

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 16, 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:

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.

REPORTS OF STANDING COMMITTEES

Committee on Transportation and Housing

Date of Hearing, March 15, 2005

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 6

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

TORLAKSON, Chair

Above measure re-referred to the Committee on Revenue and Taxation.



Date of Hearing, March 15, 2005

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 106

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

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 15, 2005

Mr. President: The Committee on Transportation and Housing, to which were referred:

SCR 7

SCR 8

SCR 12

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

TORLAKSON, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Government Modernization, Efficiency, and Accountability

Senate Chamber, March 16, 2005

Mr. President: The Chair of the Committee on Government Modernization, Efficiency, and Accountability, to which was referred:

SB 99

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

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 99—An act to amend Section 11011.18 of, and to add Title 15.7 (commencing with Section 97500) to, the Government Code, relating to state property.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, March 15, 2005

Mr. President: The Committee on Judiciary, to which was referred:

SB 51

Reports the same back with the recommendation: Do pass.

DUNN, Chair

Above bill ordered to second reading.



Committee on Local Government

Date of Hearing, March 16, 2005

Mr. President: The Committee on Local Government, to which was referred:

SB 34

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bill ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing, March 16, 2005

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

SB 39

SB 145

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

BOWEN, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing, March 14, 2005

Mr. President: The Committee on Appropriations, to which was referred:

SB 94

Reports the same back with the recommendation: Do pass as amended.

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Public Safety

Senate Chamber, March 16, 2005

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 138

SB 156

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

ALQUIST, Chair

Second Reading of Bills—Author's Amendments

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

Bill read second time.



Senate Bill 156—An act to amend Sections 597b, 597c, and 597j of the Penal Code, relating to animal fighting exhibitions.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, March 16, 2005

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

SB 21

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 21—An act to add Article 6 (commencing with Section 1249) to Chapter 1 of Part 2 of Division 2 of the Water Code, relating to water.

Bill read second time.

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

Committee on Transportation and Housing

Date of Hearing, March 15, 2005

Mr. President: The Committee on Transportation and Housing, to which was referred:

SJR 1

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, March 16, 2005

Mr. President: The Committee on Rules has considered the following nominee by the Governor and reports the same back with the recommendation that he be confirmed:

Bruce A. McPherson, Secretary of State (5–0)

PERATA, Chair

Above nomination ordered placed on unfinished business file.

Date of Hearing, March 16, 2005

Mr. President: The Committee on Rules, to which were referred:

SCR 31

SR 10



Reports the same back with the recommendation: Be adopted.

PERATA, Chair

Above resolutions ordered to third reading.

State Capitol, March 16, 2005

Mr. President: The Senate Rules Committee has appointed the following members to the Joint Committee on Arts: Senators Ashburn, Battin, Kehoe, Kuehl, Maldonado and Scott. The Rules Committee has recommended that Senator Scott be appointed to serve as the Chair.

The Senate Rules Committee has appointed the following members to select committees:

Bay Area Infrastructure—Senators Machado, Migden, Perata, and Simitian;

Coastal Protection and Watershed Conservation—Senators Denham, Kehoe, Lowenthal, and Maldonado;

Health Insurance Crisis in California—Senators Ashburn, Cedillo, Escutia, Ortiz, and Runner.

PERATA, Chair

SENATE COMMITTEE ROLL CALLS

Committee on Education

SB 12—Do pass as amended and re-refer to Committee on Health

AYES (8)—Senators Alquist, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, and Torlakson.

NOES (3)—Senators Denham, Dutton, and Morrow.

Date of Hearing: 3/16/2005

Scott (Chair)

Committee on Elections, Reapportionment and Constitutional Amendments

SB 8—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Battin, Bowen, Dunn, and Romero.

NOES (0)—None.

SB 11—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (2)—Senators Battin and Poochigian.

SB 39—Do pass and re-refer to Committee on Appropriations

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

NOES (2)—Senators Battin and Poochigian.

SB 117—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (2)—Senators Battin and Poochigian.



SB 145—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Battin, Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.

SCA 4—Be adopted as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Battin and Poochigian.

NOES (4)—Senators Bowen, Dunn, Murray, and Romero.

Failed adoption

SCA 4—Reconsideration granted

AYES (6)—Senators Battin, Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.

Date of Hearing: 3/16/2005

Bowen (Chair)

Committee on Health**SB 47**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Kuehl, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

SB 162—Do pass as amended and re-refer to Committee on Government Modernization, Efficiency and Accountability

AYES (7)—Senators Alquist, Chesbro, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (1)—Senator Cox.

Date of Hearing: 3/16/2005

Ortiz (Chair)

Committee on Judiciary**SB 40**—Do pass as amended and re-refer to Committee on Appropriations.

AYES (6)—Senators Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (1)—Senator Ackerman.

SB 51—Do pass

AYES (5)—Senators Cedillo, Dunn, Escutia, Figueroa, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

SB 116—Do pass as amended and re-refer to Committee on Appropriations.

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

SB 158—Do pass as amended

AYES (6)—Senators Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (1)—Senator Ackerman.

Date of Hearing: 3/15/2005

Dunn (Chair)



Committee on Local Government**SB 34—Do pass**

AYES (4)—Senators Kehoe, Machado, Soto, and Torlakson.

NOES (2)—Senators Ackerman and McClintock.

Date of Hearing: 3/16/2005

Kehoe (Chair)

Committee on Rules**SCR 31—Be adopted**

AYES (3)—Senators Bowen, Cedillo, and Perata.

NOES (0)—None.

SR 10—Be adopted

AYES (5)—Senators Ashburn, Battin, Bowen, Cedillo, and Perata.

NOES (0)—None.

Date of Hearing: 3/16/2005

Perata (Chair)

Committee on Transportation and Housing**SB 6—Do pass and re-refer to Committee on Revenue and Taxation**

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Maldonado, Margett, McClintock, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SB 106—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (2)—Senators Ashburn and McClintock.

SB 114—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Simitian, Soto, and Torlakson.

NOES (5)—Senators Ashburn, Maldonado, Margett, McClintock, and Runner.

SCR 7—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (14)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SCR 8—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (14)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.



SCR 10—Be adopted as amended, to Consent Calendar

AYES (14)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SCR 11—Be adopted as amended, to Consent Calendar

AYES (14)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SCR 12—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (14)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

SJR 1—Be adopted, to Consent Calendar

AYES (14)—Senators Ashburn, Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/15/2005

Torlakson (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Ernest N. “Tom” Papadakis of San Pedro.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Robbie Drolet of San Dimas.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Thursday, March 17, 2005.

PAULA K. ROSSETTO, Minute Clerk

