

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 31, 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, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—39.

Quorum present.

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



PRAYER

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

Eternal Spirit, Make Your presence felt among us. Help us to find the courage to do Your will, even when the shadows fall upon us. When our own weakness and the storms of life hide You from our sight, teach us that You are near to each one of us; teach us to live truer, gentler, nobler lives. Give us trust, Lord; give us peace, and give us light.—AMEN.

(Adapted from *Gates of Prayer: The New Union Prayerbook*
Central Conference of American Rabbis)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 31, 2005

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

SB 28

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SCR 4)

Senator Torlakson asked for, and was granted, unanimous consent that SCR 4 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 4

Senate Concurrent Resolution 4—Relative to public health awareness.

Resolution read third time and presented by Senator Torlakson.

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

REQUEST FOR UNANIMOUS CONSENT (SCR 9)

Senator Kehoe asked for, and was granted, unanimous consent that SCR 9 be withdrawn from committee and taken up at this time, without reference to file.



Consideration of Senate Concurrent Resolution 9**Senate Concurrent Resolution 9**—Relative to heart disease.

Resolution read third time and presented by Senator Kehoe.

Roll Call

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

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

LEAVES OF ABSENCE FOR THE DAY

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

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 2:19 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, February 1, 2005.

Motion carried.

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 125: By Senator Dutton—An act to amend Sections 798.36 and 798.56 of the Civil Code, relating to mobilehomes.

Senate Bill 126: By Senators George Runner—An act to amend Section 53158 of, and to add Section 53152.3 to, the Government Code, relating to emergency services.

Senate Bill 127: By Senator Chesbro—An act to amend Section 23396.2 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 128: By Senator Ackerman—An act to amend Section 186.22 of the Penal Code, relating to gangs.

Senate Bill 129: By Senator Margett—An act to amend Section 1417.9 of the Penal Code, relating to biological evidence.



Senate Bill 130: By Senator Margett—An act to amend Section 3262 of the Civil Code, relating to works of improvement.

Senate Bill 131: By Senator Chesbro—An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 132: By Senator Denham—An act to amend Section 5345 of the Food and Agricultural Code, relating to agricultural inspection.

Senate Bill 133: By Senator Denham—An act to amend Section 55530 of the Food and Agricultural Code, relating to agriculture.

Senate Bill 134: By Senator Denham—An act to amend Section 6301 of the Food and Agricultural Code, relating to plant quarantine and pest control.

Senate Concurrent Resolution 12: By Senators Machado and Ortiz—Relative to CHP Officer Artie J. Hubbard Memorial Freeway.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, January 31, 2005

President: The Chair of the Committee on Rules, to which was referred:
SCR 2

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 2:—Relative to Arts Education Month.
Resolution read second time.

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Janet Broadous of Pacoima.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of First Lt. Dustin M. Shumney of Benicia.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Judge John Cechinni of Stockton.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Mel St. John of Newbury Park and John Daniel House of Simi Valley.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Rosamond Bolden and Marguerite Steven of Sacramento.



Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Gladys Korkmazian, Carol Larson and Prudence Maroot of Fresno.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Cecilia Lowe Venable of San Bernardino and Leonard Romero of Fontanta.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 1, 2005.

PAULA K. ROSSETTO, Minute Clerk

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