

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 14, 2008

The Senate met at 2 p.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, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee—38.

Quorum present.

(NOTE: Senator Lowenthal will be excused this day on legislative business and Senator Vincent will be excused this day due to a family illness.)



PRAYER

Upon invitation of the President, Senator Ridley-Thomas introduced Rev. Michael Bernard Beckwith, founder of the Agape International Spiritual Center, who offered the following prayer:

I invite you to turn within at this moment and let us remember together that we are indeed living, moving and having our beingness, in the power and the presence in the love of god that is everywhere in its fullness, and, that each of us a spiritual image and divine likeness of this divine presence, has the capacity to reveal divine wisdom transforming knowledge creative intelligence unconditional love and perfect peace. I speak the word in naming this session filled to overflowing with such transforming knowledge and creative wisdom that the citizens of this great state continue to feel themselves progressing and evolving because of the work that is done here, as these individuals are available and open to that transcended knowledge that allows for the realm of good to be anchored on earth. The name of the highest that is within us all I give thanks that is already so, and unfolding with grace and with dignity, for this I am grateful, as I now just let it be, and so it is.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Health**

Senate Chamber, January 14, 2008

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

SB 107

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 107—An act to add Article 2.7 (commencing with Section 115950) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to wave pools.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, January 14, 2008

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

SB 291

SB 578



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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 291—An act to add Chapter 5 (commencing with Section 24600) to Division 20 of the Health and Safety Code, relating to pollution prevention.

Bill read second time.

Senate Bill 578—An act to add Chapter 6.93 (commencing with Section 25430) to Division 20 of the Health and Safety Code, relating to the environment.

Bill read second time.

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

Senate Chamber, January 14, 2008

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

SB 551

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 551—An act to amend Sections 51220 and 51226.3 of the Education Code, relating to pupil instruction.

Bill read second time.

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

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 977—An act relating to infrastructure.

Bill read second time.

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

Senate Bill 509—An act to add Article 6 (commencing with Section 108670) to Chapter 5 of Part e of Division 104 of the Health and Safety Code, relating to consumer product safety.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, engrossed, and to third reading.



MOMENT OF SILENCE

Senator McClintock requested that the Senate observe a moment of silence in memory of former Assembly Member and California State Controller, Houston I. Flournoy.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Romero moved that **SB 98** be placed on the inactive file.

Motion carried.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Yee moved that **SB 999** be taken from the inactive file and placed on the second reading file.

Motion carried.

MOTION TO STRIKE FROM FILE

Senator Kuehl moved that **SB 722**, **SB 836**, **SB 862**, and **SB 8** be stricken from the file.

Motion carried.

Governor's vetoes sustained.

RECESS

At 2:20 p.m., on motion of Senator Romero the Senate recessed in order to convene the Third Extraordinary Session.

REASSEMBLED

At 2:28 p.m., the Senate reconvened.

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

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS****Consideration of Governor's Appointment**

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

Katherine "Kay" L. Albiani, 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 refused confirmation by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, McClintock, Runner, and Wyland.



Motion to Reconsider Governor's Appointment

Senator Perata moved to reconsider the vote whereby the conferee was refused confirmation:

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley–Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

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

Arthur Guy Baggett, Jr., Member, State Water Resources Control Board.

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 (25)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, Ducheny, Florez, Kehoe, Machado, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley–Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

NOES (8)—Senators Ashburn, Battin, Cox, Harman, Hollingsworth, McClintock, Runner, and Wyland.

Consideration of Governor's Appointment

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

Frances Spivy Weber, Member, State Water Resources Control Board.

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 (34)—Senators Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Negrete



McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointments

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

Theodore R. Mitchell, Ph.D., Member, State Board of Education;
Johnathan X. Williams, Member, State Board of Education.

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 (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Wiggins, Wyland, and Yee.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

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

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

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, January 15, 2008.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 14, 2008

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

AB 125

AB 1028



Assembly Chamber, January 14, 2008

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1491 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 125—An act to add Section 15277 to the Education Code, relating to school facilities.

Assembly Bill 1028—An act to amend Section 8448 of, to repeal Section 8269 of, and to repeal and add Sections 8267 and 8268 of, the Education Code, relating to child care.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, January 14, 2008

Madam President: The Chair of the Committee on Appropriations, to which were referred:

SB 687

AB 983

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 687—An act to add Section 14673.10 to the Government Code, relating to state property, and making an appropriation therefor.

Bill read second time.

Assembly Bill 983—An act to add Section 12025 to the Government Code, relating to the Governor's Budget.

Bill read second time.

The amendments were read and adopted and the measures 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 1094: By Senators Cedillo, Kuehl, and Padilla (Coauthors: Assembly Members Coto, Dymally, Mendoza, Soto, and Torrico)—An act to add Section 12087.5 to the Government Code, relating to naturalization services.

Senate Bill 1095: By Senator Vincent—An act relating to state teachers' retirement.

Senate Bill 1096: By Senator Calderon—An act to amend Section 56.10 of the Civil Code, relating to medical information.

Senate Bill 1097: By Senator Torlakson—An act to amend Section 60605 of the Education Code, relating to school curriculum.

Senate Bill 1098: By Senator Migden—An act to add Section 11362.84 to the Health and Safety Code, and to add Article 1.7 (commencing with Section 7067) to Chapter 8 of Part 1 of Division 2 of the Revenue and Taxation Code, relating to medical marijuana.

Senate Concurrent Resolution 70: By Senator Scott—Relative to the Arts Council's Arts Day.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill 446—An act to repeal Part 4 (commencing with Section 18000) of Division 7 of the Business and Professions Code, and to add Chapter 2.7 (commencing with Section 13996.8) to Part 4.7 of Division 3 of Title 2 of the Government Code, relating to economic development, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to SB 446 proposed by Senator Yee were read and adopted and the measure ordered printed, engrossed, and to second reading.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Carl Karcher of Anaheim.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Helen Fuller Blue of Lodi.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of her sister-in-law Jasmine Nickle of South Daytona, FL.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Johnny Grant of Hollywood.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Lawrence H. Pennini.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of former Assemblyman and California State Controller, Houston I. Flournoy.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Maria "Yvonne" Salazar of San Francisco.

Senator Negrete McLeod requested that when the Senate adjourns this day it do so in memory of Rev. William Marshall Jacks of San Bernardino.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Oscar Coffey of Oakland.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of Joyce Jacobs of Elk Grove.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 15, 2008.

PAULA K. ROSSETTO, Minute Clerk

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