

CALIFORNIA LEGISLATURE  
2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, January 18, 2007

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

### QUORUM CALL OF THE SENATE

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

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee—38.

Quorum present.

*(NOTE: Senator Kehoe will be excused this day on legislative business and Senator Kuehl will be excused this day due to illness.)*



**PRAYER**

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

*God of Peace, God of Strength,* Guide our path today with Your light. Help us to see where You lead, and show us how to serve those You would have us serve.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Negrete McLeod led the Senate in the pledge of allegiance to the Flag.

**REQUEST TO CONSIDER AND ACT ON BILLS  
WITHIN 30 CALENDAR DAYS**

The following request was presented by Senator Battin:

Senate Chamber, January 18, 2007

Mr. Secretary: I request permission to introduce a resolution providing that **SB 41** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR BATTIN

**Recommendation of Rules Committee**

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

PERATA, Chair

**RESOLUTION TO DISPENSE WITH  
ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION  
AND SUSPEND JOINT RULE 55**

*Resolved,* That, pursuant to Article IV, Section 8(a) of the Constitution, SB 41 may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Battin.

**Roll Call**

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

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

NOES (0)—None.



**RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Battin:

*Resolved*, That SB 41 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, ordered engrossed, and placed upon its passage.

Resolution read and presented by Senator Battin.

**Roll Call**

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

AYES (34)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Cedillo, Cogdill, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.  
NOES (0)—None.

**Consideration of Senate Bill 41**

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

Bill read second time.

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

Bill read third time and presented by Senator Battin.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**LEAVES OF ABSENCE FOR THE DAY**

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

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

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

At 9:12 a.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.



**MOTION TO ADJOURN**

Senator Perata moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, January 22, 2007.

Motion carried.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 17, 2007

Mr. President: The Senate Rules Committee has established the Senate Standing Committees for the 2007–08 Regular Session as follows:

**Agriculture** (5)—Maldonado (Chair), Ducheny (Vice Chair), Denham, Florez, and Kuehl.

**Appropriations** (15)—Torlakson (Chair), Cox (Vice Chair), Aanestad, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Dutton, Florez, Kuehl, Oropeza, Runner, and Yee

**Banking, Finance and Insurance** (11)—Machado (Chair), Runner (Vice Chair), Correa, Cox, Florez, Hollingsworth, Lowenthal, Margett, Romero, Scott, and Wiggins.

**Budget and Fiscal Review** (14)—Ducheny (Chair), Hollingsworth (Vice Chair), Alquist, Cogdill, Dutton, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland.

**Business, Professions and Economic Development** (8)—Ridley-Thomas (Chair), Aanestad (Vice Chair), Corbett, Denham, Florez, Harman, Simitian, and Yee.

**Education** (9)—Scott (Chair), Wyland (Vice Chair), Alquist, Denham, Maldonado, Padilla, Romero, Simitian, and Torlakson.

**Elections, Reapportionment and Constitutional Amendments** (5)—Calderon (Chair), Battin (Vice Chair), Cogdill, Migden, and Oropeza.

**Energy, Utilities and Communications** (9)—Kehoe (Chair), Dutton (Vice Chair), Battin, Calderon, Cox, Padilla, Ridley-Thomas, Simitian, and Wiggins.

**Environmental Quality** (7)—Simitian (Chair), Runner (Vice Chair), Aanestad, Florez, Kuehl, Lowenthal, and Steinberg.

**Governmental Organization** (9)—Florez (Chair), Denham (Vice Chair), Battin, Maldonado, Negrete McLeod, Vincent, Wiggins, Wyland, and Yee.

**Health** (10)—Kuehl (Chair), Aanestad (Vice Chair), Alquist, Cedillo, Cox, Maldonado, Negrete McLeod, Ridley-Thomas, Wyland, and Yee.



**Human Services** (5)—Alquist (Chair), Harman (Vice Chair), Cogdill, Romero, and Yee.

**Judiciary** (5)—Corbett (Chair), Harman (Vice Chair), Ackerman, Kuehl, and Steinberg.

**Labor and Industrial Relations** (5)—Migden (Chair), Wyland (Vice Chair), Ackerman, Kuehl, and Padilla.

**Local Government** (5)—Negrete McLeod (Chair), Cox (Vice Chair), Harman, Kehoe, and Machado.

**Natural Resources and Water** (8)—Steinberg (Chair), Margett (Vice Chair), Hollingsworth, Kehoe, Kuehl, Machado, and Migden; one vacancy.

**Public Employment and Retirement** (5)—Wiggins (Chair), Ashburn (Vice Chair), McClintock, Migden, and Negrete McLeod.

**Public Safety** (5)—Romero (Chair), Cogdill (Vice Chair), Cedillo, Margett, and Ridley-Thomas.

**Revenue and Taxation** (8)—Oropeza (Chair), Cogdill (Vice Chair), Alquist, Harman, Machado, Migden, Runner, and Scott.

**Rules** (5)—Perata (Chair), Ashburn (Vice Chair), Cedillo, Dutton, and Padilla.

**Transportation and Housing** (11)—Lowenthal (Chair), McClintock (Vice Chair), Ashburn, Cedillo, Cogdill, Corbett, Dutton, Kehoe, Oropeza, Simitian, and Torlakson.

**Veterans Affairs** (5)—Wyland (Chair), Correa (Vice Chair), Denham, Negrete McLeod, and Wiggins.

**Ethics** (4)—Lowenthal (Chair), Ackerman, (Vice Chair), Corbett, and McClintock.

PERATA, Chair

State Capitol, January 17, 2007

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

**Appropriations**—SB 50.

**Education**—SB 13, SB 15, SB 21, SB 35, SB 43, SB 44, SB 52.

**Elections, Reapportionment and Constitutional Amendments**—SB 37.

**Energy, Utilities and Communications**—SR 3.

**Health**—SB 7, SB 40.

**Human Services**—SB 1, SB 42.

**Judiciary**—SB 11.



**Labor and Industrial Relations**—SB 18.

**Local Government**—SB 10.

**Natural Resources and Water**—SB 4, SB 8, SB 17.

**Public Safety**—SB 3.

**Revenue and Taxation**—SB 38.

**Rules**—SB 5, SB 9, SB 19, SB 22, SB 32, SB 34, SB 36, SB 39, SB 45, SB 46, SB 47.

**Transportation and Housing**—SB 2, SB 33.

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

**Transportation and Housing**—SCR 3, SCR 4.

The Committee on Rules has referred the following measures to two or more committees:

**Education and Elections, Reapportionment and Constitutional Amendments**—SCA 3.

**Education and Rules**—SB 29.

**Energy, Utilities and Communications; Transportation and Housing; and Appropriations**—SB 16.

**Governmental Organization and Judiciary**—SB 26.

**Health and Banking, Finance and Insurance**—SB 51.

**Health and Education**—SB 20.

**Health and Rules**—SB 48.

**Judiciary and Elections, Reapportionment and Constitutional Amendments**—SCA 1.

**Judiciary and Public Safety**—SB 30, SB 31.

**Local Government and Natural Resources and Water**—SB 6.

**Local Government and Rules**—SB 49.

**Public Employment and Retirement and Veterans Affairs**—SB 14.

**Transportation and Housing and Rules**—SB 23, SB 28.

The Committee on Rules has re-referred the following measure to two committees:

**Health and Revenue and Taxation**—SB 24.



State Capitol, January 17, 2007

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Rosario Marin, Secretary, State and Consumer Services Agency (5-0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, January 17, 2007

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Randal J. Hernandez, Member, California Community Colleges, Board of Governors (5-0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, January 17, 2007

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Adam T. Burke, Ph.D., Member, Acupuncture Board (5-0)

Peichin L. Cheng, Member, Acupuncture Board (5-0)

Kenny G. Cherng, Ph.D., Member, Acupuncture Board (5-0)

Steven Tan, M.D., Member, Acupuncture Board (5-0)

Jake I. Alarid, Member, California Veterans Board (5-0)

Nora A. Astafan, Member, California Veterans Board (5-0)

Colin Shadell, Member, California Veterans Board (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, January 17, 2007

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Lorraine J. Hariton of Los Altos Hills as a member of the California Board of Accountancy to serve for a term ending January 1, 2011.

Reappointed Mr. Quentin L. Kopp of San Francisco as a member of the High-Speed Rail Authority to serve for a term ending December 31, 2010.

Appointed Senator Simitian as a member of the State Allocation Board to replace Senator Lowenthal. Senator Simitian will serve at the pleasure of the Rules Committee.

Appointed Senator Kehoe to fill the vacancy left by Senator Chesbro and Senator Simitian to replace Senator Kuehl on the State Coastal



Conservancy. Senators Kehoe and Simitian will serve at the pleasure of the Rules Committee.

Appointed Senator Romero as a member of the California Council on Criminal Justice to fill the vacancy left by Senator Dunn. Senator Romero will serve at the pleasure of the Rules Committee.

Appointed Senator Corbett as a member of the Domestic Violence Program Advisory Council to fill the vacancy left by Senator Escutia. Senator Corbett will serve at the pleasure of the Rules Committee.

Appointed Senator Yee to fill the vacancy left by Senator Figueroa and Senator Dutton to fill the vacancy left by Senator Morrow on the Commission for Economic Development. Senators Yee and Dutton will serve at the pleasure of the Rules Committee.

Appointed Senator Florez as a member of the California Emergency Council to replace Senator Denham. Senator Florez will serve at the pleasure of the Rules Committee.

Appointed Senator Calderon as a member of the California Film Commission to fill the vacancy left by Senator Murray. Senator Calderon will serve at the pleasure of the Rules Committee.

Appointed Senator Lowenthal as a member of the International Genocide Memorial Commission to serve at the pleasure of the Rules Committee.

Appointed Senator Dutton to fill the vacancy left by Senator Bowen and Senator Wiggins to fill the vacancy left by Senator Chesbro on the Western States Legislative Forestry Task Force. Senators Dutton and Wiggins will serve at the pleasure of the Rules Committee.

Appointed Senator Corbett as a member of the Judicial Council of California to fill the vacancy left by Senator Dunn. Senator Corbett will serve at the pleasure of the Rules Committee.

Appointed Senator Corbett as a member of the Law Revision Commission to fill the vacancy left by Senator Morrow. Senator Corbett will serve at the pleasure of the Rules Committee.

Appointed Senator Margett to fill the vacancy left by Senator Poochigian and Senator Migden to fill the vacancy left by Senator Figueroa on the Milton Marks "Little Hoover" Commission on California State Government Organization and Economy. Senators Margett and Migden will serve at the pleasure of the Rules Committee.

Appointed Senator Correa as a member of the Mobile Home Park Inspection Program Task Force to fill the vacancy left by Senator Dunn. Senator Correa will serve at the pleasure of the Rules Committee.

Appointed Senator Steinberg as a member of the California Ocean Protection Council to replace Senator Kuehl. Senator Steinberg will serve at the pleasure of the Rules Committee.

Appointed Senator Kehoe to replace Senator Lowenthal and Senator Wiggins to fill the vacancy left by Senator Chesbro on the Pacific Fisheries





Legislative Task Force. Senators Kehoe and Wiggins will serve at the pleasure of the Rules Committee.

Appointed Senator Ducheny to replace Senator Cedillo and Senator Steinberg to fill the vacancy left by Senator Chesbro on the State Public Works Board. Senators Ducheny and Steinberg will serve at the pleasure of the Rules Committee.

Appointed Senator Oropeza as a member of the Streamlined Sales Tax Project, Board of Governance to fill the vacancy left by Senator Bowen. Senator Oropeza will serve at the pleasure of the Rules Committee.

Appointed Senator Alquist as a member of the Alfred E. Alquist Seismic Safety Commission to fill the vacancy left by Senator Alarcón. Senator Alquist will serve at the pleasure of the Rules Committee.

Appointed Senator Ackerman as a member of the Commission on Uniform State Laws to fill the vacancy left by Senator Dunn. Senator Ackerman will serve at the pleasure of the Rules Committee.

Appointed Senator Negrete McLeod as a member of the Mexican-American Veterans Memorial Beautification & Enhancement Commission to fill the vacancy left by Senator Soto. Senator Negrete McLeod will serve at the pleasure of the Rules Committee.

Appointed Senator Wiggins to replace Senator Kuehl and Senator Steinberg to fill the vacancy left by Senator Chesbro on the Wildlife Conservation Board. Senators Wiggins and Steinberg will serve at the pleasure of the Rules Committee.

Appointed Senator Oropeza to fill the vacancy left by Senator Ortiz and Senator Negrete McLeod to fill the vacancy left by Senator Soto on the Commission on the Status of Women. Senators Oropeza and Negrete McLeod will serve at the pleasure of the Rules Committee.

#### **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 107:** By Senator Alquist—An act to add and repeal Chapter 19 (commencing with Section 50899) of Part 2 of Division 31 of the Health and Safety Code, relating to community development.

**Senate Bill 108:** By Senator Wiggins—An act to amend Section 23356.1 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 109:** By Senators Runner and Scott—An act to amend Section 44940.5 of the Education Code, relating to employee compensation.

**Senate Bill 110:** By Senator Romero—An act to add Title 6.5 (commencing with Section 4950) to Part 3 of the Penal Code, relating to sentencing.



**Senate Bill 111:** By Senator Ashburn—An act to amend Sections 70 and 74.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Constitutional Amendment 4:** By Senator Ashburn—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article XIII A thereof, relating to taxation.

PERATA, Chair

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senators Battin and Ducheny requested that when the Senate adjourns this day it do so in memory of Pfc. Ming Sun of Cathedral City.

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of George Ronald Wathen of Fresno.

Senator Cox requested that when the Senate adjourns this day it do so in memory of James F. Gilwee of Folsom.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Lewis Sanchez of Winchester and Henry Wolcott of Alpine.

Senator Padilla requested that when the Senate adjourns this day it do so in memory of Lilly Urquidez Rodriguez of Sylmar.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Ted McConkey of Burbank.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, January 22, 2007.

PAULA K. ROSSETTO, Minute Clerk

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