

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 2, 2005

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, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—36.

Quorum present.

(NOTE: Senators Kehoe and Ortiz will be excused this day on legislative business, Senator Aanestad will be excused this day on personal business, and Senator Escutia will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 2, 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

Arthur Hinton Rosenfeld, Commissioner, Energy Resources Conservation and Development Commission, former Co-Director, Global Environmental Technologies Fund, and former Senior Science Advisor, United States Department of Energy. Reappointed 01/14/05. Effective 02/02/05:

Member, State Energy Resources Conservation and Development Commission, term ending 01/06/10.

Stephen Edward Jensen, Chief Building Official, Marin County, and former Director, Building and Safety, Lake County. Appointed 01/18/05. Effective 01/19/05:

Member, State Building Standards Commission vice Donald F. Dickerson, term expired, term ending 01/01/09.

Richard Jerome Sawhill, Executive Vice President, Air Conditioning, Refrigeration and Mechanical Contractors Association of Southern California. Appointed 01/18/05. Effective 01/19/05:

Member, State Building Standards Commission vice Barry D. Broad, term expired, term ending 01/01/09.

Vernon Chong, M.D., serving on the California Veterans Board, former Special Assistant to the Network Director of Veterans Integrated Service Network, and a 31-year Air Force career. Reappointed 01/18/05. Effective 01/24/05:

Member, California Veterans Board, term ending 01/15/09.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing, February 2, 2005

Mr. President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

SB 25

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

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations.



Committee on Revenue and Taxation

February 2, 2005

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 14

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

MACHADO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 14—An act to amend Section 220 of the Revenue Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 14 pursuant to Joint Rule 58.

SENATOR RUNNER

Permission of Rules Committee

Senate Chamber, February 2, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 14.

PERATA, Chair

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

Committee on Rules

State Capitol, February 2, 2005

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:

Ruth Bloom, Member, State Board of Education (5–0)

Ranjit “Ricky” S. Gill, Member, State Board of Education (5–0)

Bonnie M. Reiss, Member, State Board of Education (5–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, February 2, 2005

Mr. President: The Senate Rules Committee has made the following changes to Senate standing committees:

Appointed Senator Ortiz as a member of the Senate Committee on Agriculture to replace Senator Kuehl.

Appointed Senator Ortiz as a member of the Senate Committee on Banking, Finance and Insurance to replace Senator Lowenthal.

Appointed Senator Dunn as a member of the Senate Committee on Governmental Organization to replace Senator Ducheny.

Appointed Senator Romero as a member of the Senate Committee on Health to replace Senator Speier.

Appointed Senator Migden as a member of the Senate Committee on Natural Resources and Water to replace Senator Ortiz.

Appointed Senator Dunn as a member of the Senate Committee on Public Employment and Retirement to replace Senator Speier.

Appointed Senators Murray and Soto as members of the Senate Committee on Transportation and Housing to replace Senators Migden and Speier.

The Senate Rules Committee has appointed Senator Ortiz as a member of the Joint Legislative Audit Committee to replace Senator Murray.

PERATA, Chair

State Capitol, February 2, 2005

Mr. President: The Senate Rules Committee has extended the following select committees through November 30, 2006:

Air Quality—Senator Florez, Chair

Bay Area Infrastructure—Senator Torlakson, Chair

California's Horse Racing Industry—Senator Vincent, Chair

California's Wine Industry—Senator Chesbro, Chair

Capitol Area Flood Protection—Senator Ortiz, Chair

Central Valley Economic Development—Senator Poochigian, Chair

Citizen Participation—Senator Dunn, Chair

College and University Admissions and Outreach—Senator Alarcón, Chair

Defense and Aerospace Industry—Senator Ashburn, Chair (Senate Rules Committee Resolution #5 adopted outlining its jurisdiction)

Developmental Disabilities and Mental Health—Senator Chesbro, Chair

Government Cost Control (formerly Government Oversight) Senator Speier, Chair; Senators Ashburn, Poochigian, Scott and Soto were appointed to serve on the committee.

Health Insurance Crisis in California (formerly Health Care for All Californians)—Senator Kuehl, Chair (Senate Rules Committee Resolution #6 adopted outlining its jurisdiction)

Immigration and the Economy—Senator Cedillo, Chair

Mobile and Manufactured Homes—Senator Dunn, Chair

Perchlorate Contamination—Senator Soto, Chair

Retirement Investment Protection and Corporate Responsibility—Senator Florez, Chair



School Safety—Senator Kuehl, Chair

Urban Economic Development—Senator Soto, Chair

The Senate Rules Committee has created the Select Committee on the Colorado River for the 2005–2006 Session and has appointed Senator Ducheny to serve as Chair.

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 137: By Senators Ducheny, Dunn, and Figueroa (Coauthor: Assembly Member Jones)—An act to amend Sections 1365.1 and 1367.1 of, to add Sections 1367.4 and 1367.5 to, and to repeal Section 1366.3 of, the Civil Code, and to amend Section 116.540 of, and to add Section 729.035 to, the Code of Civil Procedure, relating to common interest developments.

Senate Bill 138: By Senator Maldonado—An act to amend Section 1347 of the Penal Code, relating to criminal procedure.

Senate Bill 139: By Senator Margett—An act to add Section 17053.51 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 140: By Senator Margett—An act to amend Section 4216.4 of the Government Code, relating to subsurface installations.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 16—An act to repeal and add Section 803 of the Penal Code, relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Kehoe and Ortiz.

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

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



REQUEST TO ADJOURN IN MEMORIAM

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of SSgt. Dexter Kimble of Murrieta.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, February 3, 2005.

PAULA K. ROSSETTO, Minute Clerk

