

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 15, 2006

The Senate met at 8:30 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, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, 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: Senator Alarcón will be excused this day on legislative business.)



PRAYER

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

Almighty and Everlasting God, We come tonight with thanks for the many blessings of our state and nation. We ask that You grant us wisdom to do our work, the patience to do it well, and the strength to see it finished. Help us to be ever mindful of those in the greatest need in our land, and to be respectful of all whom we meet.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 1, 2006

To the Members of the Senate:

In accordance with Article V, section 8(a) of the California Constitution, I hereby submit to you a report of each case in which I granted executive clemency during the period of January 1, 2005 through December 31, 2005.

Five conditional commutations were granted during this period. No reprieves or pardons were granted during this period.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol
March 15, 2006

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective February 28, 2006, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Roderick Q. Hickman Secretary, Department of Corrections
and Rehabilitation

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
March 15, 2006

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and



consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Cleotha Adams, Sergeant for Corrections, Yuba City County Sheriff's Department; and retired Corrections Superintendent with rank of Master Sergeant, United States Air Force. Appointed 02/16/06. Effective 02/28/06.

Member, Corrections Standards Authority, newly created, term ending 07/01/07.

Genevieve A. Shiroma, member of the Board since 1999, and former member of the Air Resources Board. Reappointed 03/02/06. Effective 03/13/06.

Member, Agricultural Labor Relations Board, term ending 01/01/11.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Human Services

Date of Hearing, March 14, 2006

Mr. President: The Committee on Human Services, to which was referred:

SB 1270

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ALQUIST, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing, March 15, 2006

Mr. President: The Committee on Public Safety, to which were referred:

SB 1128

SB 1178

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MIGDEN, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, March 15, 2006

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 1182

SB 1239

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

Senate Bill 1182—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

Bill read second time.

Senate Bill 1239—An act to amend Section 12076 of the Penal Code, relating to firearms.

Bill read second time.

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

Committee on Rules

Senate Chamber, March 15, 2006

Mr. President: The Committee on Rules has examined:

SB 1202

And reports that the same has been correctly enrolled, and presented to the Governor on the 15th day of March, 2006, at 2 p.m.

PERATA, Chair

State Capitol, March 15, 2006

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 4–0, has referred SB 169 (Migden) to the Senate Committee on Business, Professions and Economic Development.

PERATA, Chair

Committee on Rules

State Capitol, March 15, 2006

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

Natural Resources and Water—SB 1843, SB 1844, SB 1845, SB 1846.

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

Business, Professions and Economic Development—AB 120.

Education—SB 1309.

Elections, Reapportionment and Constitutional Amendments—AB 1634.

Local Government—SB 1169, SB 1271.

Natural Resources and Water—SB 1485.

Transportation and Housing—SJR 26; AB 1407.



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

Local Government and Business, Professions and Economic Development—SB 1523.

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

Health and Business, Professions and Economic Development—SJR 25, SJR 28.

Human Services and Public Safety—AB 525.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Joint Resolution 29: By Senators Kehoe, Cox, Ducheny, Hollingsworth, Machado, Morrow, and Ortiz (Coauthors: Assembly Members Shirley Horton, Houston, Jones, La Suer, Niello, Plescia, Saldana, Vargas, and Wolk)—Relative to Homeland Security.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1578** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

RE-REFER TO COMMITTEE

Without objection **SB 1578** was re-referred to the Committee on Business, Professions and Economic Development.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 79, SCR 86, SCR 90, SCR 97, SCR 100, SCR 101, SCR 102, SR 24,** and **ACR 106** were withdrawn from Committee and placed on today's special consent calendar.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Murray moved that **AB 135** be taken from the inactive file and re-referred to the Committee on Appropriations.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing AB 135 and SB 288 to be heard in the Committee on Appropriations without notice in the file.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing, March 15, 2006

Mr. President: The Committee on Appropriations, to which was referred:

AB 135



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

Above measure ordered to second reading.

March 15, 2006

Mr. President: The Committee on Appropriations, to which was referred:

SB 288

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

MURRAY, Chair

Above measure ordered to unfinished business.

CONSIDERATION OF DAILY FILE

CONSENT CALENDAR

Senate Bill 1121—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1122—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1123—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1196—An act to amend Sections 53234, 54984.4, 54984.7, 54984.8, 58950, 61107, 65457, 66016, and 66499.7 of, and to repeal Sections 54984.5 and 54984.6 of, the Government Code, to amend Section 2051 of the Health and Safety Code, to amend Sections 22032 and 22034 of the Public Contract Code, to repeal Chapter 5 (commencing with Section 5790) of Division 5 of the Public Resources Code, and to amend



Section 2215 of the Revenue and Taxation Code, relating to local government.

Bill read third time, passed, and ordered transmitted to the Assembly.

Assembly Bill 245—An act to add Section 32100.3 to the Health and Safety Code, relating to health care districts, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 79—Relative to Crime Victims' Rights Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 86—Relative to Assisted Living Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 90—Relative to 10 Steps to a Healthy California.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 97—Relative to Child Abuse Prevention Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 100—Relative to Prostate Cancer Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 101—Relative to Motorcycle Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 102—Relative to Construction Career Awareness Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Resolution 24—Relative to the Republic of Cyprus.

Resolution read and adopted.

Assembly Concurrent Resolution 106—Relative to the White Ribbon Campaign.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 67—Relative to Shaken Baby Syndrome Awareness Week.



Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 77—Relative to Lymphedema Awareness Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 92—Relative to nonprofit and philanthropic organizations.

Resolution read, adopted, and ordered transmitted to the Assembly.

Senate Concurrent Resolution 94—Relative to Cinco de Mayo Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

Assembly Concurrent Resolution 101—Relative to a Day of Remembrance.

Resolution read, adopted, and ordered transmitted to the Assembly.

Assembly Concurrent Resolution 109—Relative to teen dating violence.

Resolution read, adopted, and ordered transmitted to the Assembly.

Assembly Concurrent Resolution 110—Relative to President's Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

Assembly Concurrent Resolution 113—Relative to Spay Day USA 2006.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: Above Special Consent See Consent Calendar Roll Call)

The roll was called.

CALL OF THE SENATE

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

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (CONSENT CALENDAR)

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

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Torlakson, and Vincent.

NOES (0)—None.



UNFINISHED BUSINESS**Consideration of Governor's Appointments**

Senator Perata placed the following Governor's appointments before the Senate:

Frank J. Lloyd, Member, State Board of Barbering and Cosmetology.

Brenda St. Hilaire, Member, Fair Employment and Housing Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Torlakson, and Vincent.

NOES (0)—None.

REQUEST FOR UNANIMOUS CONSENT (AB 135)

Senator Murray asked for, and was granted, unanimous consent to take up AB 135 at this time, without reference to file.

Consideration of Assembly Bill 135

Assembly Bill 135—An act relating to the Budget Act of 2005.

Bill read second time.

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

Consideration of Assembly Bill 135 as Amended

Assembly Bill 135—An act relating to flood control, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Murray.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Torlakson, and Vincent.

NOES (0)—None.



Roll Call

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

AYES (33)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 288)

Senator Battin asked for, and was granted, unanimous consent to take up SB 288 at this time, without reference to file.

Consideration of Senate Bill 288**Consideration of Assembly Amendments**

Senate Bill 288—An act to amend Section 12716 of the Government Code, relating to gaming, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Battin.

The question being: Shall the Senate concur in the Assembly amendments to SB 288?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, and Vincent.

NOES (1)—Senator Torlakson.

Roll Call

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

AYES (29)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Cedillo, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, and Vincent.

NOES (1)—Senator Torlakson.

Above measure ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 15, 2006

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

SB 69



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.

SENATE COMMITTEE ROLL CALLS

Committee on Elections, Reapportionment and Constitutional Amendments

SCA 3—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Bowen, Murray, and Romero.

NOES (1)—Senator Battin.

Date of Hearing: 3/15/2006

Bowen (Chair)

Committee on Human Services

SB 1195—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Chesbro, and Romero.

NOES (1)—Senator Aanestad.

SB 1270—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alquist, Chesbro, Maldonado, and Romero.

NOES (1)—Senator Aanestad.

AB 633—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Aanestad, Alquist, Chesbro, Maldonado, and Romero.

NOES (0)—None.

AB 1774—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Aanestad, Alquist, Chesbro, Maldonado, and Romero.

NOES (0)—None.

Date of Hearing: 3/14/2006

Alquist (Chair)

Committee on Public Safety

SB 1128—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Margett, Migden, Perata, Poochigian, and Romero.

NOES (0)—None.

SB 1178—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Margett, Migden, Perata, Poochigian, and Romero.

NOES (0)—None.

Date of Hearing: 3/15/2006

Migden (Chair)

LEAVES OF ABSENCE FOR THE DAY

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



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

At 9:50 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 until the hour of 9:50 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 9:50 p.m., the Senate will adjourn until Thursday, March 16, 2006.

Motion carried.

REQUEST TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Jim Byard of Carson.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Melvin "Lee" Strong of Sacramento.

Senator Dutton requested that when the Senate adjourns this day it do so in memory of Goldy S. Lewis of Upland.

ADJOURNMENT

At 9:50 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, March 16, 2006.

PAULA K. ROSSETTO, Minute Clerk

