

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, January 3, 2007

The Senate met at 1:30 p.m.
Hon. Don Perata, of the 9th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

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

Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, 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, Steinberg, Torlakson, Wiggins, Wyland, and Yee—38.

Quorum present.

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



PRAYER

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

Holy and Gracious God, We give You thanks for this New Year and its new possibilities. Watch over this Senate and all who pass through these halls. We ask Your blessing especially upon the President of the United States and the Congress, the Governor of California and the Members of the California Senate and Assembly. Bless all of our elected leaders with wisdom and insight, and give to them the courage and strength they need to meet the challenges ahead.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

December 5, 2006

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Sandra K. Youngen, former Superintendent, Green Hill School Juvenile Correction Facility within the Washington State Juvenile Correction system; former Superintendent, Maple Lane Juvenile Correction Facility; and former Associate Superintendent, Washington State Adult Corrections Center. Appointed 11/13/06. Effective 12/1/06.

Director, Division of Juvenile Facilities, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol

December 18, 2006

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective December 18, 2006, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

John G. Kenney Member, Commission on Teacher
Credentiaing

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
December 19, 2006

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective December 19, 2006, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Michael D. Porter Commissioner, Board of Parole
Hearings

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
December 18, 2006

The Honorable Don Perata

President pro Tempore

Dear Senator Perata:

I hereby designate Chris Kahn, Michael Prosio, and Jacque Roberts as members of my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code. This letter updates the letter of April 26, 2006.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, December 7, 2006

Madam President: The Committee on Rules has examined:

SCR 2

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 7th day of December, 2006, at 1 p.m.

PERATA, Chair

INTRODUCTION AND FIRST READING OF SENATE BILLS

The following measures were read the first time:

(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 5, 2006)

Senate Bill 37: By Senator Migden—An act to add Chapter 1.5 (commencing with Section 6920) to Part 2 of Division 6 of the Elections Code, relating to presidential elections.

(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 6, 2006)

Senate Constitutional Amendment 3: By Senator Ridley-Thomas—A resolution to propose to the people of the State of California an

amendment to the Constitution of the State, by adding Section 17 to Article IX thereof, relating to public postsecondary education.

(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 11, 2006)

Senate Bill 38: By Senator Battin—An act to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.110, 195.111, and 195.112 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 12, 2006)

Senate Bill 39: By Senator Migden—An act to amend Section 827 of the Welfare and Institutions Code, relating to juveniles.

(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 19, 2006)

Senate Concurrent Resolution 3: By Senator Cedillo—Relative to The Wall Las Memorias Project AIDS monument.

(The following measure was introduced and transmitted to the Committee on Rules for assignment on December 20, 2006)

Senate Bill 40: By Senator Romero—An act to add Article 6.6 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

(The following measures were introduced and transmitted to the Committee on Rules for assignment on December 21, 2006)

Senate Bill 41: By Senator Battin—An act to add Section 23709.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 42: By Senator Torlakson—An act to amend Section 11325.23 of the Welfare and Institutions Code, relating to public social services.

(The following measures were introduced and transmitted to the Committee on Rules for assignment on December 22, 2006)

Senate Bill 43: By Senator Torlakson—An act to amend Sections 70000, 70001, 70002, 70003, 70004, and 70005 of the Education Code, relating to the Governor's Teaching Fellowships Program.

Senate Bill 44: By Senator Torlakson—An act to add Article 5.5 (commencing with Section 90545) to Chapter 11 of Part 55 of, and to add and repeal Article 5 (commencing with Section 90540) of Chapter 11 of Part 55 of, the Education Code, relating to teacher development, and making an appropriation therefor.

Senate Bill 45: By Senator Perata—An act relating to transportation.



Senate Bill 46: By Senator Perata—An act to amend Section 53546 of the Health and Safety Code, relating to housing.

Senate Bill 47: By Senator Perata—An act relating to transportation bonds.

Senator Romero Presiding

MOMENT OF SILENCE

Senator Battin requested that the Senate observe a moment of silence in honor of the late Gerald R. Ford, 38th President of the United States.

MESSAGES FROM THE DEMOCRATIC AND REPUBLICAN CAUCUS

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.

Senator Ashburn and Senator Dutton have been recommended to be elected to the Committee on Rules.

RESOLUTIONS

The following resolution was introduced by Senator Perata:

Senate Resolution 7—Relative to election of members of the Senate Committee on Rules.

Resolved by the Senate of the State of California, That the following Members are hereby elected members of the Senate Committee on Rules: Senator Ashburn, Senator Cedillo, Senator Dutton, and Senator Padilla.

Request for Unanimous Consent

Senator Perata asked for, and was granted unanimous consent, to take up Senate Resolution 7 at this time, without reference to committee or file.

Consideration of Senate Resolution 7

Senate Resolution 7—Relative to election of members of the Senate Committee on Rules.

Resolution read and presented by Senator Perata.

Roll Call

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

AYES (35)—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, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.



LEAVES OF ABSENCE FOR THE DAY

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

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 1:50 p.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Perata moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, January 4, 2007.

Motion carried.

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 48: By Senators Perata and Kuehl—An act to amend Section 12693.70 of, and to add Part 6.45 (commencing with Section 12699.201) to Division 2 of the Insurance Code, to add Part 8.8 (commencing with Section 2200) to Division 2 of the Labor Code, to add Section 17054.2 to the Revenue and Taxation Code, to amend Section 131 of, and to add Section 976.7 to, the Unemployment Insurance Code, and to add Article 7 (commencing with Section 14199.10) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to health care coverage, and making an appropriation therefor.

Senate Bill 49: By Senator Migden—An act to add Section 53084.5 to the Government Code, and to add Section 33426.8 to the Health and Safety Code, relating to local government.

Senate Bill 50: By Senator Torlakson—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Senate Concurrent Resolution 4: By Senator Cox—Relative to the James E. Roberts Memorial Bridge.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, January 3, 2007

Madam President: The Senate Rules Committee has appointed the following committee chairs as listed on the attached press release.

Agriculture—Senator Abel Maldonado

Appropriations—Senator Tom Torlakson

Banking, Finance, Insurance—Senator Mike Machado

Budget—Senator Denise Ducheny

Sub 1 on Education—Senator Jack Scott

Sub 2 on Resources, Environmental Protection and Energy—Senator Alan Lowenthal

Sub 3 on Health and Human Services—Senator Elaine Alquist

Sub 4 on State Administration, General Government, Judicial, and Transportation—Senator Mike Machado

Business, Professions and Economic Development—Senator Mark Ridley-Thomas

Education—Senator Jack Scott

Elections, Reapportionment, and Constitutional Amendments—Senator Ron Calderon

Energy, Utilities and Communications—Senator Christine Kehoe

Environmental Quality—Senator Joe Simitian

Ethics—Senator Alan Lowenthal

Government Organization—Senator Dean Florez

Health—Senator Sheila Kuehl

Human Services—Senator Elaine Alquist

Judiciary—Senator Ellen Corbett

Labor and Industrial Relations—Senator Carole Migden

Local Government—Senator Gloria Negrete McLeod

Natural Resources and Water—Senator Darrell Steinberg

Public Employment and Retirement—Senator Pat Wiggins

Revenue and Taxation—Senator Jenny Oropeza

Rules—Senator Don Perata

Transportation and Housing—Senator Alan Lowenthal

Veterans Affairs—Senator Mark Wyland

PERATA, Chair

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Larry Sherry of Mission Viejo.

Senator Battin requested that when the Senate adjourns this day it do so in memory of Gerald R. Ford, 38th President of the United States.

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of Harry Teichi Kubo of Parlier and Robert C. Smith of Clovis.



Senator Cox requested that when the Senate adjourns this day it do so in memory of Frank Azvedo of Elk Grove and Josephine Valadez of Susanville.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Ryan Kelley Spohr of San Marcos.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Howard Dean Mason and Rev. William P. Hunt of Stockton.

Senator Maldonado requested that when the Senate adjourns this day it do so in memory of Katharine Shepard Christensen of Santa Cruz.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Albert Hong Hom of San Francisco.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Evelyn Theresa Fontenette Comeaux, Barbara Booth Eastman, Oliver Lefiti and Bryan Tuvera of San Francisco.

Senator Negrete McLeod requested that when the Senate adjourns this day it do so in memory of LCpl. Fernando Tamayo of Fontana.

Senator Perata requested that when the Senate adjourns this day it do so in memory of John Leo Williamson of La Grande, Oregon and Carter Gilmore of Oakland.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Francisco Javier Cano of East Los Angeles.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Richard Carlson, Richard Martin and Fmr. Senator John Nejedly of Walnut Creek, and Jerry Crocco of Oakley.

Senator Wiggins requested that when the Senate adjourns this day it do so in memory of Eugene "Gene" Cuneo of Healdsburg.

Senator Wyland requested that when the Senate adjourns this day it do so in memory of Daniel Bessant of Oceanside.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, January 4, 2007.

PAULA K. ROSSETTO, Minute Clerk

