

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 10, 2008

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:

Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Runner, Scott, Simitian, Steinberg, Torlakson, and Wiggins—29.

Quorum present.

(NOTE: Senators Aanestad, Battin, Corbett, Denham, Kehoe, Oropeza, Ridley-Thomas, Romero, and Yee will be excused this day on legislative business, Senator Wyland will be excused this day on personal business, and Senator Vincent will be excused this day due to family illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 10, 2008

To the Members of the Senate:

In accordance with Article IV, Section 12 of the California Constitution, I submit to you the Governor's Budget for 2008–2009.

Two challenges require our immediate attention as we begin 2008. First, we must close a shortfall of \$3.3 billion in the current fiscal year, which will grow to \$14.5 billion next year without swift and decisive action. And



second, we must take steps to avoid a potential shortfall in the state's cash reserves this July and August, and potentially in March.

These problems are not the result of a fundamental crisis in California's economy. Indeed, we remain a diverse and dynamic economic powerhouse that will continue to grow and lead the world in innovation. These problems are the result of a budget system where there continues to be no linkage between revenues and spending. If we are to avoid these kinds of fiscal crises in the future, and if we truly want to bring fiscal health to this state for the long term, we must resolve to fundamentally fix the budget system this year—once and for all.

In order to close the gap, my budget proposes two actions.

First, I propose to reduce spending by implementing a 10-percent across-the-board reduction to nearly every General Fund program, and to have those reductions take effect on March 1st. While these reductions are unquestionably difficult and challenging, this across-the-board reduction approach is designed to protect essential services by spreading reductions as evenly as possible, so that no individual program is singled out for severe reductions. I am today proclaiming a fiscal emergency and calling for a special session of the Legislature to begin early implementation of these necessary budget reductions.

Second, I am using the authority given to me under Proposition 58 to suspend next year's pre-payments for the Economic Recovery Bonds and to sell the remaining bonds to rebuild this year's budget reserve.

In order to ensure long-term balance, I am proposing a Constitutional Amendment to reform the state budget process. The Budget Stabilization Act will prevent over-budgeting based on extraordinary revenue gains, and give the state the tools it needs to quickly reduce spending when necessary to avoid a deficit.

The challenges we face are substantial, and the decisions we face are difficult. But if we fail to address them swiftly, the problem will only get larger and the consequences even more severe. If we can work together, we can solve our immediate budget problems. But more importantly, we can finally give California a budget system that is fiscally responsible and avoids future budget deficits.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

January 10, 2008

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

John L. Littrell, president, the San Diego Office of LSW Engineers and member of the Consulting Engineers and Land Surveyors of California. Appointed 12/20/07. Effective 12/20/07.

Member, Alfred E. Alquist Seismic Safety Commission vice Roy Dehbibi, withdrawn from Senate, term ending 05/15/2011.

James B. Hussey, president and chief executive officer, Hussey Insurance Agency since 1968; and formerly served in the U.S. Navy from 1958 to 1960. Appointed 12/20/07. Effective 12/20/07.

Member, Board of Governors of the State Bar of California vice Melvin D. Lee, term expired, term ending 09/01/2009.

Jennifer L. Husbands, Ph.D., director of site support for High Tech High since 2004. Former research associate for the Center for Research on Educational Equity, Assessment and Teaching Excellence at the University of California, San Diego. Appointed 12/19/07. Effective 12/19/07.

Member, Commission on Teacher Credentialing vice Aida L. Molina, term expired, term ending 11/20/2011.

Ting L. Sun, Ph.D., senior consultant, Cambridge Education, LLC.; former vice president of leadership and quality, California Charter Schools Association from 2003 to 2006. Appointed 12/19/07. Effective 12/19/07.

Member, Commission on Teacher Credentialing vice Catherine M. Banker, term expired, term ending 11/20/2011.

John R. Balmes, M.D., professor of medicine, University of California, San Francisco; and professor of environmental health sciences, School of Public Health, University of California, Berkeley since 2002. Appointed 12/20/07. Effective 12/20/07.

Member, State Air Resources Board vice Henry Gong, Jr., M.D., deceased, term ending at the Pleasure of the Governor.

James W. Barthman, building and electrical code consultant since 1997; and has served on the Building Standards Commission since 2001. Reappointed 12/20/07. Effective 12/20/07.

Member, State Building Standards Commission, term ending 01/01/2012.

Above appointments referred to the Committee on Rules.



REPORTS OF STANDING COMMITTEES**Committee on Health**

Date of Hearing, January 9, 2008

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

SB 389

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

KUEHL, Chair

Above measure re-referred to the Committee on Judiciary.

Senate Chamber, January 9, 2008

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

SB 365

SB 1000

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

KUEHL, Chair

Above measures ordered filed with the Secretary of the Senate.

Date of Hearing, January 9, 2008

Mr. President: The Committee on Health, to which were referred:

SB 349

SB 790

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Rules

State Capitol, January 9, 2008

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:

Arthur Guy Baggett, Jr., Member, State Water Resources Control Board (3-1)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, January 9, 2008

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:

Frances Spivy Weber, Member, State Water Resources Control Board (5-0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, January 9, 2008

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:

Theodore R. Mitchell, Ph.D., Member, State Board of Education (5-0)

Johnathan X. Williams, Member, State Board of Education (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, January 9, 2008

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:

Kenneth J. Williams, Member, State Board of Barbering and Cosmetology (5-0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

Committee on Human Services

Date of Hearing, January 8, 2008

Mr. President: The Committee on Human Services, to which was referred:

SB 977

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

ALQUIST, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, January 7, 2008

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 509

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

SIMITIAN, Chair

Above measure ordered to second reading.

Committee on Health

Senate Chamber, January 10, 2008

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

SB 491

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 491—An act to add Chapter 2.5 (commencing with Section 105000) to Part 4 of Division 103 of the Health and Safety Code, relating to public health.

Bill read second time.

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

Committee on Rules

State Capitol, January 9, 2008

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

Reappointed Mr. Benny Yee of San Francisco as a member of the California Commission on Aging to serve for a term ending January 9, 2011.

Reappointed Stanley Glantz, Ph.D. of San Francisco as a member of the Scientific Review Panel on Toxic Air Contaminants to serve for a term ending January 1, 2011.

Reappointed Ms. Morena Grimaldi of Concord as a member of the Commission on Special Education to serve for a term ending December 31, 2011.

Reappointed Gina Solomon, M.D. of San Francisco as a member of the California Environmental Contaminant Biomonitoring Program Scientific Guidance Panel to serve for a term ending January 1, 2011.

Appointed Mr. Delroy Lindo of Oakland as a member of the California Film Commission to serve for a term ending January 9, 2010.

Reappointed Ms. Carol Galante of Piedmont as a member of the California Housing Finance Agency, Board of Directors to serve for a term ending November 18, 2013.

Appointed the following persons as members of the Public Health Advisory Committee to serve at the pleasure of the Rules Committee: Jonathan E. Fielding, M.D. of Los Angeles, Anthony Iton, M.D. of Alameda, and Ms. E. Carolina Simunovic of Fresno.

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 1066: By Senator Migden—An act to amend Sections 297 and 298.5 of the Family Code, relating to domestic partnerships.

Senate Bill 1067: By Senator Ducheny—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Above bill referred to the Committee on Budget and Fiscal Review.



Senate Bill 1068: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1069: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1070: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1071: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1072: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1073: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1074: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1075: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1076: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1077: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1078: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth,



Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1079: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1080: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1081: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1082: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1083: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1084: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1085: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1086: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1087: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1088: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.



Senate Bill 1089: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008..

Senate Bill 1090: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1091: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1092: By the Committee on Budget and Fiscal Review (Senators Ducheny (Chair), Alquist, Cogdill, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Padilla, Scott, Simitian, Steinberg, and Wyland)—An act relating to the Budget Act of 2008.

Senate Bill 1093: By Senator Wiggins—An act to amend Sections 66540.4 and 66540.5 of the Government Code, relating to transportation.

Senate Joint Resolution 20: By Senator Migden—Relative to medical marijuana.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Labor and Industrial Relations to meet and hear SB 726 and SB 940 on Monday, January 14 without four days notice in the Daily File.

SENATE COMMITTEE ROLL CALLS

Committee on Health

SB 349—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Aanestad, Alquist, Kuehl, Maldonado, Negrete McLeod, Steinberg, and Yee.

NOES (1)—Senator Cox.

SB 365—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Aanestad, Cox, and Maldonado.

NOES (5)—Senators Alquist, Cedillo, Kuehl, Steinberg, and Yee.

Failed Passage

SB 389—Do pass and re-refer to Committee on Judiciary

AYES (6)—Senators Cedillo, Cox, Kuehl, Negrete McLeod, Steinberg, and Yee.

NOES (1)—Senator Aanestad.



SB 790—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, Cedillo, Kuehl, Negrete McLeod, Steinberg, and Yee.

NOES (3)—Senators Aanestad, Cox, and Maldonado.

SB 891—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Alquist, Cox, Kuehl, Maldonado, Negrete McLeod, Steinberg, and Yee.

NOES (0)—None.

SB 1000—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Cox and Maldonado.

NOES (5)—Senators Aanestad, Alquist, Cedillo, Kuehl, and Yee.

Failed Passage

Date of Hearing: 1/9/2008

Kuehl (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Battin, Corbett, Denham, Kehoe, Oropeza, Ridley-Thomas, Romero, and Yee.

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

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Sherryl Drayton of Fullerton.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Susan Wilkinson of Aptos.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 14, 2008.

PAULA K. ROSSETTO, Minute Clerk

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