

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 16, 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.

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, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent—34.

Quorum present.

(NOTE: Senators Florez and Kehoe will be excused this day on legislative business, Senator Ortiz will be excused this day due to a death in the family, and Senators Cox and Soto will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rev. Canon James Richardson:

Holy and Gracious God, we give You thanks this day for the many gifts of our land and the liberty of our people. We pray that Your light may continually shine upon us and that we will always be servants worthy in Your sight—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 80, SCR 81, SCR 83, SCR 84, SCR 85**, and **ACR 103** were withdrawn from Committee and placed on today's Special Consent Calendar.

REPORTS OF STANDING COMMITTEES**Committee on Health**

Date of Hearing: February 16, 2006

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

SB 912

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

RUNNER, Vice Chair

REQUEST FOR UNANIMOUS CONSENT (SB 912)

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 912 at this time, without reference to file.

Consideration of Assembly Amendments

Senate Bill 912—An act to amend Section 14105.19 of the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in Assembly amendments to SB 912?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (0)—None.



Roll Call

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

AYES (31)—Senators Aanestad, Ackerman, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

MOMENT OF SILENCE

Senator Romero requested that the Senate observe a moment of silence for Paul Ortiz, father of Senator Debra Ortiz, who passed away on February 14, 2006, and that the Senate adjourn this day in his memory.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Joint Resolution 10—Relative to the USA PATRIOT ACT.

Resolution presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SJR 10?

Roll Call

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

AYES (23)—Senators Aanestad, Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Kuehl, Lowenthal, Machado, McClintock, Migden, Murray, Perata, Romero, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Denham, Dutton, Hollingsworth, Maldonado, Margett, Morrow, Poochigian, and Runner.

Above resolution ordered enrolled.

Senator Speier Presiding**Consideration of Governor's Appointment**

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

Heidi J. Harris, Member, California Regional Water Quality Control Board, North Coastal Region.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments

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

Alfredo C. Armendariz, Member, Alcoholic Beverage Control Appeals Board.

Tina H. Frank, Member, Alcoholic Beverage Control Appeals Board.

Sophie C. Wong, Member, Alcoholic Beverage Control Appeals Board.

Patrick R. Adams, Member, Fair Employment and Housing Commission.

Linda Ng, Member, Fair Employment and Housing Commission.

Manuel E. Ortega, Member, California State Lottery Commission.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (0)—None.

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 80—Relative to Arthritis Awareness.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 81—Relative to Asthma Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)



Senate Concurrent Resolution 83—Relative to recognizing May 2006 as Asian and Pacific Islander American Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 84—Relative to Older Americans Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 85—Relative to American Stroke Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 103—Relative to Korean-American Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 71—Relative to American Heart Month.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1758—An act to amend Section 52055.650 of, and to add Section 52055.661 to, the Education Code, relating to high-priority schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 64—Relative to Arts Education Month.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado,



Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (0)—None.

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

At 9:30 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 Friday, February 17, 2006.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 16, 2006

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Jeffrey Anthony Danzinger, former Deputy Communications Director and Chief Speechwriter, Office of the Governor; former Senior Communications Consultant, California State Assembly; and former Advisor and Deputy Advisor, Integrated Waste Management Board. Appointed 02/14/06. Effective 02/14/06.

Member, California Integrated Waste Management Board vice Rosario Marin, re-assigned, term ending 01/01/08.

Above appointment referred to the Committee on Rules.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 15, 2006

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

John Gilbert Cruz, Member, California Gambling Control Commission (4-0)

Alexandra Vuksich, Member, California Gambling Control Commission (4-0)

PERATA, Chair

State Capitol, February 15, 2006

Madam President: Pursuant to a request from Senator Florez, the Senate Rules Committee has terminated the Select Committee on Retirement Investment Protection and Corporate Responsibility, and has created a Select Committee on E-Commerce, Wireless Technology, and Consumer Driven Programming. The following members have been appointed to serve on the new select committee: Senators Florez, Chair, Bowen, Denham, Escutia, Hollingsworth, Simitian, and Torlakson.

PERATA, Chair

State Capitol, February 15, 2006

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

Appointed Ms. Linda C. Lucks of Venice as a member of the Health Professions Education Foundation Board of Trustees to serve for a term ending January 1, 2009.

Appointed the following persons as members of the California Commission on the Fair Administration of Justice to serve at the pleasure of the Rules Committee: Mr. William J. Bratton of Los Angeles, Mr. Glendon B. Craig of Rancho Murieta, Mr. Michael Hersek of San Francisco, Mr. George W. Kennedy of San Jose, and Mr. Gregory D. Totten of Camarillo.

PERATA, Chair

Committee on Public Safety

Senate Chamber, February 16, 2006

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

AB 1169

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

Assembly Bill 1169—An act to amend Sections 241.3, and 243.3 of, and to add Section 241.35 to, the Penal Code, relating to crimes against transit district operators.

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, February 16, 2006

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

SCR 67

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 Concurrent Resolution 67—Relative to Shaken Baby Syndrome Awareness Week.

Resolution read second time.

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

Committee on Rules

State Capitol, February 15, 2006

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

Business, Professions and Economic Development—SB 1232.

Education—SB 1234, SB 1236, SB 1255, SB 1264, SB 1266.

Elections, Reapportionment and Constitutional Amendments—SB 1235, SB 1243, SB 1265.

Energy, Utilities and Communications—SB 1250.

Environmental Quality—SB 1252; AB 289.

Government Modernization, Efficiency, and Accountability—SB 1267.

Governmental Organization—SB 1226.

Health—SB 1260.

Human Services—SB 1270.

Judiciary—SB 1228, SB 1259, SB 1272.

Natural Resources and Water—SB 1242, SB 1251, SB 1253.



Public Employment and Retirement—SB 1273.

Public Safety—SB 1222, SB 1239, SB 1241, SB 1247, SB 1261, SB 1262; AB 50.

Revenue and Taxation—SB 1249, SB 1263.

Rules—SB 1238, SB 1254, SB 1256, SB 1257, SB 1258, SB 1268, SB 1269, SB 1271, SB 1274.

Transportation and Housing—SB 1224, SB 1225, SB 1227, SB 1237, SB 1246.

Veterans Affairs—SB 1244.

The Committee on Rules has re-referred the following measures to committee:

Appropriations—AB 1548.

Elections, Reapportionment and Constitutional Amendments—AB 707.

Environmental Quality—SR 23.

Health—SJR 21, SJR 22.

Transportation and Housing—SCR 91.

The Committee on Rules has referred the following measures to two committees:

Agriculture and Environmental Quality—SB 1229.

Banking, Finance and Insurance and Health—SB 1223, SB 1245.

Business, Professions and Economic Development and Transportation and Housing—SB 1231.

Elections, Reapportionment and Constitutional Amendments and Rules—AB 1558.

Environmental Quality and Revenue and Taxation—SB 1230.

Health and Judiciary—SB 1248.

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 1299: By Senators Speier and Denham (Coauthors: Senators Bowen, Chesbro, Cox, and Romero) (Coauthors: Assembly Members Chan, Garcia, Karnette, Niello, and Spitzer)—An act to amend the heading of Article 6 (commencing with Section 11383) of Chapter 6 of Division 10 of, to amend Section 11383 of, and to add Section 11383.5 to, the Health and Safety Code, relating to controlled substances.



Senate Bill 1300: By Senator Kuehl—An act to amend, repeal, and add Section 40518 to, and to add and repeal Section 22368 of, the Vehicle Code, relating to vehicles.

Senate Bill 1301: By Senator Alquist—An act to amend Section 1266 of, to add Sections 1279.1, 1279.2, and 1279.3 to, and to repeal and add Section 1279 of, the Health and Safety Code, relating to health facilities.

Senate Bill 1302: By Senator Ashburn—An act to amend Sections 8421, 8422, 8425, 8426, 8427, 8428, 8482.3, 8482.5, 8482.55, 8482.8, 8483, 8483.1, 8483.2, 8483.4, 8483.7, 8483.75, 8483.9, 8484.6, 8484.7, 8484.75, 8484.8, and 8484.9 of, to add Sections 8421.5 and 8482.4 to, to repeal Sections 8482.5, 8483.25, 8483.7, 8483.8, 8483.9, 8484, and 8484.5 of, and to repeal and add Sections 8423, 8483.3, and 8483.55 of the Education Code, relating to before and after school programs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1303: By Senator Runner—An act to amend Section 48800 of the Education Code, relating to pupils.

Senate Bill 1304: By Senator Runner—An act to add Section 81005 to the Education Code, relating to community colleges.

Senate Bill 1305: By Senator Figueroa—An act to amend Section 117700 of, and to add Section 118286 to, the Health and Safety Code, relating to medical waste.

Senate Bill 1306: By Senator Poochigian—An act to amend Section 60641 of the Education Code, relating to pupils.

Senate Bill 1307: By Senator Poochigian—An act to amend Section 56.13 of the Civil Code, to amend Section 123105 of the Health and Safety Code, and to amend Section 4690 of the Probate Code, relating to medical information.

Senate Bill 1308: By Senator Battin—An act to amend Section 56000 of the Government Code, relating to local government.

Senate Bill 1309: By Senator Scott—An act to amend Section 69616.3 of, and to amend and renumber the heading of Article 5.6 (commencing with Section 69616) of Chapter 2 of Part 42 of, the Education Code, relating to nursing education, and making an appropriation therefor.

Senate Bill 1310: By Senator Kuehl—An act to add Sections 4513.5 and 4525.9 to the Public Resources Code, relating to forest resources.

Senate Bill 1311: By Senator Soto—An act to add Article 11 (commencing with Section 7740) to Chapter 1 of Division 4 of the Public Utilities Code, relating to railroads.



Senate Bill 1312: By Senator Alquist—An act to amend Sections 1279 and 1422 of the Health and Safety Code, relating to health care facilities.

Senate Bill 1313: By Senator Denham—An act to amend Section 3000 of, and to add Sections 1203.068 and 3003.6 to the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1314: By Senator Morrow—An act to amend Section 1600 of the Business and Professions Code, relating to dentistry.

Senate Bill 1315: By Senator Morrow—An act to amend Section 10130 of the Business and Professions Code, relating to real estate.

Senate Bill 1316: By Senator Runner—An act to add Section 20175.3 to the Public Contract Code, relating to public contracts.

Senate Bill 1317: By Senator Torlakson—An act to add Section 100.95 to the Revenue and Taxation Code, relating to local government finance.

Senate Bill 1318: By Senator Cedillo—An act to add Section 11380.7 to the Health and Safety Code, relating to controlled substances.

Senate Bill 1319: By Senator Cedillo—An act to add Section 851.91 to the Penal Code, relating to criminal procedure.

Senate Bill 1320: By Senator Cedillo—An act to add Section 1203.077 to the Penal Code, relating to probation.

Senate Bill 1321: By Senator Cedillo—An act to add Section 851.92 to the Penal Code, relating to criminal procedure.

Senate Bill 1322: By Senator Cedillo—An act to amend Sections 65583 and 65583.2 of the Government Code, relating to housing.

Senate Bill 1323: By Senator Cedillo—An act relating to mental health.

Senate Bill 1324: By Senator Lowenthal—An act to amend Section 17292 of the Education Code, relating to school facilities.

Senate Bill 1325: By Senator Scott—An act to amend Sections 7630 and 8815 of the Family Code, relating to adoption.

Senate Bill 1326: By Senator Runner (Principal coauthor: Assembly Member Richman) (Coauthor: Assembly Member Huff)—An act to add Article 1.5 (commencing with Section 35715) to Chapter 4 of Part 21 of the Education Code, relating to school district reorganization.

Senate Constitutional Amendment 24: By Senator Torlakson—A resolution to propose to the people of the State of California an amendment



to the Constitution of the State, by adding Sections 10 and 11 to Article IX thereof, relating to education funding.

Senate Concurrent Resolution 94: By Senator Escutia—Relative to Cinco de Mayo Week.

SENATE COMMITTEE ROLL CALLS

Committee on Health

SB 912—That the Assembly amendments be concurred in

AYES (6)—Senators Aanestad, Alquist, Chesbro, Figueroa, Kuehl, and Runner.

NOES (0)—None.

Date of Hearing: 2/16/2006

Ortiz (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez and Kehoe.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Ortiz.

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

REQUESTS TO ADJOURN IN MEMORIAM

Senators Hollingsworth and Ducheny requested that when the Senate adjourns this day it do so in memory of John Rubin of Holtville.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Melissa Calhoun Pankowski of Novato.

Senator Romero requested that when the Senate adjourns this day it do so in memory of David Perea of Rosemead.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, February 17, 2006.

PAULA K. ROSSETTO, Minute Clerk

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