

CALIFORNIA LEGISLATURE  
2005–06 SECOND EXTRAORDINARY SESSION

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# SENATE DAILY JOURNAL

TWELFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, August 30, 2006

The Senate met at 3:54 p.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, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—40.

Quorum present.



**PRAYER**

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

*Gracious and Loving God*, We give thanks for the gift of this new day. Fill us with an abiding sense of wonder and enlighten us so that our conscience may be our guide. Keep us ever in Your embrace and watch over the people of this great state and our nation always.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Budget and Fiscal Review**

Date of Hearing, August 29, 2006

Mr. President: The Committee on Budget and Fiscal Review, to which were referred:

SB 8                      SB 9                      SB 11                      SB 12

Reports the same back with the recommendation: Do pass.

CHESBRO, Chair

Above bills ordered to second reading.

Date of Hearing, August 29, 2006

Mr. President: The Committee on Budget and Fiscal Review, to which was referred:

SB 10

Reports the same back with the recommendation: Do pass as amended.

CHESBRO, Chair

Above measure ordered to second reading.

**BILLS GIVEN THEIR SECOND READING**

All measures reported by committee with the recommendation “Do Pass” or “Do Pass as Amend”, were given their second reading.

**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill 8**—An act to add Section 5072 to the Penal Code, relating to the Department of Corrections and Rehabilitation.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 9**—An act to add Section 6259.1 to the Penal Code, relating to corrections.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 11**—An act to add and repeal Section 3069 of the Penal Code, relating to parolees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill 12**—An act to amend Section 2911 of the Penal Code, relating to inmate transfers.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 10**—An act to add Chapter 3.21 (commencing with Section 15819.34) and Chapter 3.22 (commencing with Section 15819.38) to Part 10b of Division 3 of Title 2 of the Government Code, to amend Sections 7003, 7003.5, and 13602 of, to add Sections 7021 and 7004.5 to, and to add Chapter 9.8 (commencing with Section 6270) to Title 7 of Part 3 of, the Penal Code, and to repeal Section 2.5 of Chapter 1416 of the Statutes of 1987, relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Budget and Fiscal Review were read and adopted and the measure ordered printed and to third reading.

#### **RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Perata:

*Resolved*, That SB 8, SB 9, SB 10, SB 11, and SB 12 present cases of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times, and placed upon their passage.

Resolution read and presented by Senator Perata.

#### **Roll Call**

The roll was called and the resolution was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill read second time.

#### **REQUEST FOR UNANIMOUS CONSENT (SB 10)**

Senator Machado asked for, and was granted, unanimous consent to take up SB 10 at this time, without reference to file.

#### **Consideration of Senate Bill 10**

**Senate Bill 10**—An act to add Chapter 3.21 (commencing with Section 15819.34) and Chapter 3.22 (commencing with Section 15819.38) to Part 10b of Division 3 of Title 2 of the Government Code, to amend Sections 7003, 7003.5, and 13602 of, to add Sections 7021 and 7004.5 to, and to add Chapter 9.8 (commencing with Section 6270) to Title 7 of Part 3 of, the Penal Code, and to repeal Section 2.5 of Chapter 1416 of the



Statutes of 1987, relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Denham moved the adoption of amendments to SB 10.

Amendments read.

**MOTION TO LAY ON THE TABLE**

Senator Romero moved that the amendments to SB 10 be laid on the table.

**Roll Call**

The roll was called and the motion carried by the following vote:

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

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Cox, Denham, Florez, Harman, Hollingsworth, Maldonado, Margett, Morrow, Poochigian, and Runner.

**Motion to Amend**

Senator Cox moved the adoption of amendments to SB 10.

Amendments read.

**MOTION TO LAY ON THE TABLE**

Senator Romero moved that the amendments to SB 10 be laid on the table.

**Roll Call**

The roll was called and the motion carried by the following vote:

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

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

**Consideration of Senate Bill 10**

**Senate Bill 10**—An act to add Chapter 3.21 (commencing with Section 15819.34) and Chapter 3.22 (commencing with Section 15819.38) to Part 10b of Division 3 of Title 2 of the Government Code, to amend Sections 7003, 7003.5, and 13602 of, to add Sections 7021 and 7004.5 to, and to add Chapter 9.8 (commencing with Section 6270) to Title 7 of Part 3 of, the Penal Code, and to repeal Section 2.5 of Chapter 1416 of the



Statutes of 1987, relating to prisons, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Machado.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Machado moved a call of the Senate.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 11)**

Senator Runner asked for, and was granted, unanimous consent to take up SB 11 at this time, without reference to file.

**Consideration of Senate Bill 11**

**Senate Bill 11**—An act to add and repeal Section 3069 of the Penal Code, relating to parolees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Runner.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Runner moved a call of the Senate.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 9)**

Senator Speier asked for, and was granted, unanimous consent to take up SB 9 at this time, without reference to file.

**Consideration of Senate Bill 9**

**Senate Bill 9**—An act to add Section 6259.1 to the Penal Code, relating to corrections.

Bill read third time.

**Motion to Amend**

Senator Poochigian moved the adoption of amendments to SB 9.

Amendments read.

**MOTION TO LAY ON THE TABLE**

Senator Romero moved that the amendments to SB 9 be laid on the table.



**Roll Call**

The roll was called and the motion carried by the following vote:

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

**NOES (15)**—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

**Consideration of Senate Bill 9**

**Senate Bill 9**—An act to add Section 6259.1 to the Penal Code, relating to corrections.

Bill read third time and presented by Senator Speier.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Speier moved a call of the Senate.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 12)**

Senator Machado asked for, and was granted, unanimous consent to take up SB 12 at this time, without reference to file.

**Consideration of Senate Bill 12**

**Senate Bill 12**—An act to amend Section 2911 of the Penal Code, relating to inmate transfers.

Bill read third time and presented by Senator Machado.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Machado moved a call of the Senate.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 8)**

Senator Bowen asked for, and was granted, unanimous consent to take up SB 8 at this time, without reference to file.

**Consideration of Senate Bill 8**

**Senate Bill 8**—An act to add Section 5072 to the Penal Code, relating to the Department of Corrections and Rehabilitation.

Bill read third time.

**Motion to Amend**

Senator Bowen moved the adoption of amendments to SB 8.

Amendments read and adopted and the measure ordered printed, engrossed, and to third reading.



**MOTION TO SUSPEND SENATE RULE 29.3**

Senator Bowen moved to suspend Senate Rule 29.3 to permit consideration of SB 8 at this time, as amended, in print, and properly before the Senate.

Motion carried.

**Consideration of Senate Bill 8 as Amended**

**Senate Bill 8**—An act to add Section 5073 to the Penal Code, relating to the Department of Corrections and Rehabilitation.

Bill read third time and presented by Senator Bowen.

The roll was called.

**CALL OF THE SENATE**

Pending the announcement of the vote, Senator Bowen moved a call of the Senate.

Motion carried.

**RECESS**

At 5:15 p.m., on motion of Senator Perata the Senate recessed in order to convene the regular session.

**REASSEMBLED**

At 6:50 p.m., the Senate reconvened.

Hon. Don Perata, of the 9th District, presiding.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 10)**

On the motion of Senator Machado, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 10 was adopted by the following vote:

**AYES (27)**—Senators Ackerman, Alquist, Chesbro, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

**NOES (11)**—Senators Aanestad, Ashburn, Battin, Bowen, Cox, Denham, Harman, Kuehl, Maldonado, McClintock, and Morrow.

**Roll Call**

The roll was called and the bill was passed by the following vote:

**AYES (27)**—Senators Ackerman, Alquist, Chesbro, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

**NOES (11)**—Senators Aanestad, Ashburn, Battin, Bowen, Cox, Denham, Harman, Kuehl, Maldonado, McClintock, and Morrow.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 11)**

On the motion of Senator Machado, further proceedings under the call of the Senate were dispensed with.

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 11 was adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Ashburn, Denham, Maldonado, Morrow, Murray, and Ortiz.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Ashburn, Denham, Maldonado, Morrow, Murray, and Ortiz.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 9)**

On motion of Senator Speier, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 9 was passed by the following vote:

AYES (21)—Senators Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Perata, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Murray, Poochigian, and Runner.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 12)**

On the motion of Senator Machado, further proceedings under the call of the Senate were dispensed with.





**Roll Call**

The names of the absentees were called and SB 12 was passed by the following vote:

AYES (21)—Senators Alquist, Bowen, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Lowenthal, Machado, McClintock, Migden, Murray, Perata, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Harman, Hollingsworth, Kuehl, Maldonado, Margett, Morrow, Poochigian, Romero, and Runner.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 8)**

On the motion of Senator Bowen, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 8 was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

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

At 6:50 p.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. The Desk shall remain open to receive communications and to conduct the business of the day. At 6:50 p.m., the Senate will adjourn.

Motion carried.

**SENATE COMMITTEE ROLL CALLS  
Committee on Budget and Fiscal Review**

**SB 8—Do pass**

AYES (12)—Senators Chesbro, Cox, Ducheny, Dutton, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, and Simitian.

NOES (0)—None.



**SB 9—Do pass**

AYES (8)—Senators Chesbro, Ducheny, Kehoe, Kuehl, Lowenthal, Machado, Scott, and Simitian.

NOES (5)—Senators Cox, Dutton, Hollingsworth, Margett, and McClintock.

**SB 10—Do pass as amended**

AYES (10)—Senators Chesbro, Ducheny, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Scott, and Simitian.

NOES (2)—Senators Cox and McClintock.

**SB 11—Do pass**

AYES (12)—Senators Chesbro, Cox, Ducheny, Dutton, Hollingsworth, Kehoe, Lowenthal, Machado, Margett, McClintock, Scott, and Simitian.

NOES (0)—None.

**SB 12—Do pass**

AYES (10)—Senators Chesbro, Cox, Ducheny, Kehoe, Lowenthal, Machado, Margett, McClintock, Scott, and Simitian.

NOES (2)—Senators Dutton and Hollingsworth.

Date of Hearing: 8/29/2006

Chesbro (Chair)

**ADJOURNMENT**

At 6:50 p.m., the President declared the Senate adjourned on call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

