327, 44865, 49430.7, 52302, 52302.8, 56028, and 56043 of the Education Code, relating to education.

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 (39)—Senators 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, Wiggins, Wyland, and Yee.

NOES (0)—None.



UNANIMOUS CONSENT TO PRINT IN JOURNAL

Without objection, the following letter was printed in the Journal.

July 2, 2008

The Honorable Don Perata
President pro Tempore
State Capitol, Sacramento

Re: Letter to the Senate Daily Journal

Dear Senator Perata:

I am requesting that two of my votes on the Senate Floor be clarified. On July 2, 2008, I inadvertently cast "no" votes on Senate File Items Numbers 178 and 188, which were AB 163 by Assemblymember Mendoza and AB 2133 by Assemblymember Hancock, respectively. I intended to vote "aye" on AB 163 and "aye" on AB 2133.

Thank you for your consideration in this matter.

Sincerely,

PATRICIA WIGGINS
Senator, Second District

LEAVES OF ABSENCE FOR THE DAY

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

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

At 3:15 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 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 Thursday, July 10, 2008.

Motion carried.

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Senate Chamber, July 7, 2008

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

AB 2518

AB 2658

AB 2753

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

TORLAKSON, Chair

Above measures ordered to second reading.

Senate Chamber, July 7, 2008

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

AB 69	AB 2151	AB 2465	AB 3054
AB 1848	AB 2205	AB 2736	AB 3071
AB 1910	AB 2249	AB 2768	AB 3074
AB 1972	AB 2308	AB 2848	AB 3075
AB 2016	AB 2357	AB 2850	
AB 2081	AB 2374	AB 2893	
AB 2120	AB 2444	AB 2996	

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, July 7, 2008

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

AB 2095

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 2095—An act to amend Section 12011.5 of the Government Code, relating to judicial appointments.

Bill read second time.

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

Date of Hearing, July 7, 2008

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

AB 1480	AB 2045	AB 2065
AB 2270	AB 2522	

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bills ordered to second reading.

Committee on Rules

Senate Chamber, July 7, 2008

Mr. President: The Committee on Rules has examined:

SB 1137



And reports that the same has been correctly enrolled, and presented to the Governor on the 7th day of July, 2008, at 3:30 p.m.

PERATA, Chair

Committee on Appropriations

Senate Chamber, July 7, 2008

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

AB 725

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 725—An act to add Section 50455.7 to the Health and Safety Code, relating to housing.

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 measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 124: By Senator Perata—Relative to the Joint Rules of the Senate and Assembly.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 2213)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 2213 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 2213

Assembly Bill 2213—An act to amend Section 49110 of the Education Code, relating to pupils.

Bill read.

Motion to Amend

Amendments to AB 2213 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.



THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 3030—An act to add Section 53756 to the Government Code, relating to local government.

Bill read third time.

Motion to Amend

Amendments to AB 3030 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 2023—An act to amend Sections 24003 and 24103 of the Education Code, and to amend Section 21156 of, and to add Sections 31720.3 and 53222.5 to, the Government Code, relating to public employee disability benefits.

Bill read third time.

Amendments Adopted

Amendments to AB 2023 proposed by Senator Harman were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 2704—An act to add Sections 35182.7 and 49571 to the Education Code, relating to pupil nutrition.

Bill read third time.

Amendments Adopted

Amendments to AB 2704 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 2078—An act to amend Section 51760 of, and to add Section 51760.1 to, the Education Code, relating to work-based learning.

Bill read third time.

Amendments Adopted

Amendments to AB 2078 proposed by Senator Steinberg were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1816—An act to add Section 9610 to the Business and Professions Code, relating to cemeteries, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1816 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 117—An act to amend Sections 20211 and 20301 of, and to add Section 20916.1 to, the Public Contract Code, and to amend Section 103222 of the Public Utilities Code, relating to transportation.

Bill read third time.



Amendments Adopted

Amendments to AB 117 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 1527—Do pass as amended**

AYES (12)—Senators Ashburn, Cedillo, Corbett, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Torlakson, Wyland, and Yee.

NOES (2)—Senators Aanestad and Cox.

AB 1480—Do pass

AYES (13)—Senators Aanestad, Ashburn, Cedillo, Corbett, Cox, Dutton, Florez, Kuehl, Ridley-Thomas, Simitian, Torlakson, Wyland, and Yee.

NOES (0)—None.

AB 2045—Do pass

AYES (8)—Senators Cedillo, Corbett, Florez, Kuehl, Ridley-Thomas, Simitian, Torlakson, and Yee.

NOES (5)—Senators Aanestad, Ashburn, Cox, Dutton, and Wyland.

AB 2065—Do pass

AYES (14)—Senators Aanestad, Ashburn, Cedillo, Corbett, Cox, Dutton, Florez, Kuehl, Oropeza, Ridley-Thomas, Simitian, Torlakson, Wyland, and Yee.

NOES (0)—None.

AB 2270—Do pass

AYES (8)—Senators Cedillo, Corbett, Florez, Kuehl, Ridley-Thomas, Simitian, Torlakson, and Yee.

NOES (5)—Senators Aanestad, Ashburn, Cox, Dutton, and Wyland.

AB 2522—Do pass

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

NOES (5)—Senators Aanestad, Ashburn, Cox, Dutton, and Wyland.

Date of Hearing: 7/7/2008

Torlakson (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Janice Delfino of Castro Valley.

Senator Dutton requested that when the Senate adjourns this day it do so in memory of Jack Dolph of San Diego and Donald Hart of Riverside.

Senators Ducheny and Hollingsworth requested that when the Senate adjourns this day it do so in memory of William C. "Bill" Mesa of Jamul and Crystal Roberts-Mesa of El Cajon.



Senator Scott requested that when the Senate adjourns this day it do so in memory of Judith Zitter of Pasadena.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Robert Roland of Anderson Valley.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 11 a.m., Thursday, July 10, 2008.

PAULA K. ROSSETTO, Minute Clerk

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