

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED FIFTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, September 8, 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, Cogdill, Corbett, Correa (waiving per diem), Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee(waiving per diem)—37.

Quorum present.

(NOTE: Senator Cedillo will be excused this day due to a family illness and Senators Oropeza and Vincent will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Our founding fathers serve as an example for us to this day, providing inspiration and guidance. Thomas Jefferson said: “Do you want to know who you are? Don’t ask. Act! Action will delineate and define you.”

Ultimately it is not our words that define who we are, but our deeds. Our greatest legacy is what we do while we are on this earth, how we treat others, how we conduct ourselves in our daily tasks, how we spend our days—this is how we will be remembered.

We pray for our country and all who serve it, may our actions be filled with insight and courage. May we serve with humility and dedication. May we be known for deeds of kindness and generosity of spirit. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, August 6, 2008

Mr. President: The Committee on Rules has examined:

SCR 83

SCR 118

SCR 121

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 6th day of August, 2008, at 2 p.m.

PERATA, Chair

SENATE RULE 29.3(b) SUSPENDED

Without objection, Senate Rule 29.3(b) was suspended to permit the Committee on Rules to amend AB 1793 after the deadline.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 8, 2008

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

AB 1793

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 1793—An act relating to the Budget Act of 2008.

Bill read second time.

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



MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 1793** was withdrawn from Committee and placed on file.

RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION

The following resolution was offered by Senator Cogdill:

Resolved, That AB 1793 presents a case of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times and placed upon its passage.

Resolution read and presented by Senator Cogdill.

Without objection the resolution was adopted.

REQUEST FOR UNANIMOUS CONSENT (AB 1793)

Senator Cogdill asked for, and was granted, unanimous consent to take up AB 1793 at this time.

Consideration of Assembly Bill 1793

Assembly Bill 1793—An act to amend and supplement the Budget Act of 2008 by amending Items 0250-001-0001, 0250-001-0159, 0250-101-0932, 0250-111-0001, 0552-001-0001, 0650-001-0001, 0690-001-0001, 0690-002-0001, 0690-101-0890, 0690-102-0001, 0820-001-0001, 0840-001-0001, 0855-111-0367, 0860-001-0001, 0860-001-0004, 0860-001-0022, 0860-001-0061, 0860-001-0070, 0860-001-0080, 0860-001-0230, 0860-001-0320, 0860-001-0387, 0860-001-0439, 0860-001-0465, 0860-001-0623, 0860-001-0965, 0860-001-3015, 0860-001-3058, 0860-001-3065, 0950-001-0001, 1100-001-0001, 1700-001-0001, 1730-001-0001, 1760-001-0001, 1760-001-0666, 1880-001-0001, 1955-001-9730, 2240-101-0001, 2240-105-0001, 2640-101-0046, 2660-001-0042, 2660-104-6059, 2660-304-6059, 2660-492, 3340-001-0001, 3340-001-0318, 3540-001-0001, 3540-001-1014, 3560-001-0001, 3600-001-0001, 3720-001-0001, 3720-001-3123, 3790-490, 3860-001-0001, 3900-001-0044, 3940-001-0001, 4170-101-0001, 4200-001-0001, 4200-001-3019, 4200-101-0001, 4200-101-3019, 4200-102-0001, 4200-103-0001, 4200-105-0001, 4260-001-0001, 4260-101-0001, 4260-101-0890, 4260-111-0001, 4260-111-0890, 4265-111-0001, 4280-101-0001, 4280-101-0890, 4280-102-0001, 4280-102-0890, 4300-101-0001, 4440-101-0001, 4440-103-0001, 5180-001-0001, 5180-001-0890, 5180-101-0001, 5180-101-0890, 5180-111-0001, 5180-141-0001, 5180-141-0890, 5180-151-0001, 5180-151-0890, 5180-153-0001, 5225-001-0001, 5225-002-0001, 5225-101-0001, 5225-301-0001, 5225-301-0660, 6110-001-0001, 6110-001-0890, 6110-101-0349, 6110-103-0001, 6110-104-0001, 6110-105-0001, 6110-107-0001, 6110-108-0001, 6110-111-0001, 6110-119-0001, 6110-122-0001, 6110-123-0890, 6110-124-0001, 6110-125-0001, 6110-126-0890, 6110-128-0001, 6110-130-0001, 6110-134-0890,

6110-136-0890, 6110-140-0001, 6110-150-0001, 6110-151-0001,
 6110-156-0001, 6110-158-0001, 6110-161-0001, 6110-167-0001,
 6110-181-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001,
 6110-196-0001, 6110-198-0001, 6110-201-0890, 6110-202-0001,
 6110-203-0001, 6110-204-0001, 6110-209-0001, 6110-211-0001,
 6110-224-0001, 6110-228-0001, 6110-232-0001, 6110-234-0001,
 6110-240-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001,
 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001,
 6110-265-0001, 6110-267-0001, 6110-488, 6120-150-0001,
 6120-160-0001, 6120-211-0001, 6120-213-0001, 6120-221-0001,
 6420-001-0001, 6440-001-0001, 6440-302-6041, 6440-304-6048,
 6870-001-0001, 6870-101-0001, 7980-001-0001, 7980-001-0890,
 7980-101-0001, 7980-101-0890, 7100-001-0514, 8380-001-0001,
 8570-001-0001, 8570-001-0111, 8620-001-0001, 8640-001-0001,
 8660-001-0042, 8660-001-0046, 8660-001-0412, 8660-001-0461,
 8660-001-0462, 8860-001-0001, 8880-001-9737, 8940-001-0001, and
 9210-101-0001 of, by adding Items 0820-012-0378, 0820-495,
 0855-101-0367, 3790-494, 8660-011-0470, 8660-011-0471,
 8660-011-0483, 9210-105-0001, and 9350-104-6065 to, and by repealing
 Items 0520-490, 0690-001-1014, 0690-011-0214, 1100-301-0001,
 1100-301-0267, 3940-490, 4260-001-8040, 4260-006-0001,
 4260-119-8040, 4700-001-0001, 4700-101-0001, 6110-135-0890,
 7300-001-0001, and 8940-001-1014 of, Section 2.00 of, and by amending
 Sections 4.07, 12.40, 24.85, and 35.50 of, and by adding Section 35.20 to,
 that act, relating to the State Budget, making an appropriation therefor, and
 declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1793—An act to amend and supplement the Budget
 Act of 2008 by amending Items 0250-001-0001, 0250-001-0159,
 0250-101-0932, 0250-111-0001, 0552-001-0001, 0650-001-0001,
 0690-001-0001, 0690-002-0001, 0690-101-0890, 0690-102-0001,
 0820-001-0001, 0840-001-0001, 0855-111-0367, 0860-001-0001,
 0860-001-0004, 0860-001-0022, 0860-001-0061, 0860-001-0070,
 0860-001-0080, 0860-001-0230, 0860-001-0320, 0860-001-0387,
 0860-001-0439, 0860-001-0465, 0860-001-0623, 0860-001-0965,
 0860-001-3015, 0860-001-3058, 0860-001-3065, 0950-001-0001,
 1100-001-0001, 1700-001-0001, 1730-001-0001, 1760-001-0001,
 1760-001-0666, 1880-001-0001, 1955-001-9730, 2240-101-0001,
 2240-105-0001, 2640-101-0046, 2660-001-0042, 2660-104-6059,
 2660-304-6059, 2660-492, 3340-001-0001, 3340-001-0318,
 3540-001-0001, 3540-001-1014, 3560-001-0001, 3600-001-0001,
 3720-001-0001, 3720-001-3123, 3790-490, 3860-001-0001,
 3900-001-0044, 3940-001-0001, 4170-101-0001, 4200-001-0001,
 4200-001-3019, 4200-101-0001, 4200-101-3019, 4200-102-0001,
 4200-103-0001, 4200-105-0001, 4260-001-0001, 4260-101-0001,
 4260-101-0890, 4260-111-0001, 4260-111-0890, 4265-111-0001,
 4280-101-0001, 4280-101-0890, 4280-102-0001, 4280-102-0890,

4300-101-0001, 4440-101-0001, 4440-103-0001, 5180-001-0001,
 5180-001-0890, 5180-101-0001, 5180-101-0890, 5180-111-0001,
 5180-141-0001, 5180-141-0890, 5180-151-0001, 5180-151-0890,
 5180-153-0001, 5225-001-0001, 5225-002-0001, 5225-101-0001,
 5225-301-0001, 5225-301-0660, 6110-001-0001, 6110-001-0890,
 6110-101-0349, 6110-103-0001, 6110-104-0001, 6110-105-0001,
 6110-107-0001, 6110-108-0001, 6110-111-0001, 6110-119-0001,
 6110-122-0001, 6110-123-0890, 6110-124-0001, 6110-125-0001,
 6110-126-0890, 6110-128-0001, 6110-130-0001, 6110-134-0890,
 6110-136-0890, 6110-140-0001, 6110-150-0001, 6110-151-0001,
 6110-156-0001, 6110-158-0001, 6110-161-0001, 6110-167-0001,
 6110-181-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001,
 6110-196-0001, 6110-198-0001, 6110-201-0890, 6110-202-0001,
 6110-203-0001, 6110-204-0001, 6110-209-0001, 6110-211-0001,
 6110-224-0001, 6110-228-0001, 6110-232-0001, 6110-234-0001,
 6110-240-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001,
 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001,
 6110-265-0001, 6110-267-0001, 6110-488, 6120-150-0001,
 6120-160-0001, 6120-211-0001, 6120-213-0001, 6120-221-0001,
 6420-001-0001, 6440-001-0001, 6440-302-6041, 6440-304-6048,
 6870-001-0001, 6870-101-0001, 7980-001-0001, 7980-001-0890,
 7980-101-0001, 7980-101-0890, 7100-001-0514, 8380-001-0001,
 8570-001-0001, 8570-001-0111, 8620-001-0001, 8640-001-0001,
 8660-001-0042, 8660-001-0046, 8660-001-0412, 8660-001-0461,
 8660-001-0462, 8860-001-0001, 8880-001-9737, 8940-001-0001, and
 9210-101-0001 of, by adding Items 0820-012-0378, 0820-495,
 0855-101-0367, 3790-494, 8660-011-0470, 8660-011-0471,
 8660-011-0483, 9210-105-0001, and 9350-104-6065 to, and by repealing
 Items 0520-490, 0690-001-1014, 0690-011-0214, 1100-301-0001,
 1100-301-0267, 3940-490, 4260-001-8040, 4260-006-0001,
 4260-119-8040, 4700-001-0001, 4700-101-0001, 6110-135-0890,
 7300-001-0001, and 8940-001-1014 of, Section 2.00 of, and by amending
 Sections 4.07, 12.40, 24.85, and 35.50 of, and by adding Section 35.20 to,
 that act, relating to the State Budget, making an appropriation therefor, and
 declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

The roll was called and the urgency clause was refused adoption by the following vote:

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

NOES (21)—Senators Alquist, Calderon, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

LEAVES OF ABSENCE FOR THE DAY

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

The following Senators were granted leaves of absence for the day due to illness: Senators Oropeza and Vincent.

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

At 4:30 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 4:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 4:30 p.m., the Senate will adjourn upon call of the President pro Tempore.

Motion carried.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Don C. Bond of San Jose.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Matt Garcia of Fairfield.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Martin Solorio, Jr. of Azusa.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Arthur Roy Smith of Camp Verde, Arizona.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Sgt. Paul Starzyk of Martinez.

ADJOURNMENT

At 4:30 p.m., the President declared the Senate adjourned upon call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

O

