

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Friday, March 10, 2006

The Senate met at 9 p.m.

Hon. Gloria Romero, of the 24th 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, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, 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—36.

Quorum present.

(NOTE: Senator Vincent will be excused this day on legislative business and Senators Battin and Morrow will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Senator Scott

Holy and Life-giving God, We give You thanks for this new day with new possibilities. Grant us the wisdom and clarity we need for the work we have been given to do, and at the end of the day, grant us Your peace and rest.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 10, 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

Eric K. Kawamura, Vice President and General Counsel, Citibank (West); and former Senior Vice President and Senior Counsel, California Federal Bank. Appointed 02/22/06. Effective 03/08/06.

Member, California Housing Partnership Corporation vice Bram Goldsmith, resigned, term ending 01/01/09.

Above appointment referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Environmental Quality**

Senate Chamber, March 10, 2006

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

AB 1407

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

SIMITIAN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1407—An act relating to the environment.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, March 10, 2006

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

AB 50

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 50—An act to amend Sections 209, 272, 288, 311.2, 311.4, 311.9, 311.11, 626.8, 667.61, 3000, 3001, and 3005 of, and to add Sections 626.75, 3006, and 3072 to, the Penal Code, relating to crimes.

Bill read second time.

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

REQUEST FOR UNANIMOUS CONSENT (AB 134)

Senator Perata asked for, and was granted, unanimous consent that AB 134 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 134

Assembly Bill 134—An act relating to the Budget Act of 2005.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 134 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LAIRD

Permission of Rules Committee

Senate Chamber, March 10, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 134.

PERATA, Chair

Motion to Amend

Senator Perata moved the adoption of amendments to AB 134.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Perata moved to suspend Senate Rule 29.3 to permit consideration of AB 134 at this time, as amended, in print, and properly before the Senate.

Motion carried



Senate Chamber, Sacramento
Saturday March 11, 2006

CONSIDERATION OF ASSEMBLY BILL 134 AS AMENDED

Assembly Bill 134—An act to amend Sections 17070.40, 17072.35, 17075.10, 17078.52, 17078.53, 17078.54, 17078.56, 17078.58, 17261, and 81130.3 of, to add Sections 17070.96, 17072.11, and 81052 to, to add Article 13 (commencing with Section 17078.70) and Article 14 (commencing with Section 17079) to Chapter 12.5 of Part 10 of, and to add Part 69 (commencing with Section 101000) and Part 69.2 (commencing with Section 102000) to, the Education Code, to amend Section 65597 of, and to add Chapter 12.49 (commencing with Section 8879.20) to Division 1 of Title 2 of, the Government Code, to add Chapter 3.6 (commencing with Section 50535) to Part 2 of Division 31 of the Health and Safety Code, to add Chapter 1.699 (commencing with Section 5096.800) to Division 5 of, the Public Resources Code, to amend Section 4 of Chapter 421 of the Statutes of 2001, and to amend Section 4 of Chapter 637 of the Statutes of 2002, relating to public infrastructure, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read and presented by Senator Perata.

Urgency Clause

The urgency clause was read and refused adoption by the following vote:

AYES (24)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Poochigian, and Runner.

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

At 12:55 a.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

At 12:55 a.m., Senator Perata moved that the Senate adjourn upon call of the President pro Tempore.

LEAVES OF ABSENCE FOR THE DAY

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

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

ADJOURNMENT

At 12:55 a.m., the President declared the Senate adjourned on call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk



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