

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

---

---

# SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-FIRST LEGISLATIVE DAY

---

## IN SENATE

---

Senate Chamber, Sacramento  
Thursday, March 9, 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, 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, Torlakson, and Vincent—38.

Quorum present.

*(NOTE: Senator Morrow will be excused this day on legislative business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

State Capitol, March 8, 2006

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

**Agriculture**—SB 1551.

**Banking, Finance and Insurance**—SB 1685, SB 1704, SB 1810.

**Budget and Fiscal Review**—SB 1606.

**Business, Professions and Economic Development**—SB 1472, SB 1473, SB 1474, SB 1475, SB 1476, SB 1513, SB 1525, SB 1529, SB 1537, SB 1541, SB 1662, SB 1670, SB 1698, SB 1737.



**Education**—SB 1456, SB 1457, SB 1460, SB 1488, SB 1497, SB 1514, SB 1526, SB 1533, SB 1546, SB 1549, SB 1552, SB 1566, SB 1567, SB 1571, SB 1575, SB 1577, SB 1580, SB 1585, SB 1588, SB 1590, SB 1592, SB 1600, SB 1644, SB 1646, SB 1653, SB 1655, SB 1674, SB 1678, SB 1684, SB 1689, SB 1709, SB 1710, SB 1717, SB 1731, SB 1736, SB 1751, SB 1769, SB 1771.

**Elections, Reapportionment and Constitutional Amendments**—SB 1519, SB 1579, SB 1598, SB 1654, SB 1682, SB 1693, SB 1715, SB 1725, SB 1732, SB 1747, SB 1760.

**Energy, Utilities and Communications**—SB 1506, SB 1554, SB 1597, SB 1630, SB 1727, SB 1728, SB 1753, SB 1786, SB 1794, SB 1803, SB 1816, SB 1833, SB 1840.

**Environmental Quality**—SB 1478, SB 1515, SB 1573, SB 1601, SB 1778, SB 1797, SB 1798, SB 1814, SB 1829, SB 1835.

**Government Modernization, Efficiency, and Accountability**—SB 1629.

**Governmental Organization**—SB 1451, SB 1463, SB 1464, SB 1479, SB 1548, SB 1582, SB 1692, SB 1734, SB 1741, SB 1807, SB 1824.

**Health**—SB 1461, SB 1469, SB 1500, SB 1520, SB 1528, SB 1532, SB 1596, SB 1616, SB 1661, SB 1683, SB 1708, SB 1711, SB 1746, SB 1748, SB 1755, SB 1766, SB 1772, SB 1780, SB 1785, SB 1838.

**Human Services**—SB 1504, SB 1656, SB 1660, SB 1688.

**Judiciary**—SB 1467, SB 1470, SB 1482, SB 1483, SB 1489, SB 1491, SB 1496, SB 1512, SB 1524, SB 1578, SB 1599, SB 1605, SB 1609, SB 1615, SB 1636, SB 1638, SB 1650, SB 1666, SB 1667, SB 1696, SB 1716, SB 1721, SB 1724, SB 1743, SB 1744, SB 1745, SB 1752, SB 1809, SB 1818, SB 1825, SB 1832.

**Labor and Industrial Relations**—SB 1468, SB 1625, SB 1815.

**Local Government**—SB 1509, SB 1676, SB 1801, SB 1842.

**Natural Resources and Water**—SB 1535, SB 1556, SB 1557, SB 1574, SB 1583, SB 1617, SB 1623, SB 1640, SB 1701, SB 1776, SB 1795, SB 1796, SB 1799, SB 1806, SB 1837.

**Public Employment and Retirement**—SB 1465, SB 1466, SB 1697.

**Public Safety**—SB 1453, SB 1484, SB 1485, SB 1495, SB 1502, SB 1503, SB 1521, SB 1545, SB 1547, SB 1558, SB 1562, SB 1589, SB 1595, SB 1602, SB 1626, SB 1635, SB 1642, SB 1664, SB 1714, SB 1722, SB 1742, SB 1749, SB 1757, SB 1761, SB 1767, SB 1788.

**Revenue and Taxation**—SB 1449, SB 1619, SB 1633, SB 1639, SB 1643, SB 1658, SB 1713, SB 1768, SB 1787.



**Rules**—SB 1448, SB 1450, SB 1455, SB 1477, SB 1480, SB 1481, SB 1499, SB 1501, SB 1510, SB 1516, SB 1517, SB 1518, SB 1530, SB 1531, SB 1538, SB 1539, SB 1540, SB 1543, SB 1544, SB 1561, SB 1563, SB 1564, SB 1565, SB 1569, SB 1572, SB 1576, SB 1581, SB 1594, SB 1612, SB 1614, SB 1618, SB 1620, SB 1621, SB 1624, SB 1628, SB 1631, SB 1632, SB 1634, SB 1647, SB 1648, SB 1649, SB 1652, SB 1657, SB 1659, SB 1663, SB 1673, SB 1677, SB 1679, SB 1680, SB 1681, SB 1690, SB 1695, SB 1700, SB 1707, SB 1723, SB 1729, SB 1730, SB 1733, SB 1735, SB 1738, SB 1739, SB 1740, SB 1758, SB 1759, SB 1762, SB 1763, SB 1764, SB 1765, SB 1770, SB 1774, SB 1775, SB 1777, SB 1779, SB 1781, SB 1782, SB 1783, SB 1789, SB 1790, SB 1792, SB 1793, SB 1805, SB 1808, SB 1811, SB 1813, SB 1817, SB 1819, SB 1820, SB 1821, SB 1822, SB 1826, SB 1827, SB 1828, SB 1830, SB 1831, SB 1836.

**Transportation and Housing**—SB 1493, SB 1498, SB 1507, SB 1522, SB 1542, SB 1553, SB 1559, SB 1586, SB 1587, SB 1603, SB 1608, SB 1610, SB 1611, SB 1613, SB 1671, SB 1687, SB 1694, SB 1703, SB 1719, SB 1726, SB 1791, SB 1802, SB 1834, SB 1839, SB 1841.

**Veterans Affairs**—SB 1720.

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

**Banking, Finance and Insurance and Business, Professions and Economic Development**—SB 1492.

**Banking, Finance and Insurance and Elections, Reapportionment and Constitutional Amendments**—SB 1459.

**Banking, Finance and Insurance and Health**—SB 1508, SB 1591, SB 1622, SB 1804, SB 1823.

**Banking, Finance and Insurance and Judiciary**—SB 1699.

**Business, Professions and Economic Development and Judiciary**—SB 1490, SB 1550, SB 1568.

**Education and Rules**—SB 1471, SB 1750.

**Elections, Reapportionment and Constitutional Amendments and Public Safety**—SB 1706.

**Energy, Utilities and Communications and Environmental Quality**—SB 1705.

**Energy, Utilities and Communications and Judiciary**—SB 1669.

**Environmental Quality and Judiciary**—SB 1458.

**Environmental Quality and Transportation and Housing**—SB 1718.

**Government Modernization, Efficiency, and Accountability and Rules**—SB 1604.



**Governmental Organization and Judiciary**—SB 1452.  
**Governmental Organization and Rules**—SB 1486, SB 1536.  
**Health and Judiciary**—SB 1487, SB 1555.  
**Health and Public Safety**—SB 1773.  
**Health and Revenue and Taxation**—SB 1584, SB 1672, SB 1784.  
**Health and Rules**—SB 1691, SB 1702.  
**Human Services and Judiciary**—SB 1570, SB 1641.  
**Human Services and Rules**—SB 1534.  
**Judiciary and Elections, Reapportionment and Constitutional Amendments**—SCA 27.  
**Judiciary and Public Safety**—SB 1651, SB 1665.  
**Judiciary and Rules**—SB 1462, SB 1712.  
**Local Government and Environmental Quality**—SB 1627.  
**Local Government and Transportation and Housing**—SB 1754.  
**Natural Resources and Water and Environmental Quality**—SB 1527.  
**Natural Resources and Water and Rules**—SB 1686.  
**Public Safety and Judiciary**—SB 1454, SB 1668.  
**Revenue and Taxation and Elections, Reapportionment and Constitutional Amendments**—SCA 28.  
**Revenue and Taxation and Judiciary**—SB 1607.  
**Rules and Elections, Reapportionment and Constitutional Amendments**—SCA 26.  
**Transportation and Housing and Environmental Quality**—SB 1494, SB 1505, SB 1511, SB 1675.  
**Transportation and Housing and Judiciary**—SB 1560, SB 1593, SB 1812.  
**Transportation and Housing and Public Safety**—SB 1645, SB 1756.  
**Transportation and Housing and Rules**—SB 1800.  
**Veterans Affairs and Revenue and Taxation**—SB 1637.

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

**Energy, Utilities and Communications**—SJR 24.



**Public Safety**—SB 1119.

**Transportation and Housing**—SCR 98.

The Committee on Rules has re-referred the following measure to two committees:

**Banking, Finance and Insurance** and **Health**—AB 264.

State Capitol, March 8, 2006

Mr. President: The Senate Rules Committee has appointed Senator Dutton as a member of the Senate Committee on Transportation and Housing to replace Senator Maldonado.

PERATA, Chair

State Capitol, March 8, 2006

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Reappointed Ms. Dorothy P. Rice of Oakland as a member of the Tobacco Education and Research Oversight Committee to serve for a term ending January 1, 2007.

Appointed Mr. Dean N. Karnazes of San Francisco and Ms. Elizabeth S. Flint of Sacramento as members of the California Task Force on Youth and Workplace Wellness to serve at the pleasure of the Rules Committee.

PERATA, Chair

State Capitol, March 8, 2006

Mr. 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:

Bridgett Luther, Director of Conservation (5–0)

Cindy M. Gustafson, Member, Fish and Game Commission (4–0)

Lai Lai Y. Bui, Member, Commission on Peace Officer Standards and Training (5–0)

Ronald E. Lowenberg, Member, Commission on Peace Officer Standards and Training (4–0)

Henry T. Perea, Member, Commission on Peace Officer Standards and Training (4–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.



State Capitol, March 8, 2006

Mr. 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:

Frank J. Lloyd, Member, State Board of Barbering and Cosmetology (4-0)

Brenda A. St. Hilaire, Member, Fair Employment and Housing Commission (4-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

**Committee on Elections, Reapportionment and Constitutional Amendments**

Senate Chamber, March 9, 2006

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

SCA 3

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

BOWEN, Chair

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

**Senate Constitutional Amendment 3**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Section 1 of Article XXI thereof, relating to redistricting.

Resolution read second time.

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

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 103:** By Senators Scott, Cox, Ortiz, and Torlakson—Relative to Lyme Disease Awareness Month.

**Senate Joint Resolution 28:** By Senator Figueroa—Relative to international trade agreements and public health services.

**Senate Resolution 25:** By Senators Perata and Ackerman—Relative to the California Highway Patrol.



**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SCA 12** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules;

**SB 1281** was withdrawn from the Committee on Government Modernization, Efficiency, and Accountability and re-referred to the Committee on Judiciary; and

**SB 1756** was withdrawn from the Committee on Transportation and Housing and re-referred to the Committee on Public Safety.

**LETTERS OF TRANSMITTAL**

The following letters were ordered printed in the Journal:

A supplemental report dated: December 30, 2005, was received from the Department of Pesticide Regulation and transmitted to the Committee on Environmental Quality.

An annual report dated: January 27, 2006, relating to Court Reporter Fees Collected and Expenditures for Court Report Services in Superior Court Civil Proceedings, was received from the Judicial Council of California, and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 30, 2006, relating to the 2004–05 Small Business/DVOBE's Contract Activity, was received from the California State Personnel Board and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: February 2, 2006, relating to the 2004–05 Small Business/DVOBE's Contract Activity, was received from the Fair Political Practices Commission and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A supplemental report dated: February 6, 2006, relating to Workers' Compensation and Disability Retirement Within the California Highway Patrol, was received from the Business, Transportation and Housing Agency, and transmitted to the Committee on Transportation and Housing.

A report dated: February 7, 2006, relating to the DUI Management Information System, was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation and Housing.

A report dated: February 7, 2006, relating to the 2004–05 Small Business/DVOBE's Contract Activity, was received from the Department of Transportation and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: February 8, 2006, relating to the 2004–05 Small Business/DVOBE's Contract Activity (Amended), was received from the Department of Child Support Services and transmitted to the Committee on Government Modernization, Efficiency and Accountability.



A report dated: February 8, 2006, relating to the Mental Health Services Act, FY 2005–05, was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

A Title Summary report dated: February 9, 2005, relating to Alternative Energy. Research, Production, Incentives. Tax on California Oil. Initiative Constitutional Amendment and Statute, Amdt. 2-S, RF0137, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary report dated: February 9, 2005, relating to Alternative Energy. Research, Production, Incentives. Tax on California Oil. Initiative Constitutional Amendment and Statute, Amdt. 2-S, RF0138, was received from the Department of Justice and transmitted to the Committee on Rules.

A quarterly report dated: February 9, 2006, relating to the Statement of Fund Balance for the quarter ending December 31, 2005, was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 10, 2006, relating to the 2006 Renewable Energy Investment Plan, was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A quarterly report dated: February 14, 2006, relating to the Hazardous, waste Fee Revenue Program, was received from the Board of Equalization and transmitted to the Committee on Environmental Quality.

A fourth quarter report dated: February 14, 2006, relating to the Toll Bridge Seismic Retrofit Program, was received from the California Department of Transportation and transmitted to the Committee on Transportation and Housing.

A report dated: February 15, 2006, relating to the Foster Youth Services Program, was received from the California Department of Education and transmitted to the Committee on Education.

A Title Summary report dated: February 16, 2006, relating to Workers' Compensation. Option to Sue. Initiative Constitutional Amendment and Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: February 16, 2006, was received from the California Law Revision Commission, and transmitted to the Committee on Judiciary.

A Title Summary report dated: February 16, 2006, relating to Government Acquisition. Regulation of Private Property. Initiative Constitutional Amendment, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary report dated: February 16, 2006, relating to Workers' Compensation. Benefits. Choice of Medical Provider. Initiative Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.





A report dated: February 17, 2006, relating to investment holdings in domestic and international corporations operating in Northern Ireland, was received from the CalPERS and transmitted to the Committee on Public Employment and Retirement.

A report dated: February 17, 2006, relating to investment holdings in companies that we may owe compensation to victims of slave or forced labor, was received from the CalPERS and transmitted to the Committee on Public Employment and Retirement.

An annual report dated: February 17, 2006, relating to the Hazard Evaluation System and Information Service, was received from the Department of Industrial Relations and transmitted to the Committee on Labor and Industrial Relations.

An annual report dated: February 22, 2006, relating to the Exam Validation and Occupational Analysis, was received from the Department of Consumer Affairs and transmitted to the Committee on Business, Professions and Economic Development.

A report dated: February 22, 2006, relating to the Progress of the Development of the Standards-Based Tests in Spanish, was received from the California Department of Education and transmitted to the Committee on Education.

A report dated: February 22, 2006, relating to 2004–05 Vocational Education Carryover Funds, was received from the California Department of Education and transmitted to the Committee on Education.

A report dated: February 23, 2006, relating to the State Rail Plan (2005–06 to 2015–16), was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

A Title Summary report dated: February 23, 2006, relating to Campaign Contribution Limits. State Office Candidates. Initiative Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary report dated: February 23, 2006, relating to California Border Police. Immigration. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary report dated: February 23, 2005, relating to Redistricting. Initiative Constitutional Amendment. was received from the Department of Justice and transmitted to the Committee on Rules.

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

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



**REQUESTS TO ADJOURN IN MEMORIAM**

Senators Ashburn and Poochigian requested that when the Senate adjourns this day it do so in memory of Cpl. Adam Zanutto (USMC) of Walker Basin.

Senators Dutton and Machado requested that when the Senate adjourns this day it do so in memory of Robert Valine of Isleton.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Boyd Clarke of La Verne.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Lena Costa of Corcoran.

**ADJOURNMENT**

At 6:30 p.m., the Senate adjourned pursuant to the Senators' requests until 12 p.m., Friday, March 10, 2006.

PAULA K. ROSSETTO, Minute Clerk

O

