

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 15, 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, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Torlakson, and Vincent—36.

Quorum present.

(NOTE: Senator Alarcón will be excused this day on legislative business, Senator Speier will be excused this day on personal business, and Senators Figueroa and Soto will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by the Rev. Dr. David Thompson of Westminster Presbyterian Church:

Our Loving God, We see intelligence in every leaf and flower, squirrel, and tree around this Capitol. We also see wisdom at work, as these living things prepare for every season. Help us to be people for all seasons. In adversity, give us courage and strength; in perplexity, Your wisdom and deep clarity. Help each legislator and staff person to be open to follow their intelligence toward wisdom. On the Senate floor, when ideas are opposed, may the truth shine more brightly. May we sharpen our minds on the anvil of reality, so that our fantasies, false opinions and wrong ideologies may give way to whole, rightly conceived, rightly birthed legislation.

We solemnly remember the offices we are charged to uphold on behalf of all the citizens and peoples of this state. May they come to us when in trouble, and find relief and hope in this Chamber, *always*.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 15, 2005

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 6

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, February 11, 2005

Mr. President: The Committee on Rules has examined:

SCR 9

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 11th day of February, 2005, at 3:30 p.m.

PERATA, Chair

MOMENT OF SILENCE

Senator Cox requested that the Senate observe a moment of silence honoring the memory of former Senate Chaplain Father Leo McAllister.

REQUEST FOR UNANIMOUS CONSENT (SCR 5)

Senator Battin asked for, and was granted, unanimous consent that SCR 5 be withdrawn from committee and taken up at this time, without reference to file.



Consideration of Senate Concurrent Resolution 5

Senate Concurrent Resolution 5—Relative to the Deputy Bruce Lee Memorial Highway.

Resolution read third time and presented by Senator Battin.

Roll Call

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

AYES (33)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

REQUEST FOR UNANIMOUS CONSENT (SCR 6)

Senator Morrow asked for, and was granted, unanimous consent to take up SCR 6 at this time, without reference to file.

Consideration of Senate Concurrent Resolution 6**Consideration of Assembly Amendments**

Senate Concurrent Resolution 6—Relative to the 60th anniversary of the World War II invasion of the Island of Iwo Jima.

Resolution presented by Senator Morrow.

The question being: Shall the Senate concur in the Assembly amendments to SCR 6?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

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

AYES (34)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered enrolled.

LEAVES OF ABSENCE FOR THE DAY

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

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

The following Senators were granted leaves of absence for the day due to illness: Senators Figueroa and Soto.



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

At 2:17 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 Wednesday, February 16, 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 220: By Senator Chesbro—An act to amend Section 23008 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 221: By Senator Runner—An act to amend Section 120955 of the Health and Safety Code, relating to HIV.

Senate Bill 222: By Senator Runner—An act to add Section 1798.87 to the Civil Code, relating to privacy.

Senate Bill 223: By Senator Torlakson—An act to add Chapter 4.1 (commencing with Section 50560) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

Senate Bill 224: By Senator Chesbro—An act to amend Section 129875.1 of the Health and Safety Code, relating to health facilities.

Senate Bill 225: By Senator Soto (Coauthor: Assembly Member Chu)—An act to amend Section 44283 of the Health and Safety Code, relating to air quality.

Senate Bill 226: By Senator Cox (Principal coauthor: Senator Morrow) (Coauthors: Senators Aanestad, Ackerman, Battin, Dutton, Hollingsworth, Margett, McClintock, and Runner) (Coauthors: Assembly Members Blakeslee, La Malfa, Leslie, Maze, Niello, Sharon Runner, Strickland, and Walters)—An act to add Section 14218.3 to the Elections Code, relating to elections.

Senate Bill 227: By Senator Lowenthal—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Senate Bill 228: By Senator Figueroa—An act to amend Section 7810 of the Business and Professions Code, relating to geologists and geophysicists.



Senate Bill 229: By Senator Figueroa—An act to amend Section 8520 of the Business and Professions Code, relating to professions and vocations.

Senate Bill 230: By Senator Figueroa—An act relating to the Osteopathic Medical Board of California.

Senate Bill 231: By Senator Figueroa—An act to amend Section 2001 of the Business and Professions Code, relating to the healing arts.

Senate Bill 232: By Senator Figueroa—An act to amend Section 8000 of the Business and Professions Code, relating to court reporters.

Senate Bill 233: By Senator Figueroa—An act to amend Section 4928 of the Business and Professions Code, relating to acupuncture.

Senate Bill 234: By Senator Runner—An act to amend Section 19545 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 235: By Senator Denham—An act to amend Section 120291 of the Health and Safety Code, relating to HIV.

Senate Bill 236: By Senator Murray—An act relating to state parks.

Senate Bill 237: By Senator Migden—An act to add Section 798.19.5 to the Civil Code, relating to mobilehomes.

Senate Bill 238: By Senator Migden—An act to add Section 97.3 to the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to streets and highways.

Senate Bill 239: By Senator Romero—An act to add Section 2602 to the Penal Code, relating to prisoners.

Senate Bill 240: By Senator Margett—An act to amend Section 1252.5 of the Water Code, relating to water.

Senate Bill 241: By Senator Margett—An act to amend Section 30250 of the Public Resources Code, relating to coastal resources.

Senate Bill 242: By Senator Margett—An act to amend Section 2077 of the Fish and Game Code, relating to endangered species.

Senate Bill 243: By Senator Dutton—An act to add and repeal Section 17052.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 244: By Senator Romero—An act to amend Section 1771.7 of the Health and Safety Code, relating to continuing care retirement communities.

Senate Bill 245: By Senator Poochigian—An act to add Section 14682 to the Government Code, relating to state property.



Senate Bill 246: By Senator Figueroa—An act to amend Sections 6710, 6714, and 8710 of the Business and Professions Code, relating to professions and vocations.

Senate Bill 247: By Senator Figueroa—An act to amend Sections 18602 and 18613 of the Business and Professions Code, relating to the State Athletic Commission.

Senate Bill 248: By Senator Figueroa—An act to amend Sections 1601.1, 1616.5, and 1742 of the Business and Professions Code, relating to dentistry.

Senate Bill 249: By Senator Denham—An act relating to involuntary trusts.

Senate Bill 250: By Senator Campbell—An act to add Section 43830.5 to the Health and Safety Code, relating to air pollution.

Senate Bill 251: By Senator Morrow—An act to add Section 2059 to the Insurance Code, relating to homeowners' insurance.

Senate Bill 252: By Senator Ackerman—An act to add Section 206.5 to the Code of Civil Procedure, relating to jurors.

Senate Bill 253: By Senator Torlakson—An act to amend Sections 65583, 65584.1, and 66016 of, and to repeal Sections 65586 and 65588.1 of, the Government Code, relating to housing.

Senate Bill 254: By Senator Torlakson—An act to amend Sections 7076, 7086, 7097, and 7107 of, and to add Section 7114.2 to, the Government Code, and to amend Sections 17053.34, 17053.46, 17053.47, 23622.8, 23634, and 23646 of the Revenue and Taxation Code, relating to economic development.

Senate Bill 255: By Senator Torlakson—An act to amend Sections 9853, 9860, and 9861 of the Vehicle Code, relating to vessels.

Senate Bill 256: By Senator Speier—An act to add Section 409.12 to the Military and Veterans Code, relating to military benefits, and making an appropriation therefor.

Senate Bill 257: By Senator Chesbro—An act to amend Section 5845 of the Welfare and Institutions Code, relating to mental health.

Senate Bill 258: By Senator Chesbro—An act to add Section 5338 to the Welfare and Institutions Code, relating to mental health.

Senate Bill 259: By Senator Campbell—An act to amend Sections 17276, 23802, 23803, and 23806 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 260: By Senator Denham—An act to add and repeal Section 48911.3 of school the Education Code, relating to school attendance.



Senate Bill 261: By Senator Speier—An act to amend Sections 799 and 803 of the Penal Code, relating to crimes.

Senate Bill 262: By Senator Dunn—An act relating to combinations in restraint of trade.

Senate Bill 263: By Senator Speier—An act to add Section 17550.195 to the Business and Professions Code, relating to sellers of travel.

Senate Bill 264: By Senator Machado—An act to amend Section 12301 of the Water Code, relating to water.

Senate Bill 265: By Senator Campbell—An act to add Section 19853.2 to the Government Code, relating to state employees.

Senate Bill 266: By Senator Romero—An act to amend Section 1797.98b of the Health and Safety Code, and to amend Section 8555 of the Government Code, relating to emergency services.

Senate Bill 267: By Senator Romero—An act to amend Section 1797.198 of the Health and Safety Code, relating to emergency medical services.

Senate Bill 268: By Senator Campbell—An act to amend Section 53601.7 of the Government Code, relating to local agencies.

Senate Bill 269: By Senator Dutton—An act to amend Sections 12131.5 and 12133 of the Penal Code, relating to unsafe handguns.

Senate Bill 270: By Senator Campbell—An act to amend Section 25121 of the Revenue and Taxation Code, relating to taxation.

Senate Constitutional Amendment 7: By Senator Torlakson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XIX thereof, and by amending Section 1 of Article XIXA thereof, relating to transportation.

Senate Concurrent Resolution 20: By Senator Soto (Coauthor: Assembly Member Huff)—Relative to the CHP Officer Thomas J. Steiner Memorial Highway.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of Olen Arnold of Bakersfield.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Father Leo McAllister of Sacramento.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Hugh Lee Keating of El Centro.



Senator Dunn requested that when the Senate adjourns this day it do so in memory of Wendy Kae Linehan.

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

Senator Runner requested that when the Senate adjourns this day it do so in memory of William Leo Babich of Rosamond.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, February 16, 2005.

PAULA K. ROSSETTO, Minute Clerk

