

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED FORTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, August 28, 2008

The Senate met at 11:30 a.m.
Hon. Gloria Romero, of the 24th 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:

The American historian, Abraham Geiger wrote on his philosophy of life. He taught: "Draw from the past, live in the present, work for the future."

May we have the wisdom to draw on the experiences from our lives and from the lives of others, may we never forget to savor every moment as we live it, and may the work of our days bring about a world renewed and redeemed. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 19, 2008

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

SB 1400

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

Above measure ordered to unfinished business file.

Assembly Chamber, August 21, 2008

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

SB 1446

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

Above measure ordered to unfinished business file.

Assembly Chamber, August 25, 2008

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

SB 489 SB 1056 SB 1220

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 27, 2008

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

SCR 128

Above resolution ordered enrolled.



Assembly Chamber, August 27, 2008

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

SB 791 SB 1357 SB 1543

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 28, 2008

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

SB 1422

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

August 28, 2008

Madam President: The Committee on Local Government, to which was referred:

SB 1335

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

NEGRETE McLEOD, Chair

Above measure ordered to unfinished business.

Committee on Business, Professions and Economic Development

August 28, 2008

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

SB 1406

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

RIDLEY-THOMAS, Chair

Above measure ordered to unfinished business.



Committee on Health

August 28, 2008

Madam President: The Committee on Health, to which was referred:

SB 541

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

KUEHL, Chair

Above measure ordered to unfinished business.

Committee on Rules

Senate Chamber, August 28, 2008

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 1759

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1759—An act to amend Section 23396.1 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1759 pursuant to Joint Rule 58.

ASSEMBLY MEMBER DE VORE

Permission of Rules Committee

Senate Chamber, August 28, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1759.

PERATA, Chair

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

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

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 and ordered to third reading.



Assembly Bill 1534—An act to amend Section 23057 of the Financial Code, relating to deferred deposit transactions.

Bill read second time and ordered to third reading.

Assembly Bill 1943—An act to add Article 2 (commencing with Section 5515) to Chapter 9 of Division 2 of the Public Utilities Code, relating to commercial airlines.

Bill read second time and ordered to third reading.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **AB 334**, **AB 498**, **AB 1860**, **AB 2052**, **AB 2175**, **AB 2921**, and **AB 3005** were withdrawn from Committee and placed on second reading.

MOTION TO REFER MEASURE TO INACTIVE FILE

Without objection, **AB 2884** was placed on the inactive file.

CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 1472—An act to amend, repeal, and add Sections 18546, 18990, 18992, and 19889.3 of, and to add Section 20037.13 to, the Government Code, relating to public employment.

Bill presented by Senator Ashburn.

The question being: Shall the Senate concur in the Assembly amendments to SB 1472?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

SENATE RULE 55 WAIVED

Without objection, Senate Rule 55 was waived to allow a lobbyist on the floor during a special presentation.



TRIBUTE TO SENATOR TOM TORLAKSON

On the occasion of his retirement from the Senate, the Senate paid tribute to Senator Tom Torlakson for his distinguished service to the people of the State of California.

Senator Perata Presiding**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 1561—An act to amend, repeal, and add Section 102122 of, and to add and repeal Sections 99171 and 99172 of, the Public Utilities Code, relating to transportation.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 1561?

Roll Call

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

AYES (26)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Cox, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (10)—Senators Aanestad, Ackerman, Battin, Denham, Ducheny, Hollingsworth, Margett, McClintock, Runner, and Wyland.

Above bill ordered enrolled.

Senate Bill 580—An act to amend Sections 21200 and 21200.1 of the Financial Code, relating to pawnbrokers.

Bill presented by Senator Calderon.

The question being: Shall the Senate concur in the Assembly amendments to SB 580?

Roll Call

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

AYES (32)—Senators Aanestad, Ackerman, Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Kehoe, Lowenthal, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 381—An act to add Chapter 2.5 (commencing with Section 2196) to Division 2 of the Elections Code, relating to voters.

Bill presented by Senator Calderon.

The question being: Shall the Senate concur in the Assembly amendments to SB 381?



Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 140—An act to add Section 14673.10 to, and to repeal Section 14669.16 of, the Government Code, relating to state property, and making an appropriation therefor.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 140?

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 527—An act to add and repeal Article 9 (commencing with Section 4699) of Chapter 6 of Division 4.5 of the Welfare and Institutions Code, relating to autism.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 527?

Roll Call

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

AYES (27)—Senators Alquist, Battin, Calderon, Cedillo, Corbett, Ducheny, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata,



Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (9)—Senators Aanestad, Ackerman, Cogdill, Cox, Denham, Dutton, McClintock, Runner, and Wyland.

Above bill ordered enrolled.

Senate Bill 1221—An act to repeal and add Section 15438.5 of the Government Code, and to add Part 7 (commencing with Section 1179.100) to Division 1 of the Health and Safety Code, relating to health facility financing.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 1221?

Roll Call

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

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

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

Above bill ordered enrolled.

Senate Bill 1341—An act to amend Section 11155.2 of, and to amend and repeal Section 11450 of, the Welfare and Institutions Code, relating to CalWORKs.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 1341?

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, 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, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

Above bill ordered enrolled.

Senate Bill 1380—An act to amend Sections 11462, 18358, 18358.05, 18358.10, 18358.15, 18358.20, 18358.23, 18358.25, and 18358.30 of, and



to add Section 18358.37 to, the Welfare and Institutions Code, relating to foster care.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 1380?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1633—An act to add Section 654.3 to the Business and Professions Code, relating to dental services.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 1633?

Roll Call

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

AYES (32)—Senators Aanestad, Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Negrete McLeod, Oropeza, Padilla, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

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

Above bill ordered enrolled.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Padilla:

Senate Chamber, August 28, 2008

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(b)(16) in order that AB 3076 may be amended after the deadline.

ASSEMBLY MEMBER HUFFMAN

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

PERATA, Chair

JOINT RULES DISPENSED WITH

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(b)(16) was dispensed with as requested.

Senator Romero Presiding**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 1674—An act to amend Sections 8482, 8483, 8483.1, 8483.2, 8483.7, 8483.75, and 8483.9 of the Education Code, relating to before and after school programs.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 1674?

Roll Call

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

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

NOES (11)—Senators Aanestad, Ackerman, Battin, Cogdill, Cox, Dutton, Harman, Hollingsworth, Margett, McClintock, and Runner.

Above bill ordered enrolled.

Senate Bill 1739—An act to amend Sections 8670.10, 8670.29, and 8670.30 of the Government Code, relating to oil spills.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 1739?

Roll Call

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

AYES (30)—Senators Aanestad, Alquist, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (6)—Senators Ackerman, Battin, Hollingsworth, McClintock, Runner, and Wyland.

Above bill ordered enrolled.



Senate Bill 27—An act to add and repeal Section 12994.5 of the Water Code, relating to the Sacramento-San Joaquin Delta.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 27?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 588—An act to add Sections 81053 and 81054 to the Education Code, relating to community colleges.

Bill presented by Senator Runner.

The question being: Shall the Senate concur in the Assembly amendments to SB 588?

Roll Call

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

AYES (31)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Denham, Ducheny, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (5)—Senators Aanestad, Ackerman, Cox, Harman, and McClintock.

Above bill ordered enrolled.

Senate Bill 946—An act to amend Section 60641 of, and to add Chapter 6 (commencing with Section 99300) to Part 65 of Division 14 of Title 3 of, the Education Code, relating to postsecondary education.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 946?

Roll Call

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

AYES (33)—Senators Aanestad, Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Dutton, Florez, Harman,



Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

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

Above bill ordered enrolled.

Senate Bill 1608—An act to amend Section 5600 of the Business and Professions Code, to add Section 55.3 to, and to add Part 2.52 (commencing with Section 55.51) and Part 2.53 (commencing with Section 55.55) to Division 1 of, the Civil Code, to amend Sections 4450 and 4459.5 of, and to add Chapter 3.7 (commencing with Section 8299) to Division 1 of Title 2 of, the Government Code, and to amend Section 18949.29 of the Health and Safety Code, relating to disability access, and making an appropriation therefor.

Bill presented by Senator Corbett.

The question being: Shall the Senate concur in the Assembly amendments to SB 1608?

Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, 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, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

August 28, 2008

Greg Schmidt

Secretary of the Senate

RE: Letter to the Senate and Assembly Journals regarding SB 1608

Dear Mr. Schmidt:

SB 1608 is a bipartisan comprehensive reform measure intended to promote compliance with disability access laws with the complementary goal of reducing unnecessary litigation.



A key feature of the bill is the early evaluation conference held by the court for certain cases involving construction-related accessibility claims. Where a business has obtained a Certified Access Specialist (CAsp) inspection and report to determine whether construction-related accessibility standards are met in a place of public accommodation, the CAsp inspection report entitles the business to request a limited stay and an early evaluation conference on the construction-related accessibility claim. At least 15 days before the early evaluation conference date, SB 1608 would require that defendant to submit to the court under seal and serve on the plaintiff a copy of the CAsp inspection report, which shall be subject to a protective order maintaining the confidentiality of the report. It is our legislative intent that the Notice of Stay of Proceedings and Early Evaluation Conference issued by the court include orders (1) to the defendant that the CAsp report shall be filed as a confidential document and served on the plaintiff at least 15 days before the conference, and (2) to the plaintiff and the defendant that the CAsp report filed with the court and served on the plaintiff must be kept confidential and may be disclosed only to the court and the parties to the action, their attorneys, and those individuals employed or retained by the attorneys to assist in the litigation. Further, it is our intent that the CAsp inspection report continue to be kept confidential for the duration of the litigation, until the conclusion of the claim, whether by dismissal, settlement, or final judgment, unless a party makes a showing of good cause for lifting the protective order and unsealing the court record at any time after the conclusion of the stay.

We intend to introduce legislation next session to clarify the language in the statute to reflect this intent, and intend that the Judicial Council rely on this letter of legislative intent in carrying out its responsibilities under the statute.

Respectfully submitted,

Senator Ellen M. Corbett
Senator Tom Harman
Senator Darrell Steinberg
Senator George Runner
Senator Ron Calderon

Assembly Member Cameron Smyth
Assembly Member Lois Wolk
Assembly Member Dave Jones

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 1022—An act to amend Sections 11169 and 11170 of the Penal Code, relating to child abuse.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 1022?



Roll Call

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

AYES (22)—Senators Aanestad, Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Scott, Simitian, Steinberg, Wiggins, and Yee.

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

Above bill ordered enrolled.

Senate Bill 1177—An act to amend Section 470.5 of the Business and Professions Code, to amend Sections 68085.3, 68085.4, 68086.1, 70611, 70612, 70613, 70614, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70658, and 70670 of the Government Code, to amend Section 103470 of the Health and Safety Code, and to amend Section 7660 of the Probate Code, relating to the courts.

Bill presented by Senator Ridley-Thomas.

The question being: Shall the Senate concur in the Assembly amendments to SB 1177?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Ridley-Thomas moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 1362—An act to amend Section 7137 of the Business and Professions Code, and to amend Section 3099.2 of the Labor Code, relating to employment, and making an appropriation therefor.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 1362?

Roll Call

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

AYES (34)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Negrete McLeod, Oropeza, Padilla, Perata,



Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 1437—An act to amend Section 48800 of, to add Section 71096 to, and to add and repeal Article 2 (commencing with Section 78910.10) of Chapter 7 of Part 48 of Division 7 of Title 3 of, the Education Code, and to amend Section 280 of the Public Utilities Code, relating to education.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 1437?

Roll Call

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

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

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senator Perata Presiding

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 1177)

On motion of Senator Ridley-Thomas, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 1177 by the following vote:

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

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

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Joint Resolution 35—Relative to broadband Internet access.

Resolution read third time and presented by Senator Padilla.



Roll Call

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

AYES (24)—Senators Alquist, Calderon, Cogdill, Corbett, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (7)—Senators Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, Margett, and McClintock.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 2262—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to child protection.

Bill read third time and presented by Senator Harman.

Roll Call

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

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

NOES (3)—Senators Denham, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 2917—An act to amend Sections 1797.101, 1797.170, 1797.172, 1797.216, and 1798.200 of, to add Sections 1797.61, 1797.117, 1797.118, 1797.184, 1797.211, 1797.217, and 1797.219 to, and to repeal and add Section 1797.62 of, the Health and Safety Code, relating to emergency medical services.

Bill read third time and presented by Senator Ridley-Thomas.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 3066—An act to amend Sections 10200 and 10205 of the Unemployment Insurance Code, relating to the Employment Training Panel.

Bill read third time and presented by Senator Wyland.



Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (1)—Senator Battin.

Bill ordered transmitted to the Assembly.

Assembly Bill 2586—An act to amend Sections 789.3, 1950.5, and 1962 of, and to add Section 1942.2 to, the Civil Code, and to amend Sections 777.1, 10009.1, 12822.1, and 16481.1 of, and to repeal Sections 777, 10009, 12822, and 16481 of, the Public Utilities Code, relating to residential tenancies.

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 (21)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Kehoe, Kuehl, Lowenthal, Machado, Negrete McLeod, 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 2783—An act to add Section 56344.1 to the Education Code, relating to special education.

Bill read third time and presented by Senator Negrete McLeod.

Roll Call

The roll was called and the bill was refused passage by the following vote:

AYES (14)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Maldonado, Margett, McClintock, Negrete McLeod, Perata, Romero, Runner, Scott, and Wyland.

NOES (19)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Cox, Dutton, Florez, Kehoe, Kuehl, Lowenthal, Machado, Oropeza, Padilla, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

Motion to Reconsider (AB 2783)

Senator Negrete McLeod moved to reconsider the vote whereby AB 2783 failed passage.



Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, 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.

SPECIAL CONSENT CALENDAR

Senate Bill 1197—An act to amend Section 52321 of the Education Code, relating to regional occupational centers and programs.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Special Consent Calendar Roll Call)

Senate Bill 1227—An act to amend Section 8690.6 of the Government Code, relating to disaster assistance, and making an appropriation therefor.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Special Consent Calendar Roll Call)

Senate Bill 1510—An act to amend Section 1936 of the Civil Code, and to amend Sections 170010, 170011, 170013, 170016, 170017, and 170018 of, and to add Sections 170035 and 170036 to, the Public Utilities Code, relating to airports.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Special Consent Calendar Roll Call)

Senate Bill 1560—An act to amend Section 25503.22 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

Urgency clause read and the Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Special Consent Calendar Roll Call)

Senate Bill 432—An act to amend Sections 14530.1, 14679, 65070, 65072, and 65073 of the Government Code, to amend Sections 301, 302, 339, 366, 379, 384, 451, 460, and 464 of, to add Section 574 to, and to repeal Section 301.5 of, the Streets and Highways Code, and to amend Sections 5004.1, 21455.7, 21461, 21650, 22507.8, 22511.7, 22511.8, and



40203.5 of, and to add Sections 231.5 and 231.6 to, the Vehicle Code, relating to transportation.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Special Consent Calendar Roll Call)

Senate Bill 1352—An act to amend Section 1742.1 of, and to amend and repeal Section 1742 of, the Labor Code, relating to public works.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Special Consent Calendar Roll Call)

Special Consent Calendar Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, 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.

REQUEST TO BE ADDED TO ROLL CALL

August 28, 2008

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 1341—No

DAVE COGDILL, Minority Floor Leader

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

August 28, 2008

Gregory Schmidt

Secretary of the Senate

Re: SB 1137 (Perata): Residential Mortgage Loans

Dear Mr. Schmidt:

Senate Bill 1137 (Chapter 69, Statutes of 2008) was recently approved by the Legislature and signed by the Governor to respond to the ongoing crisis in residential mortgage defaults and foreclosures in California. As the author of SB 1137, I am writing to clarify its intended application, in particular with respect to situations where foreclosure proceedings are already well underway when new Civil Code Sections 2923.5(c) and 2924.8 become operative.



SB 1137 adds Section 2923.5(c) to the Civil Code to require that a declaration of actual or attempted contacts with a borrower be included as part of the notice of sale in those cases where a notice of default has already been filed prior to the enactment of this section (and a notice of rescission has not subsequently been filed). A concern has been raised as to whether this requirement would apply in circumstances where a notice of sale has already been recorded pursuant to Civil Code Section 2924f prior to the operative date of the section. In this case, it is not possible for the notice of sale to include a recitation of attempts to contact borrowers. While I believe that the language of the bill is clear on this matter, I am writing to clarify that it is not intended that Section 2923.5(c) apply in those situations where a notice of sale has already been recorded prior to the operative date of the section.

In addition, SB 1137 adds Section 2924.8 to the Civil Code to require a trustee or authorized agent, upon posting a notice of sale pursuant to existing Civil Code Section 2924f, to also post a specified notice on the property to tenants alerting them that foreclosure proceedings have begun. Similar concerns have been raised as to whether a trustee or authorized agent would be required to return to the foreclosed property to post the additional notice in cases where the notice of sale has already been posted on the property prior to the operative date of this section. Again, while I believe that the language of the bill is clear on this matter, I would like to clarify that it is not intended that the posting requirements of Section 2924.8 apply in those situations where a notice of sale has already been posted on the property prior to the operative date of the section.

Thank you for the opportunity to clarify this matter.

Very truly yours,

DON PERATA
President pro Tempore

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 4:15 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 4:15 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 4:15 p.m., the Senate will adjourn until Friday, August 29, 2008.

Motion carried.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 28, 2008

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 346	AB 2411	AB 2275	AB 2139
AB 844	AB 2433	AB 2570	AB 2578
AB 1022	AB 2543	AB 2630	AB 2622
AB 1502	AB 2594	AB 2785	AB 2679
AB 1887	AB 2729	AB 3010	AB 2696
AB 2071	AB 2757	AB 3084	AB 2747
AB 2158	AB 572	AB 660	AB 2765
AB 2179	AB 578	AB 856	AB 2810
AB 2205	AB 619	AB 1133	AB 2824
AB 2233	AB 978	AB 1720	AB 2901
AB 2243	AB 1778	AB 1889	AB 2971
AB 2309	AB 1821	AB 2016	AB 3078
AB 2346	AB 2031	AB 2065	
AB 2379	AB 2261	AB 2132	

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, August 28, 2008

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

AB 408	AB 995	AB 1189
AB 1489	AB 2769	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 408—An act to amend Section 6322.1 of the Business and Professions Code, to amend Sections 68085.1, 68085.3, 68085.4, 68086.1, 70372, 70374, 70375, 70391, 70603, 70611, 70612, 70613, 70614, 70617, 70621, 70650, 70651, 70652, 70653, 70654, 70655, 70656, 70657, 70657.5, 70658, and 70670 of, and to add Sections 68085.45, 70371.5, 70371.6, 70373, and 70602 to, the Government Code, to amend Section 103470 of the Health and Safety Code, to amend Section 1463.010 of, and to amend, repeal, and add Section 1203.1d of, the Penal Code, to amend Section 7660 of the Probate Code, and to amend Sections 40611 and 42007.1 of the Vehicle Code, relating to court facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 408 pursuant to Joint Rule 58.

ASSEMBLY MEMBER JONES

Permission of Rules Committee

Senate Chamber, August 28, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 408.

PERATA, Chair

Assembly Bill 995—An act to add Chapter 1.58 (commencing with Section 5095.61) to Division 5 of the Public Resources Code, relating to parks and recreation, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1189—An act to add Chapter 3.14 (commencing with Section 15820.200) to Part 10b of Division 3 of Title 2 of the Government Code, relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1189 pursuant to Joint Rule 58.

ASSEMBLY MEMBER SOLORIO

Permission of Rules Committee

Senate Chamber, August 28, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1189.

PERATA, Chair

Assembly Bill 1489—An act to amend Sections 25740 and 25741 of the Public Resources Code, to amend Sections 305, 306, 307, 308, 399.11, 399.12, 399.13, and 454.5 of, to amend, repeal, and add Sections 399.14 and 399.15 of, to add Sections 399.22 and 1005.1 to, and to repeal Section 387 of, the Public Utilities Code, relating to utilities.

Bill read second time.

Assembly Bill 2769—An act to amend Sections 175 and 181 of the Water Code, relating to the State Water Resources Control Board, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 2769 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LEVINE



Permission of Rules Committee

Senate Chamber, August 28, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 2769.

PERATA, Chair

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

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 3076)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 3076 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 3076

Assembly Bill 3076—An act to amend Sections 116450, 116455, and 116470 of the Health and Safety Code, relating to public water systems.
Bill read.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 3076 pursuant to Joint Rule 58.

ASSEMBLY MEMBER HUFFMAN

Permission of Rules Committee

Senate Chamber, August 28, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 3076.

PERATA, Chair

Amendments to AB 3076 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Business, Professions and Economic Development**

SB 1406—That the Assembly amendments be concurred in

AYES (6)—Senators Aanestad, Calderon, Corbett, Florez, Harman, and Ridley-Thomas.

NOES (0)—None.

Date of Hearing: 8/28/2008

Ridley-Thomas (Chair)

Committee on Health

SB 541—That the Assembly amendments be concurred in

AYES (11)—Senators Aanestad, Alquist, Cedillo, Cox, Kuehl, Maldonado, Negrete McLeod, Ridley-Thomas, Steinberg, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 8/28/2008

Kuehl (Chair)



Committee on Local Government

SB 1335—That the Assembly amendments be concurred in

AYES (3)—Senators Kehoe, Machado, and Negrete McLeod.

NOES (1)—Senator Cox.

Date of Hearing: 8/28/2008

Negrete McLeod (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Machado requested that when the Senate adjourns this day it do so in memory of Reverend Berry Means and Carmelita Cozad Stover of Stockton.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Dana Baskin of Temple City.

ADJOURNMENT

At 4:15 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Friday, August 29, 2008.

PAULA K. ROSSETTO, Minute Clerk

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