

CALIFORNIA LEGISLATURE
2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 24, 2005

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, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—36.

Quorum present.

(NOTE: Senators Alarcón, Florez, Kuehl, and Murray will be excused this day on legislative business.)



PRAYER

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

O God of Our Salvation, You alone are our hope. Your love breaks down walls that isolate and divide us. Your love heals, forgives, and makes us whole again. Restore us, O God of our salvation. Reconcile us that we may be a people united and at peace.—AMEN.

(Vienna Cobb Anderson—adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 24, 2005

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments 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

Alan C. Lloyd, Ph.D., former Chairman, California Air Resources Board, former Executive Director, Energy and Environmental Center at the Desert Research Institute and former Chief Scientist, South Coast Air Quality Management District. Appointed 01/03/05. Effective 01/03/05: Secretary, California Environmental Protection Agency vice Terrence Arthur Tamminen, re-assigned, term ending at the Pleasure of the Governor.

Kenny G. Cherg, Ph.D., Director, Redlands and San Bernardino United University Clinic, member, World Alternative Medicine Organization. Appointed 01/03/05. Effective 01/11/05: Member, Acupuncture Board vice Pei Li Zhong-Fong, term expired, term ending 06/01/08.

Steven Tan, M.D., Director, Integrative Institute for East-West Medicine, trained and certificated in both Western and Eastern medicine, medical degree from the University of California, Los Angeles. Appointed 01/03/05. Effective 01/14/05: Member, Acupuncture Board vice Gary Klapman, not confirmed, term ending 06/01/08.



Richard Brough Rogers, Chairman, Board of Pacific Earth Resources and Vice Chairman, National Board of Trustees of the Donald Bue School of Environmental Science and Management at the University of California, Santa Barbara. Appointed 01/06/05. Effective 01/18/05.

Member, Fish and Game Commission vice Samuel P. Schuchat, term expired, term ending 01/15/11.

Barbara Ann Ward, former Regional Field Manager, Broadspire and former Clinical Service Coordinator, Health Education Council. Appointed 01/03/05. Effective 01/03/05.

Program Administrator, Bureau for Private Postsecondary and Vocational Education, Department of Consumer Affairs vice Michael V. Abbott, resigned, term ending at the Pleasure of the Governor.

Dian Marie Grueneich, former Principal, Grueneich Resource Advocates, former Partner with Grueneich, Ellison and Schneider, and attorney and former Principal in the Law Office of Dian M. Grueneich. Appointed 01/14/05. Effective 01/18/05.

Member, Public Utilities Commission vice Loretta M. Lynch, term expired, term ending 01/01/11.

Above appointments referred to the Committee on Rules.

REQUEST TO CONSIDER AND ACT ON BILLS WITHIN 30 CALENDAR DAYS

The following request was presented by Senator Campbell:

Senate Chamber, January 12, 2005

Mr. Secretary: I request permission to introduce a resolution providing that **SB 50** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR CAMPBELL

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

PERATA, Chair

RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION AND SUSPEND JOINT RULE 55

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measure may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Battin.



Roll Call

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

AYES (31)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Hollingsworth, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

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

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

Lucinda A. Ehnes, Director, Department of Managed Health Care.

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 (32)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

THIRD READING OF SENATE BILLS

Senate Bill 29—An act relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton,



Escutia, Figueroa, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Florez, Kuehl, and Murray.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:18 p.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, January 25, 2005.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, January 24, 2005

Mr. President: The Senate Rules Committee has appointed Senators Alan Lowenthal, Bob Margett and Jack Scott to the State Allocation Board.

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 110: By Senator Florez—An act to amend Section 142263 of the Public Utilities Code, relating to transportation.

Senate Bill 111: By Senator Alquist—An act to amend Sections 801.1 and 803 of the Penal Code, relating to statutes of limitations.

Senate Bill 112: By Senator Ortiz—An act to amend Section 13276 of the Welfare and Institutions Code, relating to public social services.

Senate Bill 113: By Senator Machado—An act to amend Sections 79402, 79423, 79509.6, relating to water.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SR 7** was withdrawn from Committee and ordered placed on second reading.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Alquist requested that when the Senate adjourns this day it do so in memory of Jim McEntee of San Jose.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Irene Loud of Manhattan Beach.

Senator Cox requested that when the Senate adjourns this day it do so in memory of John Wickland Jr., of Carmichael.

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

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Luigi Raffaele Stamegna.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Noboro Okada of San Leandro, Verna King of Castro Valley, Kathleen Kiernan Harrington of San Francisco, and Johnny Carson of Santa Monica.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Lillian Martha Avakian and Mary H. Surabian of Fresno and Harlan Dow Wood of Folsom.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Maureen Martinez of Highland.

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 25, 2005.

PAULA K. ROSSETTO, Minute Clerk

O

└