

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, March 14, 2005

The Senate met at 10 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:

Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, 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—40.

Quorum present.



**PRAYER**

Upon invitation of the President, the following prayer was offered by Rev. Faith Whitmore of St. Mark's United Methodist Church:

*Spirit of the Living God*, Known to us by many names, we are reminded of the words of the prophet Micah who asked, "What does the Lord require of us but to do justice, love kindness and walk humbly with our God?" We have gathered together this morning to honor women from all parts of this great state who have done just that—who have dedicated their lives to furthering justice, who have shown kindness in myriad ways, who have made great strides and sacrifices to benefit others, often with little recognition. And so it is an honor and a privilege for all of us together—elected officials, staff members, family members, and guests to extend to them our thanks—to speak their names and share their stories, that all might know and appreciate the difference that they each have made. We pray Your blessing upon this time of celebration and when this time ends, may we each go out into the world to be of good service, especially mindful of the most vulnerable among us. In the spirit of thanksgiving and appreciation we pray.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, March 14, 2005

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 182

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 Bill 182**—An act to amend Section 51350 of the Government Code, relating to local government.

Bill read second time.

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

State Capitol, March 14, 2005

The Committee on Rules has referred the following measure to committee:

**Appropriations**—AB 156.

**Senator Kehoe Presiding****RECESS**

At 10:13 a.m., Senate recessed for the purpose of introducing the recipients of the 2005 Woman of the Year awards.

**Senate Woman of the Year—2005**

District 1: Sharon Lundgren, Senator Cox; District 2: Amelia Moran Ceja, Senator Chesbro; District 3: Amelia Ashley-Ward, Senator Migden; District 4: Charlee Thompson, Senator Aanestad; District 5: Katie Villegas, Senator Machado; District 6: Maxine Milner Krugman, Senator Ortiz; District 7: Betty Conner, Senator Torlakson; District 8: Mona Lisa Yuchengco, Senator Speier; District 9: Emilia Otero, Senator Perata; District 10: Gloria Villasana Fuerniss, Senator Figueroa; District 11: Betsy McCarty, Senator Simitian; District 12: Colleen Garcia, Senator Denham; District 13: Leona M. Butler, Senator Alquist; District 14: Muriel Smitcamp, Senator Poochigian; District 15: Dina Eastwood, Senator Maldonado; District 16: Andrea Jung, Senator Florez; District 17: Sarah Miller, Senator Runner; District 18: Diane Grattaroti, Senator Ashburn; District 19: June Van Wingerden, Senator McClintock; District 20: Soledad Alatorre, Senator Alarcón; District 21: Lori Hartwell, Senator Scott; District 22: Lisa Milton, Senator Cedillo; District 23: Kathy Silverton, Senator Kuehl; District 24: Estelle Holtz, Senator Romero; District 26: Jacquie Stevens, Senator Murray; District 27: Helen Melton, Senator Lowenthal; District 28: Carol Tantau, Senator Bowen; District 29: Councilwoman Mary Ann Lutz, Senator Margett; District 31: Andrea Guillen Dutton, Senator Dutton; District 32: Penny Newman, Senator Soto; District 33: Ann Rommel, Senator Ackerman; District 34: Irene “Charlie” LaChance, Senator Dunn; District 35: Cathy Green, Senator Campbell; District 36: Natalie Hollingsworth, Senator Hollingsworth; District 37: Barbara Sinatra, Senator Battin; District 39: Councilwoman Donna Frye, Senator Kehoe; District 40: Margarita De Necocheah, Senator Ducheny; Lt. Gov. Bustamante, Sara Wan.

**INTRODUCTION OF FIRST LADY, MARIA SHRIVER**

Senator Kehoe introduced California’s First Lady, Maria Shriver, who addressed the Senate and paid tribute to the Woman of the Year honorees.

**REASSEMBLED**

At 10:56 a.m., the Senate reconvened.

Hon. Jackie Speier, of the 8th District, presiding.



**CONSIDERATION OF DAILY FILE  
UNFINISHED BUSINESS**

**Consideration of Governor's Appointment**

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

L. Rachel Montes, Member, California State Lottery Commission.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

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

At 11:11 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 Tuesday, March 15, 2005.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 10, 2005

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

ACR 27

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURE**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Concurrent Resolution 27**—Relative to National Engineers Week.



**REPORTS OF STANDING COMMITTEES****Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, March 14, 2005

Madam President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

SB 145

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

BOWEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 145**—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.

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**

Senate Chamber, March 14, 2005

Madam 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 Sections 19136 and 19142 of, to add Section 19136.12 to, and to repeal Sections 19136.3, 19136.4, 19136.5, 19136.6, 19136.8, and 19136.11 of, the Revenue Taxation Code, relating to taxation, 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 Health**

Senate Chamber, March 14, 2005

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

SB 210

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

ORTIZ, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 210**—An act to amend Section 1442.5 of the Health and Safety Code, relating to county medical facilities.

Bill read second time.

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

**Committee on Rules**

Senate Chamber, March 14, 2005

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

SB 161

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 Bill 161**—An act to amend Section 50265 of the Government Code, relating to local human relations commissions.

Bill read second time.

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

**Committee on Appropriations**

Date of Hearing, March 14, 2005

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

AB 156

Reports the same back with the recommendation: Do pass.

MIGDEN, Chair

Above bill ordered to second reading.

Senate Chamber, March 11, 2005

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

SB 49

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.

**Committee on Transportation and Housing**

Senate Chamber, March 14, 2005

Madam President: The Chair of the Committee on Transportation and Housing, to which was referred:

SB 61



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

TORLAKSON, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 61**—An act to add Section 1363.03 to the Civil Code, relating to common interest developments.

Bill read second time.

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

**Committee on Rules**

Senate Chamber, March 14, 2005

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 185

SCR 31

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 Bill 185**—An act to amend Section 11011.18 of the Government Code, relating to state property.

Bill read second time.

**Senate Concurrent Resolution 31**—Relative to the Joint Committee on the Master Plan for Education.

Resolution read second time.

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

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 32:** By Senator Escutia—Relative to Cesar Chavez Day.

**MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 457** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Revenue and Taxation.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Appropriations**

**SB 94**—Do pass as amended

AYES (11)—Senators Aanestad, Alquist, Ashburn, Battin, Bowen, Dutton, Florez, Migden, Ortiz, Poochigian, and Speier.

NOES (0)—None.



**AB 156—Do pass**

AYES (11)—Senators Aanestad, Alquist, Ashburn, Battin, Bowen, Dutton, Florez, Migden, Ortiz, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 3/14/2005

Migden (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alquist requested that when the Senate adjourns this day it do so in memory of Mary Lou Zoglin of Mountain View.

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of John Shirinian of Palm Desert.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Janice Oaks Welch of Jackson.

Senators Cox and Poochigian requested that when the Senate adjourns this day it do so in memory of Judge Robert Puglia of Sacramento.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Anneliese Froehlich of Pacific Palisades.

Senator Lowenthal requested that when the Senate adjourns this day it do so in memory of William Grabinski of Long Beach.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 15, 2005.

PAULA K. ROSSETTO, Minute Clerk

