

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

---

---

# SENATE DAILY JOURNAL

ONE HUNDRED FIFTIETH LEGISLATIVE DAY

---

## IN SENATE

---

Senate Chamber, Sacramento  
Friday, February 17, 2006

The Senate met at 9 a.m.

Hon. Kevin Murray, of the 26th 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, Cedillo, Chesbro, Dutton, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Romero, Scott, Speier, Torlakson, and Vincent—23.

Quorum present.

*(NOTE: Senators Aanestad, Bowen, Ducheny, Escutia, Florez, Kehoe, Perata, Poochigian, Runner, and Simitian will be excused this day on legislative business and Senators Battin, Denham, and Morrow will be excused this day on personal business and Senators Cox, Dunn, and Soto will be excused this day due to illness.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

February 17, 2006

Mr. President: The Committee on Rules has examined:

SB 912

And reports that the same has been presented to the Governor on the 17th day of February, 2006, at 9:30 a.m.

PERATA, Chair



**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
February 17, 2006

*To the Members of the Senate:*

I am signing Senate Bill 912, to permanently eliminate a 5% Medi-Cal provider rate cut initiated by the previous Administration and mandated by legislation in 2003. Because of the efforts of my Administration and the leadership of other states, the federal government recently announced that California will save \$113 million through a recalculation of the Medicare Part D payment formula. These unanticipated savings provide us the opportunity to end the rate reduction currently in place and provide relief for Medi-Cal fee-for-service providers who deliver critical health care services to our most vulnerable Californians.

While new federal funds will help cover the cost of this rate increase, rising costs in the Medi-Cal program demand attention and require action. As the Public Policy Institute of California recently reported, Medi-Cal spending has increased by more than 30 percent in five years and may increase by more than 60 percent to almost \$54 billion by 2010. Without implementing real cost-containment efforts in Medi-Cal, California will be seriously challenged to maintain eligibility and sustain the current level of services in the future. I call on the California Medical Association and other health care providers to work with me and the Legislature to develop and implement the types of reasonable and responsible Medi-Cal reforms that I have proposed to contain costs, maintain services and improve outcomes for Medi-Cal beneficiaries.

Sincerely,

ARNOLD SCHWARZENEGGER

Governor's Office, State Capitol  
February 17, 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

Cathleen J. Poncabare, an Associate with Golden Bear Associates; and former Deputy Appointments Secretary, Office of Governor Schwarzenegger. Appointed 01/10/06. Effective 01/24/06.

Member, Rehabilitation Appeals Board vice Dwight H. Bateman, term expired, term ending 12/24/09.

Above appointment referred to the Committee on Rules.



**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 16, 2006

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

ACR 110

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

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

**Assembly Concurrent Resolution 110**—Relative to President's Day.

**REPORTS OF STANDING COMMITTEES****Committee on Local Government**

Senate Chamber, February 17, 2006

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

AB 245

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

KEHOE, Chair

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

**Assembly Bill 245**—An act to add and repeal Section 20133.5 of the Public Contract Code, relating to public contracts.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 245 pursuant to Joint Rule 58.

ASSEMBLY MEMBER WALTERS

**Permission of Rules Committee**

Senate Chamber, February 17, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 245.

PERATA, Chair

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

**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 1327:** By Senator Soto—An act to amend Section 48203 of the Education Code, relating to school attendance.

**Senate Bill 1328:** By Senator Denham—An act to amend Section 777 of the Evidence Code and to amend Section 1102.6 of the Penal Code, relating to victims of crime.



**Senate Bill 1329:** By Senator Alquist—An act to add Section 33444.7 to the Health and Safety Code, relating to redevelopment.

**Senate Bill 1330:** By Senator Dunn (Coauthors: Assembly Members Garcia and Leslie)—An act to amend Sections 65589.5, 65863, and 65915 of the Government Code, relating to housing.

**Senate Bill 1331:** By Senator Dutton—An act relating to community services districts.

**Senate Bill 1332:** By Senator Dutton—An act to amend Section 75.18 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1333:** By Senator Dutton—An act to amend Section 23400 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 1334:** By Senator Perata—An act to amend Section 14133.23 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 1335:** By Senator Soto—An act to add Section 1550.2 to the Health and Safety Code, relating to foster care.

**Senate Bill 1336:** By Senators Cedillo and Murray—An act to amend Section 244.5 of, and to add Chapter 4.5 (commencing with Section 12430) to Title 2 of Part 4 of, the Penal Code, relating to remote stun guns.

**Senate Bill 1337:** By Senator Alquist—An act to amend Section 4688.5 of the Welfare and Institutions Code, relating to developmental services.

**Senate Bill 1338:** By Senator Alquist—An act to add Part 4 (commencing with Section 1000) to Division 1 of the Health and Safety Code, relating to health care.

**Senate Bill 1339:** By Senators Romero and Perata—An act relating to emergency medical services.

**Senate Bill 1340:** By Senator Margett—An act to amend Section 17213.5 of the Financial Code, relating to escrow agents.

**Senate Bill 1341:** By Senator Cedillo—An act to amend Section 6363.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 1342:** By Senator Chesbro—An act to amend Section 4590 of the Public Resources Code, relating to forest resources.

**Senate Bill 1343:** By Senator Chesbro—An act to add Section 12749.96 to the Water Code, relating to water.

**Senate Bill 1344:** By Senator Chesbro—An act to amend Section 42310.3 of the Public Resources Code, relating to recycling.



**Senate Bill 1345:** By Senator Chesbro—An act to amend Section 12209 of the Public Contract Code, and to amend Section 42240 of the Public Resources Code, relating to environmental quality.

**Senate Bill 1346:** By Senator Ortiz—An act to amend Section 13151 of the Penal Code, relating to criminal procedure.

**Senate Bill 1347:** By Senator Machado—An act to amend Sections 25209.11, 25209.12, and 25209.13 of, and to repeal Section 25209.16 of, the Health and Safety Code, relating to water.

**Senate Bill 1348:** By Senator Battin—An act to amend Sections 2157, 2159, and 2159.5 of, and to add Section 18108.1 to, the Elections Code, relating to voter registration.

**Senate Bill 1349:** By Senator Soto—An act to amend Section 57053 of the Health and Safety Code relating to environmental protection.

**Senate Bill 1350:** By Senator Romero—An act to add Section 1797.1991 to the Health and Safety Code, relating to trauma care funding, and making an appropriation therefor.

**Senate Bill 1351:** By Senator Battin—An act to amend Section 11250 of the Welfare and Institutions Code, relating to CalWORKs.

**Senate Bill 1352:** By Senator Battin—An act to amend Section 20035.5 of the Government Code, relating to the Public Employees' Retirement System.

**Senate Bill 1353:** By Senator Romero—An act to amend Section 14043.26 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 1354:** By Senator Dunn—An act to add Article 3.5 (commencing with Section 85350) to Chapter 5 of Title 9 of the Government Code, relating to the Political Reform Act of 1974.

**Senate Concurrent Resolution 95:** By Senator Soto—Relative to the Officer Richard Hyche Memorial Freeway.

**Senate Concurrent Resolution 96:** By Senator Ortiz—Relative to the Deputy Sheriff Sandra Powell-Larson Memorial Highway.

#### **MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 886** was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Rules; and

**AB 1169** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.



**CONSIDERATION OF DAILY FILE  
THIRD READING OF SENATE BILLS**

**Senate Bill 1202**—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to SB 1202 proposed by Senator Murray were read and adopted and the measure ordered printed, engrossed, and to second reading.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Bowen, Ducheny, Escutia, Florez, Kehoe, Perata, Poochigian, Runner, and Simitian.

The following Senators were granted leaves of absence for the day due to personal business: Senators Battin, Denham, and Morrow.

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Tuesday, February 21, 2006.

PAULA K. ROSSETTO, Minute Clerk

O

