

CALIFORNIA LEGISLATURE
2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 10, 2005

The Senate met at 2 p.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, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—37.

Quorum present.

(NOTE: Senator Ortiz will be excused this day on personal business and Senators Figueroa and Runner will be excused this day due to illness.)



PRAYER

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

Almighty God, In giving us the abundance of this earth, You made us stewards in Your creation. Give us wisdom and reverence so to use rightly all we have been given, so that all may enjoy the prosperity of this land, and that generations yet to come may continue to praise Your name. In thanks we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MUSICAL INTERLUDE

A musical interlude was presented by the Cornell University Glee Club.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 10, 2005

To the Members of the Senate:

In a difficult fiscal environment, this balanced budget provides a 4.2 percent increase in General Fund spending over last year to protect essential programs like education and social services. It does not raise taxes on working families and businesses that create jobs. And, it lays the groundwork for fundamental budget reform that our state desperately needs.

Just one year ago, California was facing economic ruin. We were staring at a budget gap of more than \$14 billion and a cash crisis of \$14 billion in June that would have sent the state into bankruptcy.

We chose a different path. We joined together to take action and began turning around years of fiscal mismanagement. Republicans and Democrats put Propositions 57 and 58 before the people of California, who gave it their solid approval. And, Republicans and Democrats passed a budget that began to bring spending in line with revenues—without raising taxes.

Last year, we stopped the bleeding. This year, we must begin to heal the patient.

Because of our formula-driven system of budgeting, we face a budget gap of more than \$9 billion if we do nothing. The budget I send to you today will close that gap, and do so again without raising taxes.

But unless we act to fundamentally change the laws that put so much of our spending on automatic pilot, we will continue to face huge deficits—year after year after year. We must fix a budget system that is broken. We must change the way that state government spends the people's money. That is why budget reform is a critical part of the reform agenda I will ask you to approve in a Special Session.

The California recovery is underway, bringing with it more jobs and growing revenues. However, if we leave in place a budget system that forces us to spend more money than we take in, we will fail to solve one



of the most critical problems the people of California sent us to Sacramento to fix—the state budget.

Last year, we worked as partners to begin to make change. I ask you to continue our partnership this year to make even greater progress for the people.

Therefore, in accordance with Article IV, Section 12 of the California Constitution, I submit to you the Governor’s Budget for 2005–06.

Sincerely,

ARNOLD SCHWARZENEGGER

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 10, 2005

President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 3

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, January 10, 2005

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

Rules—SB 29.

Senate Chamber, January 10, 2005

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

SB 29

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 Bill 29—An act relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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



State Capitol, January 10, 2005

Mr. President: The Senate Rules Committee has appointed the following members to serve on the Joint Legislative Audit Committee: Senators Cedillo, McClintock, Morrow, Murray, Poochigian, Romero and Speier.

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 49: By Senator Machado—An act to amend Sections 51203, 51283, 51283.4, and 51283.5 of the Government Code, relating to land conservation, and declaring the urgency thereof, to take effect immediately.

Senate Bill 50: By Senators Campbell and Maldonado—An act to add Section 17206 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 51: By Senator Kuehl—An act to amend Section 1946.1 of the Civil Code, relating to tenancy.

Senate Bill 52: By Senator Chesbro—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Above bill referred to the Committee on Budget and Fiscal Review.

Senate Bill 53: By Senator Kehoe—An act to amend Section 170018 of, to add Section 170041 to, and to repeal Sections 170010, 170012, and 170014 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

Senate Bill 54: By Senators Ackerman and Perata—An act to add Section 89510.5 to, and to repeal Sections 84200.3 and 84200.4 of, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

UNANIMOUS CONSENT GRANTED

Senator Romero asked for and was granted unanimous consent to withdraw SB 29 from committee and be placed on second reading.

REQUEST FOR UNANIMOUS CONSENT (SCR 3)

Senator Murray asked for, and was granted, unanimous consent to take up SCR 3 at this time without reference to file.



**Consideration of Senate Concurrent Resolution 3
Consideration of Assembly Amendments**

Senate Concurrent Resolution 3—Relative to Dr. Martin Luther King, Jr. Day.

Resolution presented by Senator Murray.

The question being: Shall the Senate concur in the Assembly amendments to SCR 3?

Roll Call

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

AYES (29)—Senators Aanestad, Ackerman, Ashburn, Bowen, Campbell, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above resolution ordered enrolled

LEAVES OF ABSENCE FOR THE DAY

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

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

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

At 2:30 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 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 Tuesday, January 11, 2005.

Motion carried.

REPORTS

The following reports were ordered printed in the Journal:

A report, relating to the 2003–04 Small Business/DVOBE's Contract Activity was received from the Substance Abuse Treatment Facility/Stat Rison at Corcoran and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report, relating to the 2003–04 Small Business/DVOBE's Contract Activity was received from the Department of Financial Institutions and transmitted to the Committee on Government Modernization, Efficiency and Accountability.



A report, relating to the 2003–04 Small Business/DVOBE’s Contract Activity was received from CalPers and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: December 9, 2004, relating to the Findings of Pilot Program on Civil Settlement Offers and Attorney Fees Conducted in the Superior Court of Riverside County was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

A report dated: December 10, relating to the Budget Allocation Evaluation Workgroup was received from the Department of Child Support Services and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 10, 2004, relating to the 2003–04 Small Business/DVOBE’s Contract Activity was received from the Department of Veterans Affairs and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: December 14, 2004, relating to Financial Statements for three months ending September 30, 2004, (w/o audit) was received from the State Lottery and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A progress report dated: December 17, 2004, relating to consolidation was received from the San Diego Association of Governments and transmitted to the Committee on Transportation and Housing.

A report dated: December 20, 2004, relating to the 2003–04 Small Business/DVOBE’s Contract Activity was received from the Department of Motor Vehicles and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

Annual report dated: December 21, 2004, relating to the Siskiyou County EMS Fund, FY 2003–04, was received from the County of Siskiyou and transmitted to the Committee on Health.

A report dated: December 22, 2004, relating to 2003–04 DVOBE’s Contract Activity was received from the Department of Motor Vehicles and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: December 23, 2004, relating to the Workers’ Compensation Program was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 23, 2004, relating to 2003–04 DVOBE’s Contract Activity was received from the Office of the State Treasurer and transmitted to the Committee on Government Modernization, Efficiency and Accountability.



A report dated: December 24, 2004, relating to the 2003–04 Small Business/DVOBE's Contract Activity was received from the Air Resources Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: December 26, 2004, relating to the 2003 Pesticide Contamination Prevention Act was received from the Department of Pesticide Regulation and transmitted to the Committee on Environmental Quality.

A report dated: December 29, 2004, relating to 2003–04 Small Business/DVOBE's Contract Activity was received from the Department of Industrial Relations and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A financial Statement for Fiscal Year Ending June 30, 2004 dated: December 29, 2004, received from the CalPers Board of Administration and transmitted to the Committee on Public Employment and Retirement.

A report dated: December 29, 2004, relating to 2003–04 DVOBE's Contract Activity was received from the Franchise Tax Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: December 29, 2004, relating to 2003–04 DVOBE's Contract Activity was received from the California Student Aid Commission and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: December 30, 2004, relating to the Joint Senior Level Work Group Year 2 Report was received from the Department of Managed Health Care and transmitted to the Committee on Insurance.

The 2004 annual report dated: January 3, 2005, was received from the California Transportation Commission and transmitted to the Committee on Transportation and Housing.

A report dated: January 3, 2005, relating to Concealable Firearms Charges in California 2000–03 was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: January 3, 2005, relating to the bond funds report (Proposition 50) was received from the Resources Agency and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 3, 2005, relating to Denied Mandate Claims was received from the Commission on State Mandates and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 3, 2005, relating to the 21st Century Community Learning Center Awards was received from the Department of Education and transmitted to the Committee on Education.



A report dated: January 6, 2005, relating to the Second Quarter Seismic Safety Report for FY 2003–04 was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

A report dated: January 6, 2005, relating to the Third Quarter Seismic Safety Report for FY 2003–04 was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

A report dated: January 6, 2005, relating to the Third Quarter Toll Bridge Seismic Safety Report for FY 2003–04 was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

REQUESTS TO ADJOURN IN MEMORIAM

Senators Ackerman, Dunn, and Machado requested that when the Senate adjourns this day it do so in memory of Dr. Dominico Henry Hung Thai Tran of Westminster.

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Angel Mouchmouchian of Van Nuys.

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of Curtis Darling of Bakersfield and Jane Kinsey of Taft.

Senator Campbell requested that when the Senate adjourns this day it do so in memory of Lynn Fillman of Huntington Beach.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Alfonso Madrigal.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Benjamin Mark Braun of San Diego.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Susan Ilene Schulman Begley and Leon Morton of Los Angeles.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Susan Null of West Sacramento.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of LCpl. Eric S. Freeman (USMC) of Thousand Oaks.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Harding B. Eklund and Frankie Mead of Navato.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Manuel Gonzalez of Chino.



ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 11, 2005.

PAULA K. ROSSETTO, Minute Clerk

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