

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

---

---

# SENATE DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

---

## IN SENATE

---

Senate Chamber, Sacramento  
Thursday, February 1, 2007

The Senate met at 9 a.m.

Hon. Gloria Romero, of the 24th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Kipchoge Randall reading.

### ROLL CALL

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

Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Padilla, Ridley-Thomas, Romero, Scott, Steinberg, Torlakson, Wiggins, and Yee—31.

Quorum present.

*(NOTE: Senators Aanestad, Cogdill, Margett, Perata, Simitian, and Wyland will be excused this day on legislative business, Senators Runner and Vincent will be excused this day due to illness, and Senator Oropeza will be excused this day due to a death in the family.)*

### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 1, 2007

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

SB 41

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 Rules**

State Capitol, January 31, 2007

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

**Business, Professions and Economic Development**—SB 136.

**Education**—SB 109, SB 112, SB 121, SB 132, SB 133, SB 146.

**Elections, Reapportionment and Constitutional Amendments**—SB 113.

**Governmental Organization**—SB 108, SB 125.

**Health**—SB 119, SB 120, SB 137.

**Judiciary**—SB 127, SB 138, SB 145.

**Labor and Industrial Relations**—SB 115, SB 116.

**Local Government**—SB 103, SB 141, SB 142, SB 143, SB 144.

**Public Employment and Retirement**—SB 134.

**Public Safety**—SB 128, SB 129.

**Revenue and Taxation**—SB 111, SB 114.

**Rules**—SB 110, SB 117, SB 118, SB 123, SB 130, SB 131, SB 135.

**Transportation and Housing**—SB 124.

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

**Agriculture and Health**—SB 107.

**Education and Health**—SB 139.

**Health and Human Services**—SB 58.

**Health and Revenue and Taxation**—SB 57.

**Human Services and Education**—SB 126.

**Natural Resources and Water, Environmental Quality and Rules**—SB 27.

**Public Safety and Judiciary**—SB 122.

**Revenue and Taxation and Elections, Reapportionment and Constitutional Amendments**—SCA 4.

**Transportation and Housing and Environmental Quality**—SB 140.



State Capitol, January 31, 2007

Madam 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:

Linda L. Shelton, Commissioner, Board of Parole  
Hearings (5–0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, January 31, 2007

Madam 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:

Paul R. Chabot, Commissioner, Board of Parole  
Hearings (5–0)

Joseph D. Compton, Commissioner, Board of Parole  
Hearings (5–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, January 31, 2007

Madam President: the Senate Rules Committee has made the following changes to standing committees:

Appointed Senator Cogdill as a member of the Senate Committee on Natural Resources and Water to fill the existing vacancy.

Appointed Senator Harman as a member of the Senate Committee on Transportation and Housing to replace Senator Cogdill.

Increased the membership of the Senate Committee on Health from 10 to 11 members and appointed Senator Steinberg to fill the vacancy.

Increased the membership of the Senate Committee on Appropriations from 15 to 17 members and appointed Senator Ridley-Thomas to fill one of the vacancies.

Appointed Senator Corbett as a member of the Senate Committee on Revenue and Taxation to replace Senator Migden.

The Senate Rules Committee has established the following select committees for the 2007–08 session:

Air Quality—Senator Florez, Chair

Alameda Corridor—Senator Negrete McLeod, Chair

Asia/Pacific Rim Trade, Commerce and Culture—Senator Romero,  
Chair

Asian Pacific Islander Affairs—Senator Yee, Chair

Bay Area Sustainable Development and Economic Progress—Senator  
Yee, Chair

Biotechnology—Senator Corbett, Chair

California-European Trade—Senator Ackerman, Chair



California's Horse Racing Industry—Senator Vincent, Chair  
 California's Master Plan for Education—Senator Simitian, Chair  
 California-Mexico Cooperation—Senator Ducheny, Chair  
 California's Wine Industry—Senator Wiggins, Chair  
 Coastal Protection and Watershed Conservation—Senator Simitian,  
 Chair  
 College and University Admissions and Outreach—Senator Padilla,  
 Chair  
 Colorado River—Senator Ducheny, Chair  
 Defense and Aerospace Industry—Senator Ashburn, Chair  
 Earthquake and Disaster Preparedness—Senator Corbett, Chair  
 Emerging Technologies and Economic Competitiveness—Senator  
 Alquist, Chair  
 Food-borne Illness—Senator Florez, Chair  
 Health Insurance Crisis in California—Senator Kuehl, Chair  
 High School Retention—Senator Steinberg, Chair  
 Immigration and the Economy—Senator Cedillo, Chair  
 Integrity of Elections—Senator Oropeza, Chair  
 International Business Trade—Senator Calderon, Chair  
 Mobile and Manufactured Homes—Senator Correa, Chair  
 Obesity and Diabetes—Senator Padilla, Chair  
 OC Infrastructure and Technology—Senator Correa, Chair  
 Oversight of the UC Energy Labs—Senator Ducheny, Chair  
 Perchlorate Contamination—Senator Negrete McLeod, Chair  
 Privacy—Senator Simitian, Chair  
 Public Health and the Environment—Senator Oropeza, Chair  
 Schools and Community—Senator Torlakson, Chair  
 School Safety—Senator Kuehl, Chair  
 Urban Economies—Senator Romero, Chair  
 Urban School Governance—Senator Romero, Chair

The Senate Rules Committee has appointed the following members to the Joint Legislative Budget Committee: Senators Cogdill, Ducheny, Hollingsworth, Kehoe, Margett, Padilla, Scott, and Torlakson.

PERATA, Chair

State Capitol, January 31, 2007

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

Appointed Ms. Maxine M. Oliver-Benson of Oakland as a member of the Domestic Violence Program Advisory Council (OES) to serve at the pleasure of the Rules Committee.

Appointed Mr. George (Wiley) W. Nickel III of Dos Palos as a member of the California Postsecondary Education Commission to serve for a term ending December 31, 2011.

Appointed Bert D. Johnson, M.D. of Los Gatos as a member of the California Exposition and State Fair Board of Directors to serve for a term ending December 31, 2010.

Appointed Ms. Leslie Lohse of Glenn as a member of the California Film Commission to serve for a term ending January 31, 2009.

Reappointed Ms. A. Cristina Gomez-Vidal of Madera as a member of the Physician Assistant Committee to serve for a term ending January 1, 2011.

Appointed Ms. Nancy O'Malley of Pleasant Hill as a member of the Sex Offender Management Board to serve at the pleasure of the Rules Committee.

Appointed Pamela M. Ling, M.D. of San Francisco and reappointed Ms. Dorothy P. Rice of Oakland as members of the Tobacco Education and Research Oversight Committee to serve for terms ending January 1, 2008.

PERATA, Chair

### **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 167:** By Senator Negrete McLeod—An act to add Article 5.1 (commencing with Section 65310) to Chapter 1.5 of Division 1 of Title 7 of the Government Code, relating to general plans, and making an appropriation therefor.

**Senate Bill 168:** By Senator Denham (Coauthors: Assembly Members Adams, Berryhill, DeVore, Jeffries, Maze, Mullin, and Smyth)—An act to add Section 56351.10 to the Education Code, relating to public schools.

**Senate Bill 169:** By Senator Negrete McLeod—An act to amend Section 23671 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Resolution 8:** By Senator Perata—Relative to the Standing Rules of the Senate for the 200708 Regular Session.

### **CONSIDERATION OF DAILY FILE**

#### **SECOND READING OF SENATE BILLS**

**Senate Bill 40**—An act to amend, repeal, and add Section 1170 of the Penal Code, relating to sentencing and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.



**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Cogdill, Margett, Perata, Simitian, and Wyland.

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

The following Senator was granted leave of absence for the day due to a death in the family: Senator Oropeza.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Molly Ivins of Austin, Texas.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 2 p.m., Monday, February 5, 2007.

PAULA K. ROSSETTO, Minute Clerk

O

└