

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento

Monday, March 20, 2006

The Senate met at 10 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, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—35.

Quorum present.

*(NOTE: Senator Morrow will be excused this day on legislative business, Senator Speier will be excused this day due to family illness, and Senators Figueroa and Kuehl will be excused this day due to illness.)*



**PRAYER**

Upon invitation of the President, the following prayer was offered by Rev. Canon Winifred B. Gaines, Trinity Cathedral:

*Compassionate and Gracious God*, All authority is yours. You hold the universe within your hands and all of us within your loving embrace.

You touch the hearts of rich and poor alike,

You speak to the powerful and the powerless.

We ask your blessings upon the women who are leaders in this State and especially the women who are members of the State Senate.

Grant that these women who are called to leadership may genuinely serve the people of this State.

May they continually search for policies and make decisions that will be for the good of all.

Give them vision to see far into the issues of this State, courage to uphold what they believe is right, and integrity in their motives.

Grant that they may bring to this work compassionate hearts and open minds so that they may always see, behind the budget and programs, the faces of the men, women and children they serve.

Be their security in times of anxiety and their inspiration in times of opportunity.

By their plans and actions may they be co-creators with you, that your kingdom may come and your will be done.

We pray this in your Holy Name.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

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

Senate Chamber, March 20, 2006

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

SB 1268      SB 1289      SB 1308      SB 1323

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 1268**—An act to amend Section 13300 of the Penal Code, relating to criminal information.

Bill read second time.

**Senate Bill 1289**—An act relating to foster children.

Bill read second time.



**Senate Bill 1308**—An act to amend Section 56000 of the Government Code, relating to local government.

Bill read second time.

**Senate Bill 1323**—An act relating to mental health.

Bill read second time.

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

#### **Committee on Transportation and Housing**

Senate Chamber, March 20, 2006

Mr. President: The Chair of the Committee on Transportation and Housing, to which was referred:

AB 1617

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

LOWENTHAL, Chair

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

**Assembly Bill 1617**—An act to amend Sections 54235, 54236, 54237, and 54238.5 of, and to add Sections 54237.1 and 54237.2 to, the Government Code, relating to surplus residential property.

Bill read second time.

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

#### **Committee on Business, Professions and Economic Development**

Senate Chamber, March 20, 2006

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 1285

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

FIGUEROA, Chair

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

**Senate Bill 1285**—An act to amend Section 2530.2 of the Business and Professions Code, relating to speech-language pathology.

Bill read second time.

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



**Committee on Health**

Senate Chamber, March 20, 2006

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

SB 1248

SB 1288

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 1248**—An act to amend Section 1599.1 of the Health and Safety Code, relating to long-term health care facilities.

Bill read second time.

**Senate Bill 1288**—An act to amend Section 11758.46 of, and to add Section 11758.48 to, the Health and Safety Code, and to amend Section 14053 of, and to add Section 14138.2 to, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measures 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 1200

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, March 17, 2006

Mr. President: The Committee on Rules has examined:

SB 288

And reports that the same has been correctly enrolled, and presented to the Governor on the 17th day of March, 2006, at 11:30 a.m.

PERATA, Chair



**Committee on Public Safety**

Senate Chamber, March 20, 2006

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

SB 1319

SB 1321

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 1319**—An act to add Section 851.91 to the Penal Code, relating to criminal procedure.

Bill read second time.

**Senate Bill 1321**—An act to add Section 851.92 to the Penal Code, relating to criminal procedure.

Bill read second time.

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

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

**Senate Bill 1125**—An act to amend Section 6217 of, and to repeal Sections 6217 and 6217.2 of, the Public Resources Code, relating to natural resources.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Water were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1774**—An act to amend Sections 361.4 and 16504.5 of the Welfare and Institutions Code, relating to criminal record checks, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.



**MOMENT OF SILENCE**

At the requests of Senator Florez and Senator Ashburn the Senate observed a moment of silence for Bob Grimm.

**REPORTS OF STANDING COMMITTEES****Committee on Business, Professions and Economic Development**

March 20, 2006

Mr. President: The Committee on Business, Professions and Economic Development, to which was referred:

SB 169

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

AANESTAD, Acting Chair

**REQUEST FOR UNANIMOUS CONSENT (SB 169)**

Senator Migden asked for, and was granted, unanimous consent to take up SB 169 at this time, without reference to file.

**Consideration of Senate Bill 169****Consideration of Assembly Amendments**

**Senate Bill 169**—An act to amend Section 1246 of the Business and Professions Code, relating to healing arts, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 169?

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, and Torlakson.

NOES (0)—None.

**Roll Call**

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

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, and Torlakson.

NOES (0)—None.

Above measure ordered enrolled.



**RECESS**

At 10:20 a.m., on motion of Senator Perata the Senate recessed in order to pay tribute to the Senate 2006 Woman of the Year honorees.

**Senator Christine Kehoe Presiding****Senate Woman of the Year Honorees—2006**

District 1: Rose Comstock; District 2: Toni Scully; District 3: London Breed; District 4: Shirley Henrikson; District 5: Linda Mora; District 6: Brenda Brydie; District 7: Rebecca McWhorter Crowder; District 10: Mary Jane Casper; District 11: Paula Uccelli; District 12: Sharon Rocha; District 13: Phaedra Ellis-Lamkins; District 14: Gail E. Kautz; District 15: Mary Ellen Fox; District 16: Lisa Green; District 17: Rita Burleson; District 18: Myrt Park; District 19: Dr. Laura Schlessinger; District 20: Linda Masi; District 21: Elizabeth Evans Wright; District 22: Ramona Ripston; District 23: Ivy Bottini; District 24: Christine Chavez; District 25: Mary Agnes Erlandson; District 26: Dr. Mayme A. Clayton; District 27: Dr. Wendy L. Doty; District 28: Janet Barker; District 29: Gwen Leonard; District 30: Delfina Briones; District 32: Ana Gonzalez; District 33: Kathy Tavoularis; District 34: Emilia Castañeda; District 36: Pat Braendel; District 37: Jan Hawkins; District 39: Deborah Szekely; District 40: Gloria Gomez Maldonado; District 9: Linda Crayton; Lt. Governor: Alice Huffman.

**Introduction of Maria Shriver, First Lady of California**

Senator Kehoe introduced the First Lady of California, Maria Shriver, who addressed the members of the Senate and the Woman of the Year honorees.

**REASSEMBLED**

At 11:05 a.m., the Senate reconvened.

Hon. Don Perata, of the 9th District, presiding.

**LEAVES OF ABSENCE FOR THE DAY**

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

The following Senator was granted leave of absence for the day due to family illness: Senator Speier.

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



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

At 11:05 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 Tuesday, March 21, 2006.

Motion carried.

**REPORTS OF STANDING COMMITTEES  
Committee on Environmental Quality**

Senate Chamber, March 20, 2006

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

SB 1305

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

SIMITIAN, Chair

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

**Senate Bill 1305**—An act to amend Section 117700 of, and to add Section 118286 to, the Health and Safety Code, relating to medical waste.

Bill read second time.

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

**Committee on Governmental Organization**

Senate Chamber, March 20, 2006

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

SB 1180

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

FLOREZ, Chair

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

**Senate Bill 1180**—An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

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





**Committee on Education**

Senate Chamber, March 20, 2006

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

AB 1482

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

SCOTT, Chair

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

**Assembly Bill 1482**—An act to amend Section 15146 to the Education Code, relating to education finance.

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, June 28, 2005

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

AB 1457

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

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, March 20, 2006

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

SJR 27

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 Joint Resolution 27**—Relative to Equal Pay Day.

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 106:** By Senator Alquist—Relative to California Chronic Kidney Disease Education Week.

**Senate Resolution 26:** By Senators Perata, Migden, and Speier—Relative to the National Biological Foundry.

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

Without objection, **SB 1584** was withdrawn from the Committee on Health and re-referred to the Committee on Revenue and Taxation.

**COMMUNICATION**

The following communication was ordered printed in the Journal:

March 17, 2006

*California State Senate*

Dear Mr. President:

I am writing to inform the honorable Members of the Senate that the absence of Senator McClintock from the session held on the evening of March 15 occurred due to no fault of his own but rather to an omission on our part to properly notify him of your call. For this I take full responsibility, and extend my profound apology to the Senator.

As officers of the house, the Chief Sergeant-at-Arms and I respectfully recommend that in the future no session shall be deemed in compliance with Sec. 43.3 of Mason's Manual until such time as the Sergeant-at-Arms has properly notified each Member of its call, and that notice by Member to Member or by any other intermediary shall be deemed insufficient.

Sincerely Yours,

GREGORY P. SCHMIDT  
Secretary of the Senate

**SENATE COMMITTEE ROLL CALLS****Committee on Business, Professions and Economic Development**

**SB 169**—That the Assembly amendments be concurred in

AYES (3)—Senators Aanestad, Florez, and Simitian.

NOES (0)—None.

Date of Hearing: 3/20/2006

Figueroa (Chair)



**REQUESTS TO ADJOURN IN MEMORIAM**

Senators Ashburn and Florez requested that when the Senate adjourns this day it do so in memory of Bob Grimm of Bakersfield.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Ashlyn Dyer of San Francisco and Bill Schwab of Wilmington.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Gene Taylor of Jackson, Roy Erickson, Robert James Howell and Stanley M. Silva of Fair Oaks.

Senator Maldonado requested that when the Senate adjourns this day it do so in memory of Harold Hatley and Frank Velasquez of Grover Beach.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of James Cecil "JC" Crawley, Jacob "Jake" Kirizian, and Mildred Anna Stone of Fresno, and Henry Huront Esajian of Kingsburg.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 21, 2006.

PAULA K. ROSSETTO, Minute Clerk



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