

CALIFORNIA LEGISLATURE
2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, December 4, 2006

The hour of 12 o'clock m., having arrived, Senator Don Perata, President pro Tempore of the Senate, in accordance with Article IV Section 3(a), of the Constitution of the State of California, called the Senate to order and announced that the 2007–2008 Regular Session of the Legislature was about to convene, and informed the Senators that, pursuant to Section 9150 of the Government Code, Greg Schmidt, Secretary of the Senate; Paula K. Rossetto, Minute Clerk; and Tony Beard, Jr., Sergeant at Arms, were in their respective places.

Assistant Secretary Kipchoge Randall reading.

MUSICAL INTERLUDE

A musical interlude was performed by the CalPERS Patriot Chorus.

PRESENTATION OF THE COLORS

The colors were presented by the Honor Guard to the Governor and Adjutant General.

PRAYER

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

Almighty and Everlasting God, As we gather this day at the beginning of a new legislative session, we pause to give thanks for the gifts You have given us in this land called California. We give thanks for the people who have entrusted us with the tasks before us. We give thanks for the safe return of our veteran senators and for the new senators who now join them. Watch over them, and all of the leaders of our nation and state, now and in the days ahead. Guide them that they may meet the challenges they face with wisdom, integrity and a courageous spirit.

In the conflicts of our time, grant all of us patience, kindness and civility. In the complexities that confront us, give us clarity and discernment. Help us always to see and hear the voices of those who have little voice,



especially those who are poor or sick, those who are without work or hungry, and those who are troubled or in prison. Guide our leaders as they shape the laws that will truly unite us as one nation, under God, with liberty and justice for all. In Your Holy Name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CERTIFICATE OF ELECTION

State of California
Office of the Secretary of State

I, BRUCE McPHERSON, Secretary of State of the State of California, hereby certify:

That according to the semi-official canvass filed in my office, the persons whose names are hereinafter set forth were duly elected at the November 7, 2006 General Election as State Senators in the Legislature of the State of California for four-year terms beginning on the 4th day of December, 2006;

That set opposite their respective names are the Senate districts from which they were elected (four-year terms, from the even-numbered districts) and the names of the county or counties comprising or forming a portion of said districts, with the name of any county entirely within or comprising the district shown in capital letters.

<i>State Senators-elect</i>	<i>District</i>	<i>County or Counties</i>
Patricia Wiggins	Second	HUMBOLDT, LAKE MENDOCINO, NAPA, Solano, Sonoma
Sam Aanestad	Fourth	BUTTE, COLUSA, DEL NORTE, GLENN, Nevada, Placer, SHASTA, SISKIYOU, SUTTER, TEHAMA, TRINITY, YUBA
Darrell Steinberg	Sixth	Sacramento
Leland Y. Yee, Ph.D.	Eighth	San Francisco, San Mateo
Ellen M. Corbett	Tenth	Alameda, Santa Clara
Jeff Denham	Twelfth	Madera, MERCED, Monterey, SAN BENITO, Stanislaus
Dave Cogdill	Fourteenth	Fresno, Madera, MARIPOSA, San Joaquin, Stanislaus, TUOLUMNE
Dean Florez	Sixteenth	Fresno, Kern, KINGS, Tulare
Roy Ashburn	Eighteenth	INYO, Kern, San Bernardino, Tulare
Alex Padilla	Twentieth	Los Angeles
Gilbert Cedillo	Twenty-Second	Los Angeles
Gloria Romero	Twenty-Fourth	Los Angeles
Mark Ridley-Thomas	Twenty-Sixth	Los Angeles
Jenny Oropeza	Twenty-Eighth	Los Angeles
Ronald S. Calderon	Thirtieth	Los Angeles
Gloria Negrete McLeod	Thirty-Second	San Bernardino, Los Angeles
Luis Correa	Thirty-Fourth	Orange
Dennis Hollingsworth	Thirty-Sixth	Riverside, San Diego

Mark Wyland Thirty-Eighth Orange, San Diego
 Denise Moreno Ducheny Fortieth IMPERIAL, Riverside, San Diego

IN WITNESS WHEREOF I hereunto set my hand and affix the Great Seal of the State of California this 30th day of November, 2006.

[SEAL]

BRUCE McPHERSON
 Secretary of State

RESOLUTIONS

The following resolution was introduced by Senator McClintock:

Senate Resolution 1

Relative to holdover Senators

Resolved by the Senate of the State of California, That the holdover Senators take their seats, and that the Senators-elect proceed to the Bar of the Senate and take their oath of office on the certificate furnished by the Secretary of State.

Resolution read and adopted.

OATH OF OFFICE ADMINISTERED

The following Senators-elect, as their respective districts were called, appeared at the Bar of the Senate, presented their certificates of election, and each took and subscribed to the following oath of office, administered by the Honorable Ronald M. George, Chief Justice of the Supreme Court of California:

Sam Aanestad, Roy Ashburn, Ronald S. Calderon, Gilbert Cedillo, Dave Cogdill, Ellen M. Corbett, Luis Correa, Jeff Denham, Denise Moreno Ducheny, Dean Florez, Dennis Hollingsworth, Gloria Negrete McLeod, Jenny Oropeza, Alex Padilla, Mark Ridley-Thomas, Gloria Romero, Darrell Steinberg, Patricia Wiggins, Mark Wyland, and Leland Y. Yee.

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Subscribed and sworn to before me
 this fourth day of December
 A.D. 2006
 Ronald M. George

ROLL CALL OF ALL SENATORS

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, 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—38.

(NOTE: Senator Alquist will be excused this day on personal business and Senator Vincent will be excused this day due to illness.)

RESOLUTIONS

The following resolution was offered by Senator Romero:

Senate Resolution 2

Senate Resolution 2—Relative to election of officers.

Resolved by the Senate of the State of California, That Senator Don Perata be and is hereby elected President pro Tempore of the Senate; that Greg Schmidt be and he is hereby elected Secretary of the Senate; that Tony Beard, Jr., be and he is hereby elected Sergeant at Arms of the Senate.

Resolution read and presented by Senator Romero.

Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, 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, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

OATH OF OFFICE ADMINISTERED

The newly elected officers of the Senate appeared at the Bar of the Senate and took and subscribed to the oath of office administered by Chief Justice Ronald M. George.

ADDRESS BY PRESIDENT PRO TEMPORE

Senator Perata addressed the members of the Senate.

Senator Perata Presiding

MESSAGES FROM THE DEMOCRATIC AND REPUBLICAN CAUCUS

Mr. President: The Democratic Caucus reports that:

Senator Romero has been elected Majority Floor Leader;

Senator Migden has been elected Chair of the Democratic Caucus;

Senator Cedillo and Senator Padilla have been recommended to be elected to the Committee on Rules.

Mr. President: The Republican Caucus reports that:

Senator Ackerman has been elected Minority Floor Leader;

Senator Runner has been elected Chair of the Republican Caucus;

Senator Cogdill has been elected Minority Whip.



RESOLUTIONS

The following resolution was offered by Senator Ackerman:

Senate Resolution 4

Senate Resolution 4—Relative to adoption of the Temporary Standing Rules of the Senate for the 2007–2008 Regular Session.

Resolution read and presented by Senator Ackerman.

Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

REQUEST FOR UNANIMOUS CONSENT (SCR 1)

Senator Scott asked for, and was granted, unanimous consent that SCR 1 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 1

Senate Concurrent Resolution 1—Relative to the adoption of the Joint Rules of the Senate and Assembly for the 2007–2008 Regular Session.

Resolution read and presented by Senator Scott.

Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SCR 2)

Senator Perata asked for, and was granted, unanimous consent that SCR 2 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 2

Senate Concurrent Resolution 2—Relative to the Selection of the Legislative Counsel of California.

Resolution read and presented by Senator Perata.



Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

RESOLUTIONS

The following resolution was offered by Senator Migden.

Senate Resolution 5

Senate Resolution 5—Relative to notifying the Governor of the organization of the Senate.

Resolved by the Senate of the State of California, That the President of the Senate appoint a Special Committee to wait upon his Excellency, the Governor, and inform him that the Senate is duly organized for the 2007–2008 Regular Session and is now ready to receive any communication he may have to make to this House.

Resolution read, presented by Senator Migden, and adopted.

Appointment of Special Committee

The President, in accordance with SR 5, appointed Senators Migden, Machado, Florez, Margett, Hollingsworth, and McClintock as a Special Committee to notify the Governor of the organization of the Senate.

RESOLUTIONS

The following resolution was offered by Senator Oropeza.

Senate Resolution 6

Senate Resolution 6—Relative to notifying the Assembly of the organization of the Senate.

Resolved by the Senate of the State of California, That the President of the Senate appoint a Special Committee to notify the Assembly that the Senate is now duly organized and ready to proceed with the business of the state.

Resolution read and presented by Senator Oropeza.

Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod,



Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Appointment of Special Committee

The President, in accordance with SR 6, appointed Senators Oropeza, Calderon, Cogdill, Corbett, Correa, Negrete McLeod, Ridley-Thomas, Steinberg, Wiggins, Wyland, and Yee as a Special Committee to notify the Assembly of the organization of the Senate.

Senator Romero Presiding

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to personal business: Senator Alquist.

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

MOTION TO ADJOURN

At 12:50 p.m., Senator Romero 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, January 3, 2007.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, December 4, 2006

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

SCR 2

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolution ordered enrolled.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1: By Senator Cedillo—An act to add Section 12087.5 to the Government Code, relating to naturalization services.

Senate Bill 2: By Senator Cedillo—An act to amend Sections 65582, 65583, 65583.2, and 65589.5 of, and to add Section 65852.12 to, the Government Code, relating to local planning.

Senate Bill 3: By Senator Harman—An act to add Section 602.12 to the Penal Code, relating to crime.

Senate Bill 4: By Senator Oropeza—An act to add Section 5008.9 to the Public Resources Code, relating to public resources.



Senate Bill 5: By Senator Machado—An act relating to flood management.

Senate Bill 6: By Senator Oropeza—An act to add Section 66474.12 to the Government Code, and to add Part 3.5 (commencing with Section 8510) to Division 5 of the Water Code, relating to flood control.

Senate Bill 7: By Senator Oropeza—An act to add Article 2.5 (commencing with Section 118947) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to public health.

Senate Bill 8: By Senator Kuehl—An act to amend Section 79402 of the Water Code, relating to water.

Senate Bill 9: By Senator Lowenthal—An act relating to transportation, and declaring the urgency thereof, to take effect immediately.

Senate Bill 10: By Senator Kehoe (Coauthor: Assembly Member Plescia)—An act to amend Sections 21670.3 and 170048 of the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

Senate Bill 11: By Senator Migden—An act to amend Section 297 of the Family Code, and to amend Section 2854 of the Probate Code, relating to domestic partnerships.

Senate Bill 12: By Senator Lowenthal—An act to add and repeal Section 65584.08 of the Government Code, relating to housing, and declaring the urgency thereof, to take effect immediately.

Senate Bill 13: By Senator Wyland—An act to add Section 17072.27 to the Education Code, relating to school facilities.

Senate Bill 14: By Senators Negrete McLeod—An act to amend Sections 20028, 20069, 20281.5, 20303, 20370, 20371, 20380, 20894, 20901, 20963, 20997, 21076, 21077, 22760, and 22772 of, and to add Sections 20039.5, 20326, 20327, 20380.5, 20772.5, 20772.6, 20966.5, 21029.5, 21052.5, 21070.7, 21117.5, and 31649.6 to, the Government Code, and to amend Sections 215, 228, and 256 of the Military and Veterans Code, relating to public employees' retirement, and making an appropriation therefor.

Senate Bill 15: By Senator Wyland—An act to add Section 52392 to the Education Code, relating to career technical education, and making an appropriation therefor.

Senate Bill 16: By Senator Florez—An act to add Section 1202.8 to the Public Utilities Code, relating to railroads.

Senate Bill 17: By Senator Florez—An act to amend Section 11564 of the Government Code, and to amend Sections 8521, 8550, 8551, 8552, 8554, 8575, and 8590 of, to amend the heading of Part 4 (commencing with



Section 8520) of Division 5 of, to add Sections 8522.3, 8522.5, 8523, 8577, 8578, and 8610.5 to, to add Article 8 (commencing with Section 8725) to Chapter 3 of Part 4 of Division 5 of, and to repeal and add Article 2 (commencing with Section 8580) to Chapter 2 of Part 4 of Division 5 of, the Water Code, relating to water.

Senate Bill 18: By Senator Perata (Principal coauthor: Assembly Member Nunez)—An act to amend Section 1771.7 of the Labor Code, relating to public works, and declaring the urgency thereof, to take effect immediately.

Senate Bill 19: By Senator Lowenthal—An act to relating to trade corridors, and declaring the urgency thereof, to take effect immediately.

Senate Bill 20: By Senator Torlakson—An act to amend Sections 41350, 49430, and 49531 of, to add Section 49537 to, and to repeal and add Sections 49430.5 and 49536 of, the Education Code, relating to pupil nutrition, and declaring the urgency thereof, to take effect immediately.

Senate Bill 21: By Senator Torlakson—An act to amend Section 88532 of the Education Code, relating to postsecondary education.

Senate Bill 22: By Senator Migden—An act relating to vaccines.

Senate Bill 23: By Senator Cogdill—An act to add and repeal Section 44099 of the Health and Safety Code, relating to air pollution.

Senate Bill 24: By Senator Torlakson—An act to add Article 4 (commencing with Section 30133) to Chapter 2 of Part 13 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 25: By Senators Maldonado and Runner—An act to amend Sections 17072, 17215, and 19184 of, and to add Sections 17138.5, 17138.6, and 17216 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 26: By Senator Simitian—An act to add Section 8310.6 to the Government Code, relating to state agencies.

Senate Bill 27: By Senator Simitian—An act to add Division 26.6 (commencing with Section 79600) to the Water Code, relating to financing a water conveyance and environmental improvement program, by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Senate Bill 28: By Senator Simitian—An act to add and repeal Section 1672.7 of the Vehicle Code, relating to the Department of Motor Vehicles.

Senate Bill 29: By Senator Simitian—An act to add and repeal Section 46001 of the Education Code, relating to pupils.



Senate Bill 30: By Senator Simitian—An act to add and repeal Article 4 (commencing with Section 1798.10) of Chapter 1 of Title 1.8 of Part 4 of Division 3 of the Civil Code, and to add and repeal Article 13 (commencing with Section 11147) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to privacy.

Senate Bill 31: By Senator Simitian—An act to add Title 1.80 (commencing with Section 1798.79) to Part 4 of Division 3 of the Civil Code, relating to privacy.

Senate Bill 32: By Senator Steinberg—An act to relating to health care coverage.

Senate Bill 33: By Senator Simitian (Principal coauthor: Assembly Member Garcia)—An act to amend Sections 12810.3 and 23123 of, to amend, repeal, and add Sections 12509 and 12814.6 of, and to add Section 23123.5 to, the Vehicle Code, relating to vehicles.

Senate Bill 34: By Senator Torlakson—An act relating to water.

Senate Bill 35: By Senator Torlakson—An act to amend Sections 17077.40 and 17077.42 of the Education Code, relating to school facilities.

Senate Bill 36: By Senators Ridley-Thomas—An act relating to education finance.

Senate Constitutional Amendment 1: By Senator McClintock—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article I thereof, relating to eminent domain.

Senate Constitutional Amendment 2: By Senator Simitian—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article X C thereto, relating to resources.

Senate Resolution 3: By Senators Kehoe and Florez.—Relative to to low-income home energy assistance.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Battin requested that when the Senate adjourns this day it do so in memory of Pablo Cerda of Fountain Valley, Jess McLean of San Bernardino, and Daniel Hoover Najera of San Jacinto.

Senators Battin and Runner requested that when the Senate adjourns this day it do so in memory of Jason McKay of Apple Valley.

Senators Hollingsworth and Battin requested that when the Senate adjourns this day it do so in memory of Walter Webb Walker of San Jacinto.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Craig “Corky” Silberman of San Diego and Dr. Howard H. Wayne of La Mesa.



Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Edward Laurence Albert of Malibu.

Senators Kuehl and Machado requested that when the Senate adjourns this day it do so in memory of Jan Hannigan of Fairfield.

Senator Machado requested that when the Senate adjourns this day it do so in memory of George Rugani and Ian D. Lockhart of Stockton.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Deputy Robert Bornet of Ventura and Patricia Soteras of Agura Hills.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Marvin Cardoza, Thomas C. Fleming and Edgar Alfonso Ibarra of San Francisco.

Senators Perata, Ducheny, Florez, and Cedillo requested that when the Senate adjourns this day it do so in memory of Cruz Bustamante Jr. of Fresno, father of Lt. Governor Cruz Bustamante.

Senator Ridley-Thomas requested that when the Senate adjourns this day it do so in memory of Bebe Moore Campbell of Los Angeles.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Nelson Leonard and Joe Miller of Pasadena.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Larry Stevens of Sacramento.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of her mother Grace L. Wiggins of Sunland.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Romero, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Wednesday, January 3, 2007.

PAULA K. ROSSETTO, Minute Clerk

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