

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Thursday, March 23, 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.

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, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—32.

Quorum present.

(NOTE: Senators Dunn, Morrow, Murray, and Speier will be excused this day on legislative business, Senator Escutia will be excused this day due to the death of a close family friend, and Senators Alquist and Kuehl will be excused this day due to illness.)



PRAYER

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

Almighty and Everlasting God, We give thanks for the renewal of Spring; kindle our hearts today with compassion for all whom we serve, keep us mindful of those who are the most in need, and renew us with the strength, courage and peace that only You can give.—AMEN.

NATIONAL ANTHEM

Senator Scott's granddaughter, Hailey Schones, sang the Star Spangled banner from the Senator's desk.

REPORTS OF STANDING COMMITTEES**Committee on Labor and Industrial Relations**

Senate Chamber, March 23, 2006

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 1162

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

ALARCÓN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1162—An act to add Section 1182.12 to the Labor Code, relating to the minimum wage, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

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

Senate Bill 1195—An act to amend Sections 8263.1 and 8447 of the Education Code, relating to child care.

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 Appropriations.

Senate Bill 1225—An act to amend Section 22710 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 1296—An act to amend Sections 132351.1 and 132351.2 of the Public Utilities Code, relating to transportation.

Bill read second time.



The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issues raised by the Assembly amendments to SB 69 and SB 74 were referred to the Committee on Rules.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 75, SCR 76, SCR 87, SCR 103, and SCR 105** were withdrawn from Committee and placed on today's Special Consent Calendar.

Senator Romero Presiding

UNANIMOUS CONSENT GRANTED

Without objection, unanimous consent was granted that SCR 60 be withdrawn from committee and ordered placed on third reading file.

REQUEST FOR UNANIMOUS CONSENT (SCR 78)

Senator Poochigian asked for, and was granted, unanimous consent that SCR 78 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 78

Senate Concurrent Resolution 78—Relative to Greek Independence Day.

Resolution read third time and presented by Senator Poochigian.

Roll Call

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

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

REQUEST FOR UNANIMOUS CONSENT (SR 25)

Senator Ducheny asked for, and was granted, unanimous consent to take up SR 25 at this time, without reference to file.

Consideration of Senate Resolution 25

Senate Resolution 25—Relative to the California Highway Patrol.

Resolution read and adopted.



INTRODUCTION OF SPECIAL GUESTS

Senator Machado introduced Jose Bolieiro, Francisco Coelho and Vasco Cordeiro from the delegation of the Legislative Assembly of the Autonomous region of the Azores. The Senator asked that the following message from the President of the Legislative Assembly be printed in the journal.

**Legislative Assembly
of
the Autonomous Region of the Azores**

Message

The Archipelago of the Azores, located in the heart of the North Atlantic, halfway between Europe and North America, is made up of nine islands of volcanic origin and constitutes, today, an Autonomous Region of the Portuguese State, endowed with its own organs of government, democratically elected.

Marked by geography, insularity and the difficulties created by the forces of nature, the Azoreans are a courageous people, hard working, solidary and proud, both of their history and of their culture.

Searching for better living conditions, thousands of Azoreans established themselves in the State of California, since the XIX century, settling vast territories and contributing, with their effort and with their work to the development and the progress of this important State of the American nation.

According to recent estimates, over 500 thousand Azoreans and Azorean descendants live in California today, occupying significant positions in all sectors of activity, while maintaining their ethnic and cultural characteristics, thus enriching the communities where they live and work.

These are the reasons that led the Legislative Assembly of the Autonomous Region of the Azores to adopt its Resolution no 15/2002/A, dated October 30th of 2002, declaring, in the name of the Azorean people, the desire that the special ties of friendship and cooperation between the Azores and California be developed within an institutional framework.

The present visit of a delegation of the Azorean Parliament to the State of California constitutes, therefore, an additional step towards the fulfillment of this desideratum and the bringing together of our regions and communities, with a view towards the strengthening of a social, political and institutional relationship we hope to make increasingly solid and robust.



In the name of the Azorean people represented in the Legislative Assembly, I offer my greetings to the Senate of California and to the people of this State, presenting my best wishes of happiness, peace and progress for all.

Horta, March 16th, 2006

The President of the Legislative Assembly
of the
Autonomous Region of the Azores

Fernando Menezes

REQUEST FOR UNANIMOUS CONSENT (SJR 27)

Senator Bowen asked for, and was granted, unanimous consent that SJR 27 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Joint Resolution 27

Senate Joint Resolution 27—Relative to Equal Pay Day.

Resolution read third time and presented by Senator Bowen.

Roll Call

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

AYES (23)—Senators Ackerman, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Florez, Kehoe, Lowenthal, Machado, Maldonado, Margett, Ortiz, Perata, Romero, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Romero moved that **AB 273** be taken from the inactive file and placed on the second reading file.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
CONSENT CALENDAR**

Senate Bill 1200—An act to amend Section 3240.5 of the Fish and Game Code, relating to hunting.

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

(NOTE: See Consent Calendar Roll Call)



SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 75—Relative to the Girl Scouts.

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 76—Relative to Breast Cancer Awareness and Prevention Month.

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 87—Relative to Health Care Decisions Week.

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 105—Relative to California Fitness Month.

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

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

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

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

REQUEST TO BE ADDED TO ROLL CALL

March 23, 2006

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SJR 27—Aye

SCR 75—Aye

SCR 78—Aye

SCR 87—Aye

SCR 103—Aye

SCR 105—Aye

SCR 76—Aye

SB 1200—Aye

DON PERATA, President pro Tempore

March 23, 2006

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SCR 78—Aye	SR 25—Aye	SJR 27—Aye
SB 1200—Aye	SCR 75—Aye	SCR 76—Aye
SCR 87—Aye	SCR 103—Aye	SCR 105—Aye

DICK ACKERMAN, Minority Floor Leader

Senator Perata Presiding

**TRIBUTE TO FORMER ASSEMBLY MEMBER
MARCO ANTONIO FIREBAUGH**

At the request of Senator Perata, the Senate paid tribute to former Assembly Member Marco Antonio Firebaugh who passed away on March 21, 2006.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn, Morrow, Murray, and Speier.

The following Senator was granted leave of absence for the day due to the death of a close family friend: Senator Escutia.

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

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

At 10:30 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 27, 2006.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 23, 2006

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 72

ACR 125

Assembly Chamber, March 23, 2006

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

AB 1793



Assembly Chamber, March 23, 2006

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

SB 262

E. DOTSON WILSON, Chief Clerk of the Assembly
Above measure ordered enrolled.

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 72—Relative to Voter Awareness Week.

Assembly Concurrent Resolution 125—Relative to Agriculture Day.

Assembly Bill 1793—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, March 22, 2006

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

John A. Bohn, Member Public Utilities Commission (5–0)

PERATA, Chair

State Capitol, March 22, 2006

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

Sidney M. Greathouse, Member California Law Revision Commission (5–0)

Pamela L. Hemminger, Member California Law Revision Commission (5–0)

David Huebner, Member California Law Revision Commission (5–0)

Susan D. Lee, Member California Law Revision Commission (5–0)

Richard D. Fantozzi, M.D., Member Medical Board of California, Division of Licensing (5–0)

Kristina Vukasin Brouhard, Member California Regional Water Quality Control Board, San Francisco Bay Region (5–0)

Margaret Valda Bruce, Member California Regional Water Quality Control Board, San Francisco Bay Region (5–0)



Shalom Eliahu, Member California Regional Water Quality Control Board, San Francisco Bay Region (5-0)

Gary Wolff, Ph.D., Member California Regional Water Quality Control Board, San Francisco Bay Region (5-0)

PERATA, Chair

State Capitol, March 22, 2006

The Senate Rules Committee has appointed Ms. Mary E. Hoshiko of Morgan Hill and Mr. Michael R. Funk of Richmond as members of the Advisory Committee on Before and After School Programs to serve at the pleasure of the Rules Committee.

PERATA, Chair

Committee on Judiciary

Senate Chamber, March 23, 2006

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

SB 1330

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

DUNN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1330—An act to amend Sections 65589.5, 65863, and 65915 of the Government Code, relating to housing.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, March 23, 2006

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

SB 1336

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 1336—An act to amend Section 244.5 of, and to add Chapter 4.5 (commencing with Section 12430) to Title 2 of Part 4 of, the Penal Code, relating to remote stun guns.

Bill read second time.

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



Date of Hearing, March 21, 2006

Mr. President: The Committee on Public Safety, to which was referred:
SB 1318

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

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Health

Senate Chamber, March 23, 2006

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

SB 1339

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 1339—An act relating to emergency medical services.

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

Senate Chamber, March 23, 2006

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

SB 1347

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1347—An act to amend Sections 25209.11, 25209.12, and 25209.13 of, and to repeal Section 25209.16 of, the Health and Safety Code, relating to water.

Bill read second time.

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

Committee on Human Services

Senate Chamber, March 23, 2006

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

SB 1289



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 1289—An act to amend Section 11403 of, and to add Section 11403.5 to, the Welfare and Institutions Code, relating to foster children, and making an appropriation therefor.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, March 23, 2006

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

SCR 72

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

Senate Concurrent Resolution 72—Relative to the Vernon L. Sturgeon Memorial Highway.

Resolution read second time.

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

Date of Hearing, March 21, 2006

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

SB 1177

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Committee on Human Services

Date of Hearing, March 14, 2006

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

AB 633

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

ALQUIST, Chair

Above measure ordered to second reading.



Committee on Environmental Quality

Senate Chamber, March 23, 2006

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

SB 1345

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 1345—An act to amend Section 12209 of the Public Contract Code, and to amend Section 42240 of the Public Resources Code, relating to environmental quality.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, March 23, 2006

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

AB 546

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

DUNN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 546—An act to add Section 8314.5 to the Government Code, relating to state computers.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, March 23, 2006

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1249

SB 1341

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

MACHADO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1249—An act to amend Section 18724 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.



Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1249 pursuant to Joint Rule 58.

SENATOR ALQUIST

Permission of Rules Committee

Senate Chamber, March 23, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1249.

PERATA, Chair

Senate Bill 1341—An act to amend Section 6363.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 23, 2006

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

SB 1297

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 1297—An act to amend Section 288 of the Penal Code, relating to crime.

Bill read second time.

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

Committee on Rules

State Capitol, March 22, 2006

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

Banking, Finance and Insurance and Judiciary—SB 1847.

Transportation and Housing and Elections, Reapportionment and Constitutional Amendments—SCA 29.

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

Governmental Organization—SJR 29.



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

Elections, Reapportionment and Constitutional Amendments—
SB 1258.

Energy, Utilities and Communications—AB 326.

Human Services—SB 1289.

Judiciary—SB 1319.

Labor and Industrial Relations—SB 1254.

Local Government—SB 1268.

Public Safety—SB 1308.

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

Health and Public Safety—SB 1323.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Bill 1848: By the Committee on Business, Professions and Economic Development (Senators Figueroa (Chair), Aanestad, Florez, Morrow, and Simitian)—An act to repeal Section 8698.6 of the Business and Professions Code, relating to pests, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1849: By the Committee on Business, Professions and Economic Development (Senators Figueroa (Chair), Aanestad, Florez, Morrow, and Simitian)—An act to amend Sections 6403, 7841, 8726, 8771, 22351, 22351.5, 22355, and 22452 of the Business and Professions Code, and to amend Sections 1815, 12070, and 12073 of the Insurance Code, relating to professions and vocations.

Senate Bill 1850: By the Committee on Health (Senators Ortiz (Chair), Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, and Runner)—An act to amend Sections 128135, 128200, 128737, 128765, 128770, and 128775 of, to amend the heading of Chapter 4 (commencing with Section 128200) of, to amend the heading of Article 1 (commencing with Section 128200) of Chapter 4 of, Part 3 of Division 107 of the Health and Safety Code, relating to health care.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 74** was withdrawn from the Committee on Health and re-referred to the Committee on Rules.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Ben D. Martin of Penryn, Betty Sargent of Magalia, and Scott Koslin of Oroville.

Senator Cedillo requested that when the Senate adjourns this day it do so in memory of Judge Delbert E. Wong of Los Angeles.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Diane Hocking of Delano.

Senators Hollingsworth and Poochigian requested that when the Senate adjourns this day it do so in memory of Cassandra Louise Ketcherside of Fresno.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Thomas Yarnell, Diana La Gardo, and Representative John McFall of Manteca, and Eric Rick Uldall of Vacaville.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Andrea Diener Harbaugh, Audrey Hortzakorgian Melikian, Susan Ann Dusi, and Alice Elizabeth Poochigian of Fresno.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Tammy Estrada of Lancaster.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Dick Richards of Pasadena.

Senators Soto and Dutton requested that when the Senate adjourns this day it do so in memory of Jerry DuBois of Ontario.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, March 27, 2006.

PAULA K. ROSSETTO, Minute Clerk

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