

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED FORTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, August 26, 2008

The Senate met at 10 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, 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—39.

Quorum present.

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



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Henry Ford was an expert in efficiency and working on a grand scale. This was his advice on how groups of people could work effectively together, he said:

Coming together is a beginning.

Keeping together is progress.

Working together is success.

Success is not defined only by the end result, or by our personal goals, but also by the process. When we as individuals come together with a shared vision, and then work in harmony with each other, then our dreams can be realized.

May the Holy One inspire us to come together to work towards the common good, and bless all of our efforts with success. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, August 26, 2008

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

Transportation and Housing—AB 1955 and AB 2884.

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

Assembly Bill 359—An act to amend Section 37254 of the Education Code, relating to the high school exit examination, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Assembly Bill 2165—An act relating to tidelands and submerged lands granted by the state to the City of Long Beach, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Assembly Concurrent Resolution 137—Relative to Chronic Obstructive Pulmonary Disease.

Resolution read second time and ordered to third reading.



Assembly Bill 354—An act to amend Section 7051 of the Health and Safety Code, relating to human remains, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **ACR 150** was withdrawn from Committee and placed on today's Special Consent Calendar.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Lowenthal moved that **AB 1943** be placed on the inactive file.

Senator Migden moved that **AB 1848** be placed on the inactive file.

Motions carried.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Cedillo moved that **AB 334** be taken from the inactive file and placed on the second reading file.

Motion carried.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Cedillo, **AB 2670** was returned to the Assembly for further action.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1133—An act to amend Section 1306 of, and to amend, repeal, and add Section 1305 of, the Penal Code, relating to bail bonds.

Bill read third time and presented by Senator Negrete McLeod.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Negrete McLeod moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2381—An act to amend Section 125292.10 of the Health and Safety Code, relating to stem cell research.

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 (28)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Corbett, Correa, Cox, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza,



Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, and Wiggins.

NOES (2)—Senators Hollingsworth and Wyland.

Bill ordered transmitted to the Assembly.

Assembly Bill 1889—An act to amend Section 37710 of, and to add and repeal Section 37710.5 of, the Education Code, relating to school districts.

Bill read third time and presented by Senator Wiggins.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1720—An act to amend Sections 7085 and 7085.1 of the Government Code, relating to enterprise zones.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 887—An act relating to state property, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Lowenthal.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Alquist, Ashburn, Battin, Calderon, Cogdill, Corbett, 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.

Roll Call

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

AYES (35)—Senators Alquist, Ashburn, Battin, Calderon, Cogdill, Corbett, 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.

Bill ordered transmitted to the Assembly.

Assembly Bill 2065—An act to add Section 2302 to the Fish and Game Code, relating to invasive aquatic species.

Bill read third time and presented by Senator Machado.

Roll Call

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

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 2541—An act to amend Section 851.90 of, to amend and renumber Section 1000.8 of, and to add and repeal Chapter 2.6 (commencing with Section 1000.8) of Title 6 of Part 2 of, the Penal Code, relating to reentry.

Bill read third time and presented by Senator Romero.

Roll Call

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

AYES (26)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (11)—Senators Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Margett, Runner, and Wyland.

Bill ordered transmitted to the Assembly.

Assembly Bill 1755—An act to amend Section 728.1 of the Public Utilities Code, relating to electricity.

Bill read third time and presented by Senator Kehoe.



Roll Call

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

AYES (31)—Senators Alquist, Ashburn, Battin, Calderon, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (4)—Senators Aanestad, Denham, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 2016—An act to amend Sections 65400, 65583, 65583.2, 65584.04, 65584.05, 65588, 66427.1, and 66452.21 of, to amend and renumber Sections 66452.8 and 66452.9 of, to add Sections 66452.19 and 66452.20 to, and to repeal Sections 66452.14 and 66452.15 of, the Government Code, and to amend Sections 18029, 18031.7, 18897, 18897.2, 18897.4, 18897.6, 18897.7, 50675.14, and 50802 of, and to amend and renumber the heading of Part 2.3 (commencing with Section 18897) of Division 13 of, the Health and Safety Code, relating to housing.

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 2733—An act to amend Section 11010 of the Business and Professions Code, and to amend Section 1103.4 of the Civil Code, relating to real property disclosures.

Bill read third time and presented by Senator Kuehl.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Kuehl moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 916—An act to add and repeal Section 35567 of the Education Code, relating to school facilities construction, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Steinberg.



Urgency Clause

Urgency clause read and adopted 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, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 2726—An act to amend Section 104601 of the Health and Safety Code, relating to public health.

Bill read third time and presented by Senator Maldonado.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Maldonado moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2986—An act to amend Section 75050.2 of the Public Resources Code, and to amend Section 13167 of, and to add and repeal Chapter 18 (commencing with Section 14080) of Division 7 of, the Water Code, relating to water quality.

Bill read third time and presented by Senator Simitian.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Simitian moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 3048—An act to amend Section 3099.2 of the Labor Code, to amend Sections 25302.5, 25534, 25741, and 25742 of the Public Resources Code, to amend Sections 5, 20, 216, 353.11, 366.2, 380, 387,



387.5, 394.5, 395.5, 399.12, 399.12.5, 701.8, 761.3, 747, 848, 2774.5, 2827, 2852, 3302, 7000, 8340, and 9604 of, to amend and renumber Sections 228.5 and 399.25 of, to add Section 224.3 to, to repeal Section 399.1 of, to repeal the heading of Article 15 (commencing with Section 399) of Chapter 2.3 of, and to repeal the heading of Article 5 (commencing with Section 445) of Chapter 2.5 of, Part 1 of Division 1 of, the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Kehoe.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 2898—An act to amend Sections 27471, 27491.4, and 27491.45 of, and to add Section 27491.9 to, the Government Code, relating to coroners.

Bill read third time and presented by Senator Simitian.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Simitian moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2818—An act to add and repeal Section 34315.8 of the Health and Safety Code, relating to housing.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Lowenthal moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2269—An act to add Section 387.7 to the Public Utilities Code, relating to energy.

Bill read third time and presented by Senator Kehoe.

The roll was called.



CALL OF THE SENATE

Pending the announcement of the vote, Senator Kehoe moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2494—An act to add Chapter 8 (commencing with Section 50700) to Part 2 of Division 31 of the Health and Safety Code, relating to housing, and making an appropriation therefor.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Lowenthal moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 706—An act to amend Sections 125.9, 19161, and 19161.3 of, and to add Section 19161.7 to, the Business and Professions Code, and to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to fire retardants.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Lowenthal moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1163—An act to amend Section 52522 of the Education Code, relating to adult education.

Bill read third time and presented by Senator Scott.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Scott moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution 66—Relative to fishery management.

Resolution read third time and presented by Senator Simitian.

The roll was called.



CALL OF THE SENATE

Pending the announcement of the vote, Senator Simitian moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 3021—An act to add Division 3 (commencing with Section 64100) to Title 6.7 of the Government Code, and to amend Section 149.7 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Lowenthal moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2759—An act to amend Sections 8208, 8235, 8236, 8237, 8238.4, 8264.5, and 8266.1 of, to amend the heading of Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of Division 1 of Title 1 of, and to add Sections 8236.1 and 8236.2 to, the Education Code, relating to child care and development services.

Bill read third time and presented by Senator Steinberg.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Steinberg moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 211—An act to amend Section 56.36 of the Civil Code, and to add and Division 109 (commencing with Section 130200) to, the Health and Safety Code, relating to health.

Bill read third time and presented by Senator Alquist.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Alquist moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2—An act to add Sections 1356.2, 1373.623, 1373.63, and 1399.807 to the Health and Safety Code, and to amend Sections 12700,



12705, 12711, 12712, 12718, 12723, 12725, and 12726 of, to amend, repeal, and add Section 12739 of, to add Sections 1827.86, 10127.165, 10127.19, 10903, 12711.3, 12714.1, 12714.5, and 12738 to, to add Chapter 9 (commencing with Section 12739.5) to Part 6.5 of Division 2 of, and to repeal and add Section 12737 of, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

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

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

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1133)

On motion of Senator Negrete McLeod, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1133 was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, Florez, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Steinberg, Torlakson, Wiggins, and Yee.

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

Above bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 2733)

On motion of Senator Kuehl, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 2733 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, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2726)**

On motion of Senator Maldonado, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 2726 was passed 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, Wiggins, and Yee.

NOES (10)—Senators Aanestad, Ashburn, Battin, Cogdill, Dutton, Harman, Hollingsworth, McClintock, Runner, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2986)**

On motion of Senator Simitian, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 2986 was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, Harman, Kehoe, Kuehl, Lowenthal, Migden, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (16)—Senators Aanestad, Ashburn, Battin, Cogdill, Correa, Cox, Denham, Dutton, Hollingsworth, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Runner, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2898)**

On motion of Senator Simitian, further proceedings under the call of the Senate were dispensed with.



Roll Call

The names of the absentees were called and AB 2898 was passed by the following vote:

AYES (35)—Senators Aanestad, Alquist, Ashburn, Battin, Calderon, Cogdill, Corbett, 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, and Wyland.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2818)**

On motion of Senator Lowenthal, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 2818 was passed by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2269)**

On motion of Senator Kehoe, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 2269 was passed by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Correa, Cox, Ducheny, Florez, Harman, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, Migden, Oropeza, Padilla, Perata, Romero, Scott, Steinberg, Torlakson, Wiggins, and Yee.

NOES (9)—Senators Aanestad, Ashburn, Battin, Cogdill, Denham, Dutton, Hollingsworth, McClintock, and Wyland.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2494)**

On motion of Senator Lowenthal, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 2494 was passed by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1163)**

On motion of Senator Scott, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1163 was passed by the following vote:

AYES (36)—Senators Aanestad, 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, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AJR 66)**

On motion of Senator Simitian, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AJR 66 was adopted by the following vote:

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado,



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

NOES (11)—Senators Aanestad, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, and Wyland.

Above resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 3021)**

On motion of Senator Lowenthal, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 3021 was passed by the following vote:

AYES (23)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Cox, Ducheny, Florez, Harman, Hollingsworth, Kehoe, Lowenthal, Maldonado, Margett, Migden, Padilla, Perata, Runner, Scott, Simitian, Steinberg, Torlakson, and Wiggins.

NOES (10)—Senators Aanestad, Battin, Correa, Denham, Dutton, McClintock, Negrete McLeod, Oropeza, Romero, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2759)**

On motion of Senator Steinberg, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 2759 was passed by the following vote:

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

NOES (2)—Senators Cox and McClintock.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 211)**

On motion of Senator Alquist, further proceedings under the call of the Senate were dispensed with.



Roll Call

The names of the absentees were called and AB 211 was passed by the following vote:

AYES (29)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Florez, Harman, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (7)—Senators Aanestad, Ashburn, Battin, Denham, Dutton, Hollingsworth, and Wyland.

Above bill ordered transmitted to the Assembly.

SPECIAL CONSENT CALENDAR

Assembly Concurrent Resolution 150—Relative to the Joan Bechtel Memorial Highway.

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

(NOTE: See Consent Calendar Roll Call)

Special Consent Calendar Roll Call

The roll was called and the resolution was adopted 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, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

CONSIDERATION OF DAILY FILE (RESUMED)**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 706)**

On motion of Senator Lowenthal, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 706 was refused passage by the following vote:

AYES (15)—Senators Alquist, Cedillo, Corbett, Kehoe, Kuehl, Lowenthal, Oropeza, Padilla, Perata, Romero, Scott, Simitian, Steinberg, Torlakson, and Wiggins.

NOES (19)—Senators Aanestad, Ashburn, Battin, Calderon, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Wyland, and Yee.



UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

August 26, 2008

The Honorable Don Perata

President pro Tempore, California State Senate

Dear Mr. President:

The purpose of this letter is to clarify the intent of SB 1499
(Scott—Metallic Balloons).

The final set of amendments removed the provision which required a research study to be undertaken. It is the intent of my office, with the agreement of all parties involved, to ask that this study be undertaken by the Senate Office of Research.

Sincerely,

JACK SCOTT

Senator, 21st 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 11:50 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 Wednesday, August 27, 2008.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 19, 2008

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

SB 1115

Above measure ordered enrolled.

Assembly Chamber, August 19, 2008

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

SCR 126

SCR 127

SCR 129

Above resolutions ordered enrolled.



Assembly Chamber, August 19, 2008

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

SB 462

SB 1608

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 20, 2008

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

SB 527

SB 1227

SB 1510

SB 1674

SB 1197

SB 1341

SB 1560

SB 1678

SB 1221

SB 1380

SB 1633

SB 1739

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 21, 2008

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

SB 27

SB 588

SB 946

SB 1406

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 22, 2008

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

SB 432

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

Above measure ordered to unfinished business file.

Assembly Chamber, August 25, 2008

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

SB 541

SB 1022

SB 1352

SB 1177

SB 1228

SB 1335

SB 1362

SB 1437

SB 1574

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.



REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, August 26, 2008

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

AB 1289

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, August 26, 2008

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

AB 2474

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bill ordered to second reading.

Date of Hearing, August 26, 2008

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

AB 2293

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

TORLAKSON, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Date of Hearing, August 26, 2008

Mr. President: The Committee on Transportation and Housing, to which were referred:

AB 1955

AB 2884

Reports the same back with the recommendation: Do pass.

LOWENTHAL, Chair

Above bills ordered to second reading.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AJR 64** was withdrawn from Committee and placed on third reading.

MOTION TO RE-REFER TO COMMITTEE

Without objection **AB 10** was re-referred to the Committee on Rules.



SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****AB 2293**—Do pass as amended

AYES (8)—Senators Cedillo, Cox, Florez, Oropeza, Simitian, Torlakson, Wyland, and Yee.

NOES (5)—Senators Aanestad, Ashburn, Dutton, Kuehl, and Runner.

AB 2474—Do pass

AYES (12)—Senators Aanestad, Ashburn, Cedillo, Corbett, Cox, Dutton, Florez, Kuehl, Oropeza, Torlakson, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 8/26/2008

Torlakson (Chair)

Committee on Transportation and Housing

AB 1955—That the measure be returned to Senate floor for consideration. Ordered to third reading

AYES (10)—Senators Cedillo, Harman, Hollingsworth, Kehoe, Lowenthal, Maldonado, McClintock, Oropeza, Torlakson, and Yee.

NOES (2)—Senators Ashburn and Simitian.

AB 2884—That the measure be returned to Senate floor for consideration. Ordered to third reading

AYES (7)—Senators Harman, Hollingsworth, Lowenthal, Maldonado, McClintock, Torlakson, and Yee.

NOES (4)—Senators Ashburn, Corbett, Oropeza, and Simitian.

Date of Hearing: 8/26/2008

Lowenthal (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Machado requested that when the Senate adjourns this day it do so in memory of Elsie Elizabeth Walters of Stockton.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Doris “Scotty” Mendoza of Point Reyes.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators’ requests until 12 p.m., Wednesday, August 27, 2008.

PAULA K. ROSSETTO, Minute Clerk

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