

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 3, 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.

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:

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

Quorum present.

(NOTE: Senators Ducheny and Kehoe 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.)



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Norris Burkes, Chaplain, Sutter Medical Center, Sacramento.

You Who Call Our Hearts Together, We come in acceptance of Your wisdom as the single source of divine compassion. We covet Your guidance as we engage the lives of those we serve. Help us to make decisions about their welfare that will honor our common humanity. Create for us today a space in which we know Your abiding presence and grant us the wisdom to let Your presence be our guide.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

UNANIMOUS CONSENT TO READ BILL A SECOND TIME

Without objection, SB 25 will be given its second reading upon being reported by the Committee on Appropriations.

REQUEST FOR UNANIMOUS CONSENT (SCR 2)

Senator Scott asked for, and was granted, unanimous consent that SCR 2 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 2

Senate Concurrent Resolution 2—Relative to Arts Education Month.

Resolution read third time and presented by Senator Scott.

Roll Call

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

AYES (28)—Senators Ackerman, Alquist, Ashburn, Bowen, Campbell, Cox, Denham, Dunn, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

Senator Romero Presiding**UNFINISHED BUSINESS****Consideration of Governor's Appointments**

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

Ruth Bloom, Member, State Board of Education.

Ranjit "Ricky" S. Gill, Member, State Board of Education

Bonnie M. Reiss, 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 (30)—Senators Ackerman, Alquist, Ashburn, Bowen, Campbell, Cedillo, Cox, Denham, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

THIRD 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 third time and presented by Senator Alquist.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (30)—Senators Ackerman, Alquist, Ashburn, Bowen, Campbell, Cedillo, Cox, Denham, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

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

AYES (30)—Senators Ackerman, Alquist, Ashburn, Bowen, Campbell, Cedillo, Cox, Denham, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

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 Ducheny and Kehoe.

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.

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

At 9:25 a.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 Monday, February 7, 2005.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, February 3, 2005

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

SB 25

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

MIGDEN, Chair

Above measure ordered to second reading.

Senate Chamber, February 3, 2005

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

SB 22

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

MIGDEN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 22—An act relating to DNA identification, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Revenue and Taxation

Date of Hearing, February 2, 2005

Madam President: The Committee on Revenue and Taxation, to which was referred:

SB 50

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

MACHADO, Chair

Above measure ordered to second reading.



Committee on Rules

State Capitol, February 2, 2005

Madam 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:

Jackalyne Pfannenstiel, Member, Energy Resources Conservation and Development Commission (5-0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, February 2, 2005

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

Reappointed Stanton A. 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, 2008.

Reappointed Mr. Trent W. Orr of San Francisco to serve as an alternate on the California Coastal Commission at the pleasure of the Rules Committee.

Reappointed Mr. Peter T. Mendoza of Berkeley as a member of the State Council on Developmental Disabilities to serve for a term ending January 1, 2008.

Reappointed Ms. Olivia K. Singh of San Francisco as a member of the California Postsecondary Education Commission to serve for a term ending December 31, 2010.

Reappointed Mr. Tyrone Freeman of Winnetka as a member of the Prison Industry Board to serve for a term ending January 1, 2009.

Reappointed Ms. Frances A. Florez of Shafer as a member of the High-Speed Rail Authority to serve for a term ending December 31, 2008.

Appointed Senator Byron D. Sher of Placerville as a member of the Sierra Nevada Conservancy Governing Board to serve at the pleasure of the Rules Committee.

Appointed John L. Burton of San Francisco as a member of the California Tahoe Conservancy Governing Board to serve at the pleasure of the Rules Committee.

Appointed Senators Sheila Kuehl and Abel Maldonado as members of the State Coastal Conservancy to serve at the pleasure of the Rules Committee.

Appointed Senators Christine Kehoe and Don Perata as members of the California Cultural and Historical Endowment to serve at the pleasure of the Rules Committee.

Appointed Senator Jack Scott as a member of the Curriculum Development and Supplemental Materials Commission to serve at the pleasure of the Rules Committee.

Reappointed Senator Mike Machado and appointed Senator Dave Cox as members of the California Debt and Investment Advisory Commission to serve for four-year terms ending February 2, 2009.



Appointed Senator Liz Figueroa as a member of the Commission for Economic Development to serve at the pleasure of the Rules Committee. Senator Figueroa is replacing Senator Soto.

Appointed Senator Elaine Alquist as a member of the Education Commission of the States to serve at the pleasure of the Rules Committee.

Appointed Senator Joe Simitian as a member of the Advisory Commission on Special Education to serve at the pleasure of the Rules Committee.

Appointed Senator Jim Battin as a member of the California Heritage Preservation Commission to serve at the pleasure of the Rules Committee.

Reappointed Senator Debra Bowen as a member of the Standing Committee to the Judicial Council on Court Technology to serve a three-year term ending December 7, 2007.

Appointed Senator Sheila Kuehl as a member of the Ocean Protection Council to serve at the pleasure of the Rules Committee.

Appointed Senator Alan Lowenthal as a member of the Pacific Fisheries Legislative Task Force to serve at the pleasure of the Rules Committee.

Appointed Senator Joe Simitian as a member of the California Policy Research Center Steering Committee to serve at the pleasure of the Rules Committee.

Appointed Senator Carole Migden as a member of the State Public Works Board to serve as a member at the pleasure of the Rules Committee.

Appointed Senator Robert Dutton as a member of the California Small Business Board to serve at the pleasure of the Rules Committee.

Appointed Senator Elaine Alquist as a member of the San Francisco Bay Conservation and Development Commission to serve at the pleasure of the Rules Committee. Senator Alquist is replacing Senator Torlakson.

Appointed Senator Joe Simitian as a member of the School Building Finance Committee to serve at the pleasure of the Rules Committee.

Appointed Senator Christine Kehoe as a member of the Sea Grant Advisory Panel to serve at the pleasure of the Rules Committee.

Appointed Senator Joseph Dunn as a member of the Commission on Uniform State Laws to serve at the pleasure of the Rules Committee.

Appointed Senators Wesley Chesbro and Abel Maldonado as members of the Wildlife Conservation Board to serve at the pleasure of the Rules Committee. Senator Chesbro is replacing Senator Machado.

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 141: By Senator Soto—An act to amend Section 1569.651 of the Health and Safety Code, relating to residential care facilities.

Senate Bill 142: By Senator Florez—An act to amend Section 53260 of the Government Code, relating to local employment contracts.



Senate Bill 143: By Senator George Runner—An act to add Section 11093.5 to the Government Code, relating to statistical districts.

Senate Bill 144: By Senator George Runner—An act to repeal and add Part 7 (commencing with Section 113700) of Division 104 of the Health and Safety Code, relating to retail food.

Senate Bill 145: By Senator Murray—An act to amend Section 85316 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Senate Bill 146: By Senator McClintock—An act to add Section 1326.5 to the Unemployment Insurance Code, relating to unemployment compensation.

Senate Constitutional Amendment 5: By Senator McClintock—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (f) of Section 10 of Article IV thereof, relating to state finances.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill 25—An act to add Section 89510.5 to, and to repeal Sections 84200.3 and 84200.4 of, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

SENATE COMMITTEE ROLL CALLS

Committee on Election, Reapportionment and Constitutional Amendments

SB 25—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Dunn, Murray, Poochigian, and Romero.

NOES (1)—Senator Bowen

Committee on Revenue and Taxation

SB 50—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alquist, Bowen, Cedillo, Dutton, Machado, Poochigian, Runner, and Scott.

NOES (0)—None.

Date of Hearing: 2/2/2005

Machado (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Josephine Farnan of Hermosa Beach, Joan Sweeney of Manhattan Beach and Robert “Bob” Stewart.

Senator Figueroa requested that when the Senate adjourns this day it do so in memory of her Grandfather Raul Gallardo of San Francisco.



Senator Machado requested that when the Senate adjourns this day it do so in memory of Alma Doran and Richard C. Leinfelder of Stockton and Joseph Espigares Jr. of Woodland.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Benjamin Albert Records of Oceanside, Kimberly Maureen Jones of Coalinga, Grace Shirinian Arthur and Robert J. Rife, M.D. of Fresno and Sam R. Bedrosian of Sepulveda.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, February 7, 2005.

PAULA K. ROSSETTO, Minute Clerk

