

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 1, 2006

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, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson—35.

Quorum present.

(NOTE: Senators Aanestad, Dunn, Morrow, and Vincent will be excused this day on legislative business.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 1, 2006

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

Peichin L. Cheng, Vice President and Chief Executive Officer, C.G.M. Development. Appointed 12/22/05. Effective 02/01/06.

Member, Acupuncture Board vice Michael F. Eng, term expired, term ending 06/01/09.

Kenny G. Cherng, Ph.D., Director, Redlands and San Bernardino United University Clinic; has served on the Board since 2005. Reappointed 12/22/05. Effective 1/31/06.

Member, Acupuncture Board, term expires 06/01/09.

Steven Tan, M.D., Director, Integrative Institute for East-West Medicine; has served on the Board since 2005. Reappointed 12/22/05. Effective 01/30/06.

Member, Acupuncture Board, term expires 06/01/09.

John G. Kenney, teacher, Calaveras High School; completed four-year tenure as Chair of the Science Department; former Engineer specializing in the manufacturing and process industries. Appointed 01/27/06. Effective 01/27/06.

Member, Commission on Teacher Credentialing vice Lawrence H. Madkins, resigned, term ending 11/20/09.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 31, 2006

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

SCR 71

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

Above measure ordered to unfinished business file.

Assembly Chamber, January 31, 2006

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 390

AB 1129

Assembly Chamber, January 31, 2006

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 450

AB 1101

AB 1558



Assembly Chamber, January 31, 2006

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

ACR 102

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 450—An act to add Section 8608 to the Government Code, relating to disaster preparedness.

Assembly Bill 1101—An act to amend Sections 44320, 44322, 44342, 44360, 44390, and 44391 of, and to add Sections 44303.5, 44323.5, 44395, and 44396 to, the Health and Safety Code, relating to air pollution.

Assembly Bill 1558—An act to add Chapter 3.5 (commencing with Section 83500) to Title 9 of the Government Code, relating to the Fair Political Practices Commission, and making an appropriation therefor.

Assembly Concurrent Resolution 102—Relative to California Girls and Women in Sports Day.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

Senate Chamber, January 31, 2006

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

SB 332

SB 509

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

DENHAM, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, January 31, 2006

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

SB 226

SB 596

SB 721

SB 904

SB 1012



Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

BOWEN, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Labor and Industrial Relations

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

SB 146	SB 179	SB 382	SB 639
SB 177	SB 285	SB 495	SB 692
SB 178	SB 331	SB 549	SB 916

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ALARCÓN, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Judiciary

Senate Chamber, February 1, 2006

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

SB 304	SB 415	SB 855	SB 1022
SB 312	SB 544	SB 937	SB 1030
SB 333	SB 633	SB 943	SB 1031
SB 346	SB 725	SB 945	SB 1099
SB 359	SB 756	SB 947	SB 1104
SB 410	SB 807	SB 986	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

DUNN, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Governmental Organization

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 542	SB 1013	SB 1039
--------	---------	---------

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

FLOREZ, Chair

Above measures ordered filed with the Secretary of the Senate.



Committee on Human Services

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Human Services, to which were referred:

SB 1034

SB 1071

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ALQUIST, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Local Government

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 149

SB 183

SB 196

SB 211

SB 321

SB 483

SB 732

SB 827

SB 1014

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

KEHOE, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Health

Senate Chamber, February 1, 2006

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

SB 19

SB 325

SB 456

SB 593

SB 147

SB 329

SB 482

SB 774

SB 206

SB 340

SB 533

SB 1083

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ORTIZ, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Environmental Quality

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 120

SB 623

SB 773

SB 785

SB 948

SB 976

SB 977

SB 1058

SB 1115



Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

SIMITIAN, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Transportation and Housing

Senate Chamber, February 1, 2006

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

SB 466	SB 705	SB 823	SB 953
SB 590	SB 761	SB 829	SB 969
SB 601	SB 810		

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

LOWENTHAL, Chair

Above measures ordered filed with the Secretary of the Senate.

Senate Chamber, February 1, 2006

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

SB 324	AB 877
--------	--------

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

LOWENTHAL, Chair

Above Senate measure ordered filed with the Secretary of the Senate.

Above Assembly measure ordered returned to the Assembly.

Committee on Veterans Affairs

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Veterans Affairs, to which were referred:

SB 181	SB 766
--------	--------

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

MORROW, Chair

Above measures ordered filed with the Secretary of the Senate.



Committee on Government Modernization, Efficiency, and Accountability

Senate Chamber, February 1, 2006

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

SB 216

SB 886

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

FIGUEROA, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Public Employment and Retirement

Senate Chamber, February 1, 2006

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

SB 265

SB 881

SB 887

SB 1063

SB 379

SB 882

SB 888

SB 1064

SB 758

SB 883

SB 890

SB 1066

SB 877

SB 884

SB 1055

SB 1094

SB 880

SB 885

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

SOTO, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Business, Professions and Economic Development

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which were referred:

SB 582

SB 700

SB 934

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

FIGUEROA, Chair

Above measures ordered filed with the Secretary of the Senate.

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 356

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

FIGUEROA, Chair

Above measure ordered filed with the Secretary of the Senate.

Senate Chamber, February 1, 2006

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 152

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

FIGUEROA, Chair

Above measure ordered filed with the Secretary of the Senate.

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 1222: By Senator Ackerman—An act to amend Section 186.22 of the Penal Code, relating to crime.

Senate Bill 1223: By Senator Scott—An act to add Section 1367.195 to the Health and Safety Code, and to add Section 10123.75 to the Insurance Code, relating to health care coverage.

Senate Bill 1224: By Senators Chesbro and Aanestad—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

Senate Bill 1225: By Senators Chesbro and Soto (Coauthors: Assembly Members Berg and Jones)—An act to amend Section 22710 of the Vehicle Code, relating to vehicles.

Senate Bill 1226: By Senator Chesbro (Principal coauthor: Assembly Member Evans)—An act to add Section 11011.26 to the Government Code, relating to state property.

REQUEST TO TAKE BILL FROM INACTIVE FILE (AB 1548)

On request of Senator Ashburn, and without objection, **AB 1548** was taken from the inactive file and taken up.

Consideration of Assembly Bill 1548

Assembly Bill 1548—An act to add Section 60064 to, and to add and repeal Section 60051 of, the Education Code, relating to instructional materials, and making an appropriation therefor.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1548 pursuant to Joint Rule 58.

ASSEMBLY MEMBER PAVLEY



Permission of Rules Committee

Senate Chamber, February 1, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1548.

PERATA, Chair

Amendments Adopted

Amendments to AB 1548 proposed by Senator Ashburn were read and adopted and the measure ordered printed and to second reading.

DIED ON FILE

Subsequent to adjournment, pursuant to the Constitution and Joint Rules, the following bills died on File: **SB 17** and **SB 681**; subsequent to adjournment, pursuant to the Constitution and Joint Rules, the following bills died on the Inactive File: **SB 25, SB 155, SB 468, SB 510, SB 522, SB 556, SB 642, SB 728, SB 929, SB 932, SB 939, and SB 995.**

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Dunn, Morrow, and Vincent.

REQUEST TO ADJOURN IN MEMORIAM

Senator Machado requested that when the Senate adjourns this day it do so in memory of Marjorie Di Carlo of Linden and Burton Emory Gray of Stockton.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday February 2, 2006.

PAULA K. ROSSETTO, Minute Clerk



└