

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 16, 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, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—35.

Quorum present.

(NOTE: Senators Alarcón, Denham, Ortiz, and Speier will be excused this day on legislative business.)

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 74

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**

Senate Chamber, March 16, 2006

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

SCR 60

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 Concurrent Resolution 60**—Relative to the City of Santa Cruz.

Resolution read second time.

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

State Capitol, March 15, 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:

Gary M. Petersen, Member California Integrated Waste Management Board (5–0);

Robert F. Sawyer, Ph.D., Member Air Resources Board (5–0).

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, March 15, 2006

Mr. President: The Senate Rules Committee has created a Select Committee on Alternative Energy Strategies and appointed Senator Kehoe to serve as Chair. The Committee also appointed the following members to serve on the new select committee: Senators Ashburn, Dutton, Lowenthal and Torlakson.

PERATA, Chair

State Capitol, March 15, 2006

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

Appointed Mr. Gregory C. Garrett of Oakland as a member of the California Housing Partnership Corporation Board of Directors to serve for a term ending January 1, 2009;

Appointed Mr. Daniel B. Friedlander of Woodland as a member of the California Student Aid Commission to serve for a term ending January 1, 2008;

Appointed Mr. Ryan Brooks of San Francisco as a member of the New Motor Vehicle Board to serve for a term ending January 15, 2010.

PERATA, Chair



Committee on Health

Senate Chamber, March 16, 2006

Mr. President: The Chair of the Committee on Health, to which was referred:

SB 1277

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

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1277—An act to amend Section 1371.4 of, and to add Section 1317.19 to, the Health and Safety Code, relating to health care.

Bill read second time.

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

Committee on Natural Resources and Water

Date of Hearing, March 14, 2006

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 1125

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Human Services

Senate Chamber, March 16, 2006

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

SB 1212

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

ALQUIST, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1212—An act to amend Sections 1777 and 1790 of the Health and Safety Code, relating to continuing care.

Bill read second time.

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



Committee on Rules

Senate Chamber, March 16, 2006

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

SB 1258

SCR 103

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 1258—An act to amend Section 9002 of the Elections Code, relating to initiatives.

Bill read second time.

Senate Concurrent Resolution 103—Relative to Lyme Disease Awareness Month.

Resolution read second time.

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

Committee on Human Services

Date of Hearing, March 14, 2006

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

AB 1774

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety with the recommendation: To Consent Calendar.

ALQUIST, Chair

Above measure ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 105: By Senators Torlakson, Bowen, Chesbro, Ducheny, Escutia, and Vincent—Relative to California Fitness Month.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

An annual report dated: January 18, 2006, relating to the Aging Services Data Report, was received from the Department of Aging and transmitted to the Committee on Budget and Fiscal Review.



An annual report dated: February 13, 2006, relating to the San Benito County DNA Fund, for year 2005, was received from the County of San Benito and transmitted to the Committee on Public Safety.

A fourth quarter report dated: February 15, 2006, relating to the Non-Toll Seismic Retrofit Program, was received from the Department of Transportation and transmitted to the Committee on Transportation and Housing.

A report dated: February 15, 2006, relating to the Southern California Year-Round Staffing Augmentation for FY 2004–05, was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Budget and Fiscal Review.

A supplemental report dated: February 15, 2006, relating to the Mobile Equipment Expenditures for FY 2004–05, was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 21, 2006, was received from CalPERS and transmitted to the Committee on Public Employment and Retirement.

A report dated: February 21, 2006, relating to the California Water Plan Update (2005), was received from the Department of Water Resources and transmitted to the Committee on Natural Resources and Water.

A quarterly report dated: February 21, 2006, relating to the Independent Project Oversight Reports and Review Checklists, was received from the Department of Corrections and Rehabilitation and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 22, 2006, relating to the CSU Master's Degree Nursing Programs, was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 24, 2006, relating to the Transportation Rate Fund, was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: February 22, 2006, relating to the CSU Institutional Financial Aid Program, was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: February 24, 2006, relating to the Yolo County EMS Fund, FY 2004–05, was received from the Yolo County Health Department and transmitted to the Committee on Health.



An annual report dated: February 25, 2006, relating to the Riverside County EMS Fund, FY 2004–05, was received from the Riverside Community Health Agency and transmitted to the Committee on Health.

An annual report dated: February 27, 2006, was received from the California Alternative Energy and Advanced Transportation Financing Authority and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: February 28, 2006, relating to the Independent Evaluation of the California High School Exit Examination, Third Biennial Report, was received from the California Department of Education and transmitted to the Committee on Education.

An annual report dated: February 28, 2006, relating to California's Access to Visitation Grant Program for FY 2004–05 and 2005–06, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An annual report dated: February 28, 2006, relating to the Sutter County DNA Fund, for year 2005, was received from the County of Sutter and transmitted to the Committee on Public Safety.

A supplemental report dated: February 28, 2006, relating to Electronic Filing and Remittance, was received from Board of Equalization and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 1, 2006, relating to the Commercial Vehicle Registration Act of 2001, was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation and Housing.

A report dated: March 1, 2006, relating to the Judicial Council Collaborative Court–County Working Group on Enhanced Collections, was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

An annual report dated: March 2, 2006, relating to the Lawyer Assistance Program, was received from the State Bar of California and transmitted to the Committee on Judiciary.

A Title Summary report dated: March 2, 2006, relating to Political Contribution and Expenditures by Corporations. Shareholders Consent Requirements. Limits and Penalties. Initiative Statute, was received from the Department of Justice and transmitted to the Committee on Rules.



A Title Summary report dated: March 2, 2006, relating to RF2006, Amdt. #1-S Ballot Measure Finance Disclosure. Shareholder Consent. Initiative Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: March 2, 2006, relating to the 2004–05 Small Business/DVOBE's Contract Activity, was received from the Department of Water Resources and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

A report dated: March 3, 2006, relating to the 2003–04 Small Business/DVOBE's Contract Activity, was received from the Department of Water Resources and transmitted to the Committee on Government Modernization, Efficiency and Accountability.

An annual report dated: March 3, 2006, relating to the Stanislaus County EMS Fund, FY 2004–05, was received from the Stanislaus County Health Services Agency and transmitted to the Committee on Health.

A report dated: March 3, 2006, relating to the Replacement of Underground Storage Tanks Program, was received from the State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

An annual report dated: March 7, 2006, relating to Trial Court Expenditures for Fiscal Year 2004–2005, was received from the Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 8, 2006, relating to the 21st Century Community Learning Centers for High Schools, was received from the California Department of Education and transmitted to the Committee on Education.

A report dated: March 8, 2006, relating to the California State University 2005–2006 Enrollment Report, was received from the California State University and transmitted to the Committee Budget and Fiscal Review.

An annual report dated: March 8, 2006, relating to the Imperial County DNA Fund, for year 2005, was received from the County of Imperial and transmitted to the Committee on Public Safety.

A report dated: March 9, 2006, relating to Electron Recording Equipment Purchased or Leased by the Superior Courts, was received from Judicial Council of California and transmitted to the Committee on Judiciary.



A report dated: March 9, 2006, relating to Air Quality Concerns Relating to the North American Free Trade Agreement (NAFTA) and Free Commercial Vehicle Travel in California, was received from the Air Resources Board and transmitted to the Committee on Budget and Fiscal Review.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Denham, Ortiz, and Speier.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Nghi Van Nguyen of San Diego.

Senators Ducheny and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Dr. Harold Clark Whitcomb of Aspen, Colorado.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 10 a.m., Monday, March 20, 2006.

PAULA K. ROSSETTO, Minute Clerk

