

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, March 3, 2005

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.

### 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, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—38.

Quorum present.

*(NOTE: Senators Escutia and Florez will be excused this day on legislative business.)*



**PRAYER**

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

*O God*, As one of our forebears once told us, “Conscience is the brightness and splendor of the eternal light, a spotless mirror of the Divine Majesty, and the image of the goodness of God.” Help us this day to honor You by humbly listening to our conscience as You give us the will to do, and may our actions always reflect that spotless mirror of Your goodness.—AMEN.

(Adapted from Jeremy Taylor, *The Rule of Conscience*, 1659)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

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

**Senate Bill 121**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 122**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 123**—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senator Speier Presiding****UNFINISHED BUSINESS****Consideration of Governor’s Appointment**

Senator Perata placed the following Governor’s appointment before the Senate:

Susan L. Fisher, Member, Board of Prison Terms.

The President put the question: “Will the Senate advise and consent to the appointment by the Governor?”

**Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado,



Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

### **Consideration of Assembly Amendments**

**Senate Concurrent Resolution 2**—Relative to Arts Education Month.

Resolution presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SCR 2?

### **Roll Call**

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above resolution ordered enrolled.

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

The following Senators were granted leaves of absence for the day due to legislative business: Senators Escutia and Florez.

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

At 9:13 a.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 Monday, March 7, 2005.

Motion carried.

### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 3, 2005

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 99

AB 104

E. DOTSON WILSON, Chief Clerk of the Assembly



**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and referred to the Committee on Rules for assignment:

**Assembly Bill 99**—An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

**Assembly Bill 104**—An act to add Section 6347 to the Family Code, relating to protective orders.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, March 2, 2005

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Katherine L. Albiani, Member, California Community Colleges Board of Governors (5–0)

Lance T. Izumi, Member, California Community Colleges Board of Governors (5–0)

Pauline F. Larwood, Member, California Community Colleges Board of Governors (5–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, March 2, 2005

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Margaret R. Quinones, Ed.D., Member, California Community Colleges Board of Governors (4–1)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, March 2, 2005

Madam President: The Senate Rules Committee has appointed Senator Machado to serve as a member of the Senate Committee on Banking, Finance and Insurance to fill an existing vacancy.

The Senate Rules Committee has appointed the following members to select committees:

**Developmental Disabilities and Mental Health**—Senators Ashburn, Kehoe, Kuehl, Maldonado and Perata

**Perchlorate Contamination**—Senators Ducheny, Dutton, Kuehl, Maldonado, Romero and Simitian

**Urban Economic Development**—Senators Alarcón, Escutia, Machado, Margett and Vincent (one vacancy remains)

PERATA, Chair



State Capitol, March 2, 2005

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

**Agriculture**—SB 662.

**Banking, Finance and Insurance**—SB 381, SB 487, SB 513, SB 518, SB 530, SB 550, SB 597, SB 603.

**Business, Professions and Economic Development**—SB 438, SB 524, SB 579, SB 592, SB 614.

**Education**—SB 428, SB 430, SB 445, SB 462, SB 498, SB 514, SB 531, SB 535, SB 559, SB 562, SB 567, SB 586, SB 605, SB 626, SB 638, SB 652, SB 659.

**Elections, Reapportionment and Constitutional Amendments**—SB 370, SB 443, SB 469, SB 506, SB 596.

**Energy, Utilities and Communications**—SB 386, SB 426, SB 431, SB 441, SB 534, SB 580, SB 628, SB 632, SB 641.

**Environmental Quality**—SB 420, SB 423, SB 427, SB 455, SB 459, SB 467, SB 490, SB 566, SB 648, SB 655.

**Governmental Organization**—SB 472, SB 477, SB 542, SB 546, SB 548, SB 621, SB 667.

**Health**—SB 442, SB 454, SB 456, SB 458, SB 479, SB 482, SB 492, SB 499, SB 571, SB 615, SB 642, SB 643, SB 650, SB 666.

**Human Services**—SB 436, SB 481, SB 493, SB 516, SB 539.

**Judiciary**—SB 373, SB 432, SB 439, SB 440, SB 540, SB 558, SB 599, SB 627, SB 633, SB 636.

**Labor and Industrial Relations**—SB 538, SB 549, SB 639, SB 665.

**Local Government**—SB 483, SB 521, SB 557, SB 560, SB 568, SB 593.

**Natural Resources and Water**—SB 502, SB 507, SB 543, SB 606, SB 658, SB 668.

**Public Employment and Retirement**—SB 379, SB 545.

**Public Safety**—SB 239, SB 378, SB 434, SB 447, SB 448, SB 449, SB 450, SB 453, SB 508, SB 532, SB 541, SB 547, SB 585, SB 591, SB 598, SB 609, SB 613, SB 617, SB 618, SB 619, SB 620, SB 647.

**Revenue and Taxation**—SB 470, SB 501, SB 536, SB 552, SB 553, SB 555, SB 607, SB 610, SB 631, SB 663.



**Rules**—SB 361, SB 366, SB 367, SB 368, SB 382, SB 424, SB 433, SB 437, SB 444, SB 446, SB 460, SB 461, SB 464, SB 465, SB 468, SB 471, SB 473, SB 474, SB 475, SB 476, SB 478, SB 484, SB 485, SB 486, SB 488, SB 489, SB 491, SB 494, SB 496, SB 503, SB 505, SB 510, SB 511, SB 515, SB 517, SB 520, SB 528, SB 529, SB 537, SB 544, SB 554, SB 563, SB 572, SB 577, SB 584, SB 587, SB 589, SB 594, SB 595, SB 601, SB 602, SB 604, SB 623, SB 624, SB 629, SB 630, SB 640, SB 649, SB 651, SB 653, SB 654, SB 657, SB 661, SB 664.

**Transportation and Housing**—SB 435, SB 463, SB 519, SB 523, SB 527, SB 561, SB 565, SB 588, SB 612.

**Veterans Affairs**—SB 480.

The Committee on Rules has referred the following measures to two committees:

**Agriculture and Environmental Quality**—SB 509.

**Banking, Finance and Insurance and Health**—SB 425, SB 573, SB 576, SB 634.

**Banking, Finance and Insurance and Judiciary**—SB 360.

**Business, Professions and Economic Development and Health**—SB 583, SB 644.

**Business, Professions and Economic Development and Judiciary**—SB 581, SB 582.

**Education and Human Services**—SB 512.

**Education and Judiciary**—SB 384, SB 569.

**Education and Public Safety**—SB 622.

**Education and Rules**—SB 660.

**Education, Revenue and Taxation, and Elections, Reapportionment and Constitutional Amendments**—SCA 8.

**Energy, Utilities and Communications and Environmental Quality**—SB 578.

**Energy, Utilities and Communications and Judiciary**—SB 574.

**Environmental Quality and Transportation and Housing**—SB 497.

**Government Modernization, Efficiency, and Accountability and Judiciary**—SB 645.

**Health and Environmental Quality**—SB 429, SB 600.

**Health and Governmental Organization**—SB 522.



**Health and Public Safety**—SB 556.

**Health and Revenue and Taxation**—SB 564.

**Health and Rules**—SB 526.

**Human Services and Judiciary**—SB 500.

**Judiciary and Public Safety**—SB 570.

**Judiciary and Rules**—SB 163, SB 637.

**Labor and Industrial Relations and Business, Professions and Economic Development**—SB 495.

**Public Safety and Judiciary**—SB 504.

**Revenue and Taxation and Elections, Reapportionment and Constitutional Amendments**—SCA 9.

**Revenue and Taxation and Governmental Organization**—SB 656.

**Transportation and Housing and Judiciary**—SB 551, SB 575, SB 590.

**Transportation and Housing and Public Safety**—SB 451.

**Transportation and Housing and Rules**—SB 466.

The Committee on Rules ordered the following bills re-referred to committee:

**Energy, Utilities and Communications**—SB 339.

**Labor and Industrial Relations**—SB 363.

**Transportation and Housing**—SB 61, SB 186.

The Committee on Rules ordered the following bill re-referred to two committees:

**Banking, Finance and Insurance and Health**—SB 38.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 1106:** By the Committee on Environmental Quality (Senators Lowenthal (Chair), Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Runner, and Simitian)—An act to amend Sections 10406 and 12200 of, to add Sections 6615, 12201, 12203, 12207, 12209, 12211, 12215, and 12217 to, to add Article 3.5 (commencing with Section 12190) to Chapter 4 of Part 2 of Division 2 of, to repeal Sections 10233, 10308.5, 10354, 10507, 10855, 10860, 12150, 12153, 12155, 12157, 12158, 12159, 12160, 12161, 12162, 12162.5, 12163, 12164, 12168, 12169, 12181, 12182, 12185, 12210, 12213, 12225, and 12226 of, to repeal Article 2.1 (commencing with Section 12170) of Chapter 4 of Part 2 of Division 2 of, and to repeal and add Section 12205 of, the Public Contract Code, and to



amend Sections 40183, 49120, and 49300 of, and to repeal Article 3 (commencing with Section 42220) of Chapter 4 of, Article 1 (commencing with Section 42360) of Chapter 6 of, and Article 2 (commencing with Section 42370) of Chapter 6 of, Part 3 of Division 30 of, the Public Resources Code, relating to public contracts.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Joyce Margaret Johnson of Yorba Linda.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Albert Burke of Westchester.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Philip Iriarte Sr.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Alice Georges of Atherton and John Moomjian of Los Angeles.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Andre Davis of Palmdale.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, March 7, 2005.

PAULA K. ROSSETTO, Minute Clerk

