

CALIFORNIA LEGISLATURE
2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 5, 2007

The Senate met at 10 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, 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—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Sheila Gautreaux-Lee, Pastor, Christ Unity Church

Good Morning. Please join me in prayer.

Divine Spirit, As we bow our heads we open our hearts to experience the love of You that is always flowing in and through us and around us. May we be aware of this love, in everything we do this day, and in our lives.

And as we acknowledge Women's Month, the contributions of women of many ages past, and the contribution of women who stand on their shoulders today, we call for a blessing upon these legislators as they take on this work of service to humanity in making laws that affect the lives of the people they serve:

May they be guided by Your love to seek the truth always. May they be led by Your wisdom to stand in integrity and honor. May they be led by Your truth to serve not only their individual purpose, but the will and the purpose of the greater good. As they stand here before You, may they stand in humility knowing, that it is not they who do the work, but it is You who does the work through them.

May they always know that they serve a greater truth. Lead them. Guide them. Direct them, so that they may know what You would have them do, where You would have them go, what You would have them say and to whom. We thank You for the blessings that You are pouring upon them in this moment and each and every moment of each and every day. We thank You in advance, because we know, even before we ask, You have heard.

So it is, and so it shall be, and together with one voice and one heart we say—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 2, 2007

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective March 2, 2007, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

David L. Runnels Chief Deputy Secretary, Adult Operations
Department of Corrections and Rehabilitation

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.



Governor's Office, State Capitol
March 2, 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

Linda Catherine Brown, Deputy Director, Office of Administrative Law; and former Principal Consultant to State Senator Ross Johnson. Reappointed 02/16/07. Effective 03/02/07.

Deputy Director, Office of Administrative Law, term ending 01/02/2011.

Lynn M. Daucher, former Assemblywoman, California State Assembly, representing the 72nd District; former Chair of the Committee on Aging and Long Term Care; and former Member of the Budget Subcommittee on Education and State Allocation Board. Appointed 03/01/07. Effective 03/01/07.

Director, California Department of Aging vice Lynda Terry, retired, term ending at the Pleasure of the Governor.

Renee E. Zito, former director of programs, Marin Services for Women; and former Executive Director, Hazelden New York, an alcohol and drug treatment center. Appointed 02/20/07. Effective 03/01/07.

Director of Alcohol and Drug Programs vice Kathryn P. Jett, re-assigned, term ending at the Pleasure of the Governor.

Debbie L. Endsley, former Acting Chief Deputy Director, Department of Personnel Administration; former Research Analyst, California Public Employees' Retirement System; and former Associate Budget Analyst, Department of Rehabilitation. Appointed 02/08/07. Effective 02/13/07.

Deputy Director, Department of Personnel Administration vice William A. Avritt, retired, term ending at the Pleasure of the Governor.

Timothy Alan Simon, former Appointments Secretary, Office of Governor Schwarzenegger; former General Counsel and Chief Compliance Officer, Global Crown Capital, LLC; and former Vice President and Chief Compliance Officer, Preferred Trade, Inc. Appointed 03/01/07. Effective 03/01/07.

Member, Public Utilities Commission vice Geoffrey Francis Brown, resigned, term ending 01/01/2013.



John E. Chalker, Managing Director, LM Capital Group; former Vice President and Senior Financial Consultant, Merrill Lynch; and has served on the board since 2005. Reappointed 02/13/07. Effective 03/02/07.

Member, California Transportation Commission, term ending 02/01/2011.

James N. Earp, Executive Director, California Alliance for Jobs; and former Public Relations Director, International Union of Operating Engineers. Appointed 02/13/07. Effective 03/01/07.

Member, California Transportation Commission vice Esteban E. Torres, term expired, term ending 02/01/2011.

Frances S. Weber, Executive Director, Policy for the Mono Lake Committee; and former Director, International Programs for the National Audubon Society. Appointed 02/22/07. Effective 03/01/07.

Member, State Water Resources Control Board vice Gerald D. Secundy, resigned, term ending 01/15/09.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 1, 2007

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

ACR 23

AJR 1

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 23—Relative to EntrepreneurshipWeek.

Assembly Joint Resolution 1—Relative to Charles R. Drew University of Medicine and Science.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 5, 2007

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

SCR 18

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

PERATA, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 18—Relative to California Fitness Month.

Resolution read second time.

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

Committee on Local Government

Senate Chamber, March 5, 2007

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

SB 162

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

NEGRETE McLEOD, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 162—An act to amend Section 56668 of the Government Code, relating to local government.

Bill read second time.

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

Committee on Revenue and Taxation

Date of Hearing, February 28, 2007

Madam President: The Committee on Revenue and Taxation, to which was referred:

SB 148

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

OROPEZA, Chair

Above measure ordered to second reading.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **ACR 19** was withdrawn from Committee and placed on the Special Consent Calendar.

SPECIAL CONSENT CALENDAR

Assembly Concurrent Resolution 19—Relative to Black History Month.

Resolution read, adopted and transmitted to the Assembly.

Special Consent Calendar Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal,



Machado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

RECESS

At 10:10 a.m., on motion of Senator Perata the Senate recessed in order to pay tribute to the 2007 Woman of the Year honorees.

Senator Negrete McLeod Presiding

Senate Woman of the Year Honorees—2007

District 1: Julie Clark; District 2: Carre Ganter Brown; District 3: Brenda Wright; District 4: Lisa Zea; District 5: Sue Haber Vaccaro; District 6: Kay Dahill; District 7: Janet Frazier; District 8: Karyl Matsumoto; District 9: Barbara Garcia; District 10: Pat Loomes; District 11: Linda Williams; District 12: Dr. Christine McFadden; District 13: Daisy Chu; District 14: Debbie Poochigian; District 15: Sylvia Panetta; District 16: Raji Kaur Brar; District 17: Cheri Fleming; District 18: Inga Barks; District 19: Sue Chadwick; District 20: Beatriz Olvera-Stotzer; District 21: Joyce Streater; District 22: Monica Lozano; District 23: Carol Randall; District 24: Dolores Holguin; District 26: Rev. Altagracia Perez; District 27: Dr. Elisa Nicholas; District 28: Teresa Bird; District 29: Camille Levee; District 30: Ana Gladys Calderon; District 31: Deputy Chief Sheree L.P. Stewart; District 32: Patricia Green-Lee; District 34: Sharon Quirk; District 35: Peggy Kane; District 36: Mary Carlson; District 37: Karen Devine; District 38: Ginny Merrifield; District 39: Elizabeth A. Riggs; District 40: Mercedes Pacheco; Lt. Governor: Cindy Horn.

Introduction of Janice Mirikitani, Poet Laureate from San Francisco

Senator Negrete McLeod introduced Janice Mirikitani Poet Laureate from San Francisco, who addressed the members of the Senate and the 2007 Women of the Year honorees.

REASSEMBLED

At 10:50 a.m., the Senate reconvened.

Hon. Don Perata, of the 9th District, presiding.

LEAVES OF ABSENCE FOR THE DAY

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 10:50 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 Tuesday, March 6, 2007.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 5, 2007

To the Senate of the State of California:

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

Edward C. Williams Commissioner, Board of Parole Hearings
Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
March 5, 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

Kimberly E. Barrett, Chief Probation Officer, San Luis Obispo County Probation Department; and; Member of the Mental Health Advisory Board and Criminal Justice Administrators Association. Appointed 02/08/07. Effective 03/05/07.

Member, Corrections Standards Authority vice Deborah Allayne Botts, resigned, term ending 07/01/08.

Carl T. Guardino, President and Chief Executive Officer, Silicon Valley Leadership Group; and former Government Affairs Director, Hewlett Packard. Appointed 02/13/07. Effective 03/05/07.

Member, California Transportation Commission vice Jeremiah F. Hallisey, term expired, term ending 02/01/11.

Above appointments referred to the Committee on Rules.



INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 26: By Senator Yee—Relative to World Languages and Cultures Month.

Senate Joint Resolution 4: By Senators Wiggins, Aanestad, and Maldonado (Coauthors: Assembly Members Berg, Blakeslee, Evans, and Wolk)—Relative to salmon fisheries.

Senate Joint Resolution 5: By Senator Yee—Relative to benefits for Filipino Americans who fought in World War II.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 431** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules; and

SB 58 was withdrawn from the Committee on Health and re-referred to the Committee on Human Services.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Elizabeth Paine and Charlotte Mousel of Tustin.

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of Ingrid Novak of Fresno.

Senator Cox requested that when the Senate adjourns this day it do so in memory of William Speas of Sutter Creek, Jay Edwin Massman of Sacramento, Janis L. Norris of El Dorado Hills, Phyllis F. Payne of Quincy and Louis E. Williamson of Alturas.

Senators Cox and Steinberg requested that when the Senate adjourns this day it do so in memory of Dorothy Merrie O'Brien of North Highlands.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Jesse Diaz Franco of Shafter and Verna Duty of Clovis.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Cpl. Matthew Matula (USMC) of Fall Brook, Maj. Kevin Shea (USMC) of Temecula and George Murray of Riverside.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Bob Hattoy of Los Angeles.

Senator Maldonado requested that when the Senate adjourns this day it do so in memory of Helen Wang of Northridge.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Sherwood Franscella of Ripon.



ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 6, 2007.

PAULA K. ROSSETTO, Minute Clerk

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