

## CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, February 14, 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.

### ROLL CALL

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

Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Cox, 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—36.

Quorum present.

*(NOTE: Senators Corbett, Correa, and Denham will be excused this day on legislative business and Senator Vincent will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
February 14, 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

Carlos Martinez, Executive Director, the Fresno Art Museum; and former Program Officer, the James Irvine Foundation. Reappointed 02/02/07. Effective 02/09/07.

Member, California Arts Council, term ending 01/01/2011.

Deedee K. Carlson, Founder and President, San Francisco Institute of Esthetics & Cosmetology; and former Spa Consultant, Villagio Inn & Spa. Appointed 02/06/07. Effective 02/09/07.

Member, State Board of Barbering and Cosmetology vice Della M. Condon, term expired, term ending 01/01/2011.

Ken J. Williams, School Director, Universal College of Beauty; and former Vice President and Chief Operations Officer, Universal College of Beauty. Appointed 02/06/07. Effective 02/09/07.

Member, State Board of Barbering and Cosmetology vice Joseph R. Gonzalez, term expired, term ending 01/01/2011.

Edward G. Prieto, Sheriff-Coroner, Yolo County Sheriff's Department; and former Captain and Peace Officer, California Highway Patrol. Appointed 01/18/07. Effective 02/13/07.

Member, Corrections Standards Authority vice Michael F. Prizmich, resigned, term ending 07/01/07.

Thomas A. Page, Ph.D., private investor, Director, Greater San Diego Economic Development Corporation; and former President and Chief Executive Officer, San Diego Gas and Electric Company. Appointed 02/01/07. Effective 02/08/07.

Member, Independent System Operator Governing Board vice Kenneth C. Wiseman, term expired, term ending 12/31/09.

Askia M. Abdulmajeed, former Correctional Chaplain, Department of Corrections and Rehabilitation, California Medical Facility; and former Program Consultant, Gates Recovery Foundation. Appointed 02/06/07. Effective 02/13/07.

Commissioner, Board of Parole Hearings vice Joyce E. Arredondo, resigned, term ending 07/01/08.

Above appointments referred to the Committee on Rules.

#### MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 9, 2007

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

ACR 5



Assembly Chamber, February 13, 2007

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

ACR 6

ACR 14

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 5**—Relative to American Heart Month and Wear Red Day.

**Assembly Concurrent Resolution 6**—Relative to teenage dating violence.

**Assembly Concurrent Resolution 14**—Relative to the Lunar New Year 4704 celebration.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Transportation and Housing**

Senate Chamber, February 14, 2007

Mr. President: The Chair of the Committee on Transportation and Housing, to which was referred:

SB 33

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

LOWENTHAL, Chair

##### **Second Reading of Bills—Author's Amendments**

**Senate Bill 33**—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.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

##### **Committee on Health**

Senate Chamber, February 14, 2007

Mr. President: The Chair of the Committee on Health, to which was referred:

SB 58

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KUEHL, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 58**—An act to amend Sections 11320.15 and 11327.5 of, and to add Section 11454.2 to, the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the 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 230:** By Senator Yee (Coauthor: Assembly Member Ma)—An act to amend Section 20000 and 20300 of the Health and Safety Code, relating to police protection districts.

**Senate Bill 231:** By Senator Runner—An act to amend Section 6107 of the Public Contract Code, relating to public contracts.

**Senate Bill 232:** By Senators Ducheny and Florez—An act to amend Sections 99201 and 99206 of the Education Code, relating to instructional strategies.

**Senate Bill 233:** By Senator Cox (Principal coauthor: Assembly Member Niello)—An act to amend Section 20133 of the Public Contract Code, relating to public contracts.

**Senate Bill 234:** By Senator Corbett—An act to amend Section 1791 of, and to add Section 1795.8 to, the Civil Code, relating to consumer warranties.

**Senate Bill 235:** By Senator Negrete McLeod—An act to amend Section 22959.5 of the Government Code, relating to vision care.

**Senate Bill 236:** By Senators Runner, Ackerman, Aanestad, and Cox—An act relating to health care.

**Senate Bill 237:** By Senator Dutton—An act to add Article 10.5 (commencing with Section 7170) to Chapter 9 of Division 3 of the Business and Professions Code, relating to contractors.

**Senate Bill 238:** By Senator Aanestad—An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 239:** By Senator Cogdill—An act to amend Section 1170 of the Penal Code, relating to crime.

**Senate Bill 240:** By Senator Florez (Principal coauthor: Senator Machado)—An act to amend Section 40600 of, and to add Chapter 5.8 (commencing with Section 40610) to Part 3 of Division 26 of, the Health and Safety Code, relating to air pollution, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.



**Senate Bill 241:** By Senator Kuehl—An act to add Section 1005 to the Probate Code, relating to minors.

**Senate Bill 242:** 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 Bill 243:** By Senator Cogdill—An act to amend Section 6051.45 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 244:** By Senator Cogdill—An act to amend Section 17041 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 245:** By Senator Aanestad—An act to amend Section 21060.5 of the Public Resources Code, relating to the environment.

**Senate Bill 246:** By Senator Margett (Coauthor: Assembly Member Huff)—An act to add Section 4210 to the Food and Agricultural Code, relating to agriculture.

**Senate Bill 247:** By Senator Ashburn—An act to amend Section 38561 of the Health and Safety Code, relating to air pollution.

**Senate Bill 248:** By Senator Padilla—An act to amend Section 12001 of the Penal Code, relating to firearms.

**Senate Bill 249:** By Senator Negrete McLeod—An act to amend Section 19618.2 of the Business and Professions Code, relating to horse racing.

**Senate Bill 250:** By Senator Corbett—An act to amend Section 1749.5 of the Civil Code, relating to gift certificates.

**Senate Bill 251:** By Senator Aanestad—An act to amend Section 10130 of the Business and Professions Code, relating to real estate.

**Senate Bill 252:** By Senator Aanestad—An act to amend Section 1600 of the Business and Professions Code, relating to dentistry.

**Senate Bill 253:** By Senator Aanestad—An act to amend Section 14000 of the Welfare and Institutions Code, relating to health care.

**Senate Bill 254:** By Senator Aanestad—An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

**Senate Bill 255:** By Senator Aanestad—An act to amend Section 1625 of the Business and Professions Code, relating to dentistry.

**Senate Bill 256:** By Senator Alquist—An act to amend Sections 799 and 803 of the Penal Code, relating to statutes of limitation.

**Senate Bill 257:** By Senator Cogdill—An act to amend Section 1569.1 of the Health and Safety Code, relating to residential care facilities.



**Senate Bill 258:** By Senator Ducheny—An act to add Section 1526 to the Water Code, relating to water.

**Senate Bill 259:** By Senator Negrete McLeod—An act to add Section 20900.5 to the Government Code, relating to public employees' retirement.

**Senate Bill 260:** By Senator Steinberg—An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 261:** By Senator Romero—An act to amend Section 1797.199 of the Health and Safety Code, relating to emergency medical services.

**Senate Bill 262:** By Senator Runner—An act to add Section 14528 to the Government Code, relating to transportation.

**Senate Bill 263:** By Senator Romero—An act relating to public safety.

**Senate Bill 264:** By Senator Alquist—An act to amend Section 100250 of the Public Utilities Code, and to add Section 7262.3 to the Revenue and Taxation Code, relating to taxation.

**Senate Bill 265:** By Senator Romero—An act relating to juveniles.

**Senate Concurrent Resolution 9:** By Senator Steinberg (Coauthors: Assembly Members Galgiani, Jones, and Levine)—Relative to Spay Day USA 2007.

**Senate Concurrent Resolution 10:** By Senators Aanestad and Cox—Relative to the Officer Matthew J. Redding Memorial Interchange.

**Senate Concurrent Resolution 11:** By Senators Negrete McLeod and Margett (Coauthor: Assembly Member Soto)—Relative to the Correctional Officer Manuel A. Gonzalez, Jr. Memorial Highway.

#### **CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS**

**Senate Bill 10**—An act to amend Sections 21670.3, 170006, 170024, 170026, 170032, and 170048 of, to add Sections 132360.6, 170010, 170011, 170012, 170013, 170014, and 170017 to, to repeal and add Sections 170004, 170016, and 170018 of, and to repeal Sections 170020, 170022, 170028, 170041, 170042, and 170046 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

Bill read second time.

The amendments proposed by the Committee on Local Government 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 Corbett, Correa, and Denham.

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

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Cox requested that when the Senate adjourns this day it do so in memory of Dona L. Waters of Jackson.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, February 15, 2007.

PAULA K. ROSSETTO, Minute Clerk

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