

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, February 21, 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:

Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—34.

Quorum present.

*(NOTE: Senators Denham, Maldonado, and Morrow will be excused this day on legislative business, Senator Ortiz will be excused this day on personal business, and Senator Speier will be excused this day due to family illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
February 21, 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

Paul R. Chabot, Executive Director, Freestyle Foundation; and former Senior Advisor, The White House Office of National Drug Control Policy. Appointed 02/16/06. Effective 02/20/06.

Commissioner, Board of Parole Hearings, term ending 07/01/07.

Lindy Dekoven, President, DeKoven Entertainment; former Executive Vice President, NBC Entertainment; and former Vice President, Warner Bros. Television. Appointed 02/16/06. Effective 02/20/06.

Member, Commission on the Status of Women vice Roslyn R. Cooperman, resigned, term ending 07/01/07.

Above appointments referred to the Committee on Rules.

### **REPORTS OF STANDING COMMITTEES**

#### **Committee on Transportation and Housing**

Senate Chamber, February 21, 2006

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

SB 1177

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

LOWENTHAL, Chair

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

**Senate Bill 1177**—An act to amend Section 65915 of the Government Code, relating to housing.

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 21, 2006

Mr. President: The Committee on Rules has examined:

SCR 64      SCR 65      SCR 71      SJR 10

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 21st day of February, 2006, at 2 p.m.

PERATA, Chair



**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 1355:** By Senator Hollingsworth—An act to add Section 19586 to the Revenue and Taxation Code, and to amend and repeal Section 75.5 of Chapter 74 of the Statutes of 2005, relating to taxation.

**Senate Bill 1356:** By Senator Lowenthal—An act to add Section 4098.6 to the Welfare and Institutions Code, relating to suicide prevention.

**Senate Bill 1357:** By Senator Dutton—An act to add Section 42238.05 to the Education Code, relating to education finance, and making an appropriation therefor.

**Senate Bill 1358:** By Senators Simitian and Runner—An act to amend Section 42238 of, and to add Section 42238.48 to, the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 1359:** By Senator Torlakson—An act to amend Sections 4216, 4216.2, 4216.3, 4216.4, and 4216.7 of the Government Code, relating to excavation around subsurface installations.

**Senate Bill 1360:** By Senator Kehoe—An act to amend Section 27255 of the Government Code, and to add Article 3 (commencing with Section 5096.520) to Chapter 1.695 of Division 5 of the Public Resources Code, relating to resource conservation.

**Senate Bill 1361:** By Senator Vincent—An act to amend Section 2914 of the Business and Professions Code, relating to psychologists.

**Senate Bill 1362:** By Senator Chesbro (Principal coauthor: Assembly Member Evans)—An act to amend Section 23356.1 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 1363:** By Senator Battin—An act to amend Section 12717 of the Government Code, relating to gaming.

**Senate Bill 1364:** By Senator Battin—An act to add Section 351.5 to the Family Code, relating to marriage licenses.

**Senate Bill 1365:** By Senator Aanestad—An act to amend Section 3099.4 of the Labor Code, relating to employment.

**Senate Bill 1366:** By Senator Aanestad—An act to amend Sections 11159.2, 11161, 11162.6, 11164, 11164.1, 11165, 11167, and 11167.5 of the Health and Safety Code, relating to controlled substances.

**Senate Bill 1367:** By Senator Ducheny—An act to amend Section 42285 of, and to repeal Section 42285.2 of, the Education Code, relating to schools.



**Senate Bill 1368:** By Senator Perata (Coauthor: Assembly Member Levine)—An act to amend Section 454.5 of, and to add Chapter 3 (commencing with Section 8340) to Division 4.1 of, the Public Utilities Code, relating to electricity.

**Senate Bill 1369:** By Senator Maldonado—An act to amend Section 655.6 of the Business and Professions Code, relating to clinical laboratories.

**Senate Bill 1370:** By Senator Chesbro (Principal coauthor: Assembly Member Evans)—An act to amend Section 23958.4 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 1371:** By Senator Maldonado—An act to amend Section 14005.35 of the Welfare and Institutions Code, relating to Medi-Cal.

**Senate Bill 1372:** By Senator Maldonado—An act to amend Section 4750 of the Penal Code, and to amend Section 4117 of the Welfare and Institutions Code, relating to mentally disordered offenders.

**Senate Bill 1373:** By Senator Romero—An act to add Sections 1719.7 and 1731.9 to the Welfare and Institutions Code, relating to the Division of Juvenile Justice.

**Senate Bill 1374:** By Senator Cedillo—An act to amend Section 19551.1 of, and to add Section 19551.2 to, the Revenue and Taxation Code, relating to tax administration.

**Senate Bill 1375:** By Senator Lowenthal—An act to amend Sections 70359 and 70360 of, and to add Section 70326.5 to, the Government Code, relating to courts.

**Senate Bill 1376:** By Senator Chesbro—An act to amend Section 12785 of, and to repeal and add Section 12759 of, the Government Code, relating to the Community Services Block Grant Program.

**Senate Bill 1377:** By Senator Soto—An act to add Section 39516.5 to the Health and Safety Code, relating to air resources.

**Senate Bill 1378:** By Senator Cox—An act to amend Section 655.2 of the Harbors and Navigation Code, relating to harbors and navigation.

**Senate Bill 1379:** By Senators Perata and Ortiz (Coauthor: Assembly Member Laird)—An act to add Chapter 8 (commencing with Section 105440) to Part 5 of Division 103 of the Health and Safety Code, relating to public health.

**Senate Bill 1380:** By Senator Chesbro (Principal coauthor: Assembly Member Evans)—An act to amend Sections 23039, 23320, and 23396 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 1381:** By Senator Vincent—An act to amend Section 19517 of the Business and Professions Code, relating to horse racing.



**Senate Bill 1382:** By Senator Morrow—An act to add Section 3053.1 to the Penal Code, relating to parole.

**Senate Bill 1383:** By Senator Ortiz—An act to amend Sections 69433.9, 69434, 69435.3, and 69436 of the Education Code, relating to student financial aid.

**Senate Bill 1384:** By Senator Kuehl—An act to amend Sections 132610, 132625, 132645, and 132650 of the Public Utilities Code, relating to transportation.

**Senate Bill 1385:** By Senator Vincent—An act to amend Section 1 of Chapter 260 of the Statutes of 2004, relating to school employees.

**Senate Bill 1386:** By Senator Morrow—An act to amend Section 631 of the Code of Civil Procedure, relating to jury trials.

**Senate Bill 1387:** By Senator Poochigian—An act to amend Section 530.5 of, and to add Sections 540, 541, and 1203.051 to the Penal Code, relating to crime.

**Senate Bill 1388:** By Senator Poochigian—An act to add Section 530.55 to the Penal Code, relating to crime.

**Senate Bill 1389:** By Senator Poochigian—An act to amend Section 529 of the Penal Code, relating to crime.

**Senate Bill 1390:** By Senator Poochigian—An act to add Section 13012.6 to the Penal Code, relating to crime statistics.

**Senate Concurrent Resolution 97:** By Senator Battin—Relative to Child Abuse Prevention Month.

**Senate Joint Resolution 23:** By Senator Chesbro (Principal coauthor: Assembly Member Berg)—Relative to veterans.

#### **CONSIDERATION OF DAILY FILE SECOND 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 second time, ordered engrossed, and to third reading.

#### **LEAVES OF ABSENCE FOR THE DAY**

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

The following Senator was granted leave of absence for the day due to personal business: Senator Ortiz.

The following Senator was granted leave of absence for the day due to family illness: Senator Speier.



**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Maria Guadalupe de Alva Gutierrez of Clute, TX.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Tim Handley and Robert Tanimura of Salinas and Earl H. Scott of Modesto.

Senators Dutton and Margett requested that when the Senate adjourns this day it do so in memory of Robert Lewis of Newport Beach.

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Maurice Thimot of Fallbrook.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Travis Cruz of Reno, NV.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, February 22, 2006.

PAULA K. ROSSETTO, Minute Clerk

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