

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 8, 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:

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

Quorum present.

(NOTE: Senators Aanestad, Battin, Harman, Lowenthal, Runner, Simitian, and Steinberg will be excused this day on legislative business and Senators Margett and Vincent will be excused this day due to illness.)



PRAYER

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

Holy and Life-giving God, We give thanks for the abundance of this earth and for the wisdom of our people. Guide us to become better stewards of all that we have been given, and make us ever mindful of our responsibilities to those generations who will come after us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 115 and SB 116 to be heard in the Committee on Labor and Industrial Relations without four days notice in the File.

Senator Romero Presiding**CONSIDERATION OF DAILY FILE****UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Perata placed the following Governor's appointment before the Senate:

Randal J. Hernandez, Member, California Community Colleges, Board of Governors

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (28)—Senators Ackerman, Alquist, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Ann L. Boynton, Deputy Secretary, Health and Human Services Agency

Therese M. Delgadillo, Director, Department of Developmental Services

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"



Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (28)—Senators Ackerman, Alquist, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Darlene Ayers-Johnson, Member, Commission on the Status of Women

Lindy Dekoven, Member, Commission on the Status of Women

Elaine E. Suranie, Member, Commission on the Status of Women

Julio E. Soares, Member, Board of Pilot Commissioners of the Bays of San Francisco, San Pablo and Suisun

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (28)—Senators Ackerman, Alquist, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Paul R. Chabot, Commissioner, Board of Parole Hearings

Joseph D. Compton, Commissioner, Board of Parole Hearings

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (28)—Senators Ackerman, Alquist, Ashburn, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.



LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Battin, Harman, Lowenthal, Runner, Simitian, and Steinberg.

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

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

At 9:10 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 Friday, February 9, 2007.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 8, 2007

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

R. Judd Hanna, owner, Circle S Ranch; and former Regional Vice President, Grupe Development Company. Appointed 02/01/07. Effective 02/07/07.

Member, Fish and Game Commission vice Michael Flores term expired, term ending 01/15/13.

Judith Frank, principal and owner, Asset Strategies; former Vice President, Real Estate Development, Warner Bros.; and served on the California Health Facilities Financing Authority board since 2002. Reappointed 01/19/07. Effective 01/25/07.

Member, California Health Facilities Financing Authority, term ending 03/31/08.



John M. Hilinski, M.D., owner, San Diego Face and Neck Specialties; PC and former Associate Physician, Scripps Clinic Medical Group. Appointed 01/19/07. Effective 01/23/07.

Member, California Health Facilities Financing Authority vice Theodore N. Hariton, resigned, term ending 03/31/08.

Linda A. Capuano, Ph.D., Senior Vice President, Design and Engineering Services, Solectron; and former Corporate Vice President of Technology Strategy at Honeywell International. Appointed 02/01/07. Effective 02/06/07.

Member, Independent System Operator Governing Board vice Edward G. Cazalet, Ph.D., term expired, term ending 12/31/09.

James D. Boyd, vice chair and member since 2002, State Energy Resources Conservation and Development Commission; and former Deputy Secretary for the California Resources Agency. Reappointed 02/01/07. Effective 02/02/07.

Member, State Energy Resources Conservation and Development Commission, term ending 01/06/12.

Elizabeth Pearson Schneider, Council Member, City of Laguna Beach; owner of ADworx; and former Mayor of the City of Laguna Beach. Appointed 02/01/07. Effective 02/06/07.

Member, California Regional Water Quality Control Board, San Diego Region vice Susan E. Ritschel, moved to another slot on board, term ending 09/30/09.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Labor and Industrial Relations

Date of Hearing, February 8, 2007

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 115

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Appropriations

Date of Hearing, February 8, 2007

Madam President: The Committee on Appropriations, to which was referred:

SB 113

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.



Committee on Labor and Industrial Relations

Date of Hearing, February 8, 2007

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

SB 116

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, February 8, 2007

Madam President: The Senate Rules Committee has appointed the following members to serve on the Select Committee on High School Graduation: Senators Kuehl, Padilla, Ridley-Thomas, Romero, Runner, Torlakson and Wyland (one vacancy remains) (Senator Steinberg serves as Chair).

PERATA, Chair

State Capitol, February 8, 2007

Madam 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:

James R. Davis, Commissioner, Board of Parole Hearings (4-0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

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 204: By Senator Dutton—An act to amend Section 118 of, and to repeal Section 183.1 of, the Streets and Highways Code, relating to transportation.

Senate Bill 205: By Senator Cox—An act to amend Section 33000 of the Health and Safety Code, relating to land use.

Senate Bill 206: By Senator Cox—An act to amend Section 51070 of the Government Code, relating to local government.

Senate Bill 207: By Senator Padilla (Principal coauthor: Senator Torlakson) (Principal coauthor: Assembly Member Ma) (Coauthor: Senator Ducheny) (Coauthor: Assembly Member Bass)—An act to add Part 5 (commencing with Section 71400) to Division 34 of the Public Resources Code, relating to parks and recreation.

Senate Bill 208: By Senator Runner—An act to amend Section 1266 of the Health and Safety Code, relating to health facilities.



Senate Bill 209: By Senator Runner—An act relating to crimes.

Senate Bill 210: By Senator Kehoe—An act to add Part 5.5 (commencing with Section 38575) to Division 25.5 of the Health and Safety Code, relating to air pollution.

Senate Bill 211: By Senator Cox—An act to amend Section 129787 of the Health and Safety Code, relating to seismic safety.

Senate Bill 212: By Senator Wyland—An act to amend Section 512 of the Labor Code, relating to meal periods.

Senate Bill 213: By Senator Ashburn—An act to amend Section 21073.1 of the Government Code, relating to public employees' retirement.

Senate Bill 214: By Senator Ashburn—An act to amend Section 20035.5 of the Government Code, relating to the Public Employees' Retirement System.

Senate Joint Resolution 2: By Senators Migden and Perata—Relative to forest resources.

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

SB 113—Author's amendments

AYES (3)—Senators Ashburn, Cox, and Dutton.

NOES (9)—Senators Calderon, Cedillo, Corbett, Correa, Kuehl, Oropeza, Ridley-Thomas, Torlakson, and Yee.

Failed Passage

SB 113—Do pass as amended

AYES (11)—Senators Ashburn, Calderon, Cedillo, Corbett, Correa, Florez, Kuehl, Oropeza, Ridley-Thomas, Torlakson, and Yee.

NOES (1)—Senator Cox.

Date of Hearing: 2/8/2007

Torlakson (Chair)

Committee on Labor and Industrial Relations

SB 115—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Ackerman, Kuehl, Migden, Padilla, and Wyland.

NOES (0)—None.

SB 116—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Ackerman, Kuehl, Migden, Padilla, and Wyland.

NOES (0)—None.

Date of Hearing: 2/8/2007

Migden (Chair)



REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Ernest Glenn Leonhardt of Quincy and Elvis Randol Ferguson of El Dorado.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Barbara McNair of Sherman Oaks.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Kip E. Wyman of Stockton.

Senator Negrete McLeod requested that when the Senate adjourns this day it do so in memory of Harry L. Carson of Fontana.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Margarita Cruz of San Francisco.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Denise Brown of Berkeley.

Senator Ridley-Thomas requested that when the Senate adjourns this day it do so in memory of Ray Ann Watson of Sacramento.

ADJOURNMENT

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

PAULA K. ROSSETTO, Minute Clerk

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