

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, March 29, 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, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—35.

Quorum present.

*(NOTE: Senators Morrow and Runner will be excused this day on legislative business, Senator McClintock will be excused this day due to family illness, and Senator Alquist will be excused this day due to a death in the family.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
March 29, 2006

*To the Members of the Senate:*

Although I remain concerned about the Indian Gaming Special Distribution Fund, I am signing Senate Bill 288 because of the immediate direct benefit it provides to local communities impacted by the effects of tribal gaming.

State law has established priorities for the Indian Gaming Special Distribution. Assembly Bill 1750, which I signed last fall addressed the first priority of the Indian Gaming Special Distribution Fund (SDF),



funding shortfalls in payments from the Indian Gaming Revenue Sharing Trust Fund. My 2006–07 Budget, which is being considered by the Legislature, proposes to address our regulatory requirements, which are a higher priority than local mitigation funding under state law.

Given the timing of passage of SB 288 compared to the pending budget deliberations, we are dealing with a lesser priority of the SDF prior to addressing the regulatory requirements. As such, it is my expectation that the Legislature will support our proposal to help the state meet its Indian gaming regulatory requirements. Without the support of our proposal, it will be difficult for me to support local mitigation funding in the Budget.

As we move forward, I look forward to the enhanced reporting requirements under this measure, along with an upcoming audit by the State Auditor, to ensure that the funds are being used to mitigate the impacts of tribal gaming on local governments as contemplated in the 1999 Compacts.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Health**

Senate Chamber, March 29, 2006

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

SB 1323      SB 1338      SB 1500      SB 1555

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 1323**—An act relating to mental health, and making an appropriation therefor.

Bill read second time.

**Senate Bill 1338**—An act to add Part 4 (commencing with Section 1000) to Division 1 of the Health and Safety Code, relating to health care.

Bill read second time.

**Senate Bill 1500**—An act to add Article 4 (commencing with Section 11773) to Chapter 1 of Division 10.5 of the Health and Safety Code, relating to alcohol and drug programs.

Bill read second time.

**Senate Bill 1555**—An act to add Article 4 (commencing with Section 123370) to Chapter 1 of Part 2 of Division 106 of the Health and Safety Code, relating to cord blood banking.

Bill read second time.



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

**Committee on Local Government**

Senate Chamber, March 29, 2006

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

SB 1801

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

KEHOE, Chair

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

**Senate Bill 1801**—An act to add Section 37606.1 to the Government Code, relating to municipal hospitals.

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 29, 2006

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

SB 1712

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 1712**—An act to amend Sections 16115.5 and 16118 of, and to add Section 16118.5 to, the Welfare and Institutions Code, relating to adoption.

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 29, 2006

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

SB 1536

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 1536**—An act relating to state property, making an appropriation therefor, 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.

**Committee on Government Modernization, Efficiency, and Accountability**

Senate Chamber, March 29, 2006

Mr. President: The Chair of the Committee on Government Modernization, Efficiency, and Accountability, to which was referred:

SB 1604

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 1604**—An act to repeal Section 53068 of the Government Code, and to amend Sections 3400, 4104.5, 7105, and 7106 of, and to add Section 7111 to, the Public Contract Code, relating to public contracts.

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 29, 2006

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

SB 1349

SB 1729

SB 1813

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 1349**—An act to amend Section 57053 of the Health and Safety Code relating to environmental protection.

Bill read second time.

**Senate Bill 1729**—An act to amend Section 21623 of the Government Code, relating to public employees' retirement.

Bill read second time.



**Senate Bill 1813**—An act relating to economic development.

Bill read second time.

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

**Committee on Labor and Industrial Relations**

Date of Hearing, March 29, 2006

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 1162

SB 1204

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

ALARCÓN, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 29, 2006

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

SB 1188

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

ALARCÓN, Chair

Above measure re-referred to the Committee on Banking, Finance and Insurance.

**Committee on Natural Resources and Water**

Senate Chamber, March 29, 2006

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

SB 1378

SB 1425

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 1378**—An act to amend Section 655.2 of the Harbors and Navigation Code, relating to harbors and navigation.

Bill read second time.

**Senate Bill 1425**—An act to amend Section 5009 of the Water Code, relating to water.

Bill read second time.



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

**Committee on Environmental Quality**

Senate Chamber, March 29, 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 add Sections 117671 and 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 Local Government**

Senate Chamber, March 29, 2006

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

SB 1432

SB 1754

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

KEHOE, Chair

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

**Senate Bill 1432**—An act to amend Sections 53312.7, 53313, 53313.4, 53313.5, 53313.6, 53313.9, 53314.6, 53316.2, 53317, 53318, 53319, 53320, 53321.5, 53322.4, 53323, 53324, 53325, 53325.1, 53326, 53327, 53328, 53328.3, 53329, 53330.5, 53332, 53336, 53339, 53339.2, 53339.3, 53339.5, 53339.6, 53339.7, 53339.8, 53340, 53340.2, 53341.5, 53343, 53343.1, 53344, 53345, 53352, 53354, 53355, 53356, 53356.1, 53356.3, 53356.6, 53356.9, 53359.5, 53360, 53362.5, 53363.7, 53364.2, 53364.5, and 53753 of, to add Sections 53340.25 and 53356.15 to, and to repeal Sections 53313.85 and 53344.2 of, the Government Code, to amend Sections 3704 and 3712 of the Revenue and Taxation Code, and to Amend Sections 3114.5, 3115.5, and 3117.5 of the Streets and Highways Code, relating to community facilities districts.

Bill read second time.



**Senate Bill 1754**—An act to add and repeal Division 3 (commencing with Section 64100) of Title 6.7 of the Government Code, relating to housing.

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 29, 2006

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

SB 1282                      SB 1800                      AB 1256

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 Bill 1282**—An act to add Section 164.1 to the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 1800**—An act to amend Sections 65300, 65302, 65582, 65583, 65583.2, 65584, 65584.01, 65584.02, 65584.04, and 65584.07 of, to add Sections 16318, 16319, 16319.5, and 65300.1 to, to add Article 9 (commencing with Section 65470) to Chapter 3 of Division 1 of Title 7 of, and to repeal and add Section 65588 of, the Government Code, relating to housing.

Bill read second time.

**Assembly Bill 1256**—An act to amend Section 12517.2 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

#### **Committee on Judiciary**

Senate Chamber, March 29, 2006

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

SB 1667

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 1667**—An act to amend Section 295 of the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

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

**Committee on Local Government**

Senate Chamber, March 29, 2006

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

SB 1627

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

KEHOE, Chair

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

**Senate Bill 1627**—An act to amend Sections 65928 and 65950 of, and to add Sections 65850.6 and 65964 to, the Government Code, relating to telecommunications.

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 29, 2006

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

SB 1808

SB 1830

SCR 108

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 1808**—An act to amend Section 2080 of the Business and Professions Code, relating to medicine.

Bill read second time.

**Senate Bill 1830**—An act relating to corrections.

Bill read second time.

**Senate Concurrent Resolution 108**—Relative to the Ten Commandments.

Resolution read second time.

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





**Committee on Education**

Senate Chamber, March 29, 2006

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

SCA 24

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**

**Senate Constitutional Amendment 24**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Sections 10 and 11 to Article IX thereof, relating to education funding.

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 29, 2006

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

SB 1552

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

SCOTT, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 29, 2006

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

SB 1266

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

SCOTT, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Agriculture**

Senate Chamber, March 29, 2006

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

SB 1229

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

DENHAM, Chair



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

**Senate Bill 1229**—An act to amend Section 14007 of, and to add Article 5 (commencing with Section 14085) to Chapter 3 of Division 7 of the Food and Agricultural Code, relating to pesticide.

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 29, 2006

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

ACR 115

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**

**Assembly Concurrent Resolution 115**—Relative to Cesar Chavez Day.

Resolution read second time.

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

**Committee on Public Employment and Retirement**

Date of Hearing, March 29, 2006

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 1168

SB 1187

SB 1273

SB 1447

SB 1465

SB 1466

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

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Natural Resources and Water**

Senate Chamber, March 29, 2006

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

SB 1342

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 1342**—An act to amend Section 4590 of the Public Resources Code, relating to forest resources.

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 1217**—An act to add and repeal Section 52128.7 of the Education Code, relating to class size.

Bill read second time.

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

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

Without objection, **SB 1570** and **SB 1641** were withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations;

**SB 1329** was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules;

**SB 1347** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations;

**SB 1788** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules;

**SB 1189** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Rules;

**SB 1721** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules; and

**SB 1471** was withdrawn from the Committee on Education and re-referred to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS****Committee on Education**

**SB 1255**—Do pass as amended

AYES (9)—Senators Denham, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 1266**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Denham, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.



**SB 1290**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Denham, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

**SB 1552**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Denham, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/29/2006

Scott (Chair)

#### **Committee on Labor and Industrial Relations**

**SB 1162**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alarcón, Kuehl, and Lowenthal.

NOES (1)—Senator Ackerman.

**SB 1188**—Do pass and re-refer to Committee on Banking, Finance and Insurance

AYES (3)—Senators Alarcón, Kuehl, and Lowenthal.

NOES (1)—Senator Ackerman.

**SB 1204**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alarcón, Kuehl, and Lowenthal.

NOES (1)—Senator Ackerman.

Date of Hearing: 3/29/2006

Alarcón (Chair)

#### **Committee on Public Employment and Retirement**

**SB 1168**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alarcón, Dunn, and Soto.

NOES (2)—Senators Ashburn and Hollingsworth.

**SB 1187**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Ashburn, Dunn, Hollingsworth, and Soto.

NOES (0)—None.

**SB 1273**—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Alarcón, Dunn, and Soto.

NOES (2)—Senators Ashburn and Hollingsworth.

**SB 1447**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alarcón, Ashburn, Dunn, and Soto.

NOES (1)—Senator Hollingsworth.

**SB 1465**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Ashburn, Dunn, Hollingsworth, and Soto.

NOES (0)—None.



**SB 1466**—Do pass and re-refer to Committee on Appropriations  
AYES (5)—Senators Alarcón, Ashburn, Dunn, Hollingsworth, and Soto.  
NOES (0)—None.

Date of Hearing: 3/29/2006

Soto (Chair)

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

The following Senators were granted leaves of absence for the day due to legislative business: Senators Morrow and Runner.

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

The following Senator was granted leave of absence for the day due to a death in the family: Senator Alquist.

#### **REQUEST TO ADJOURN IN MEMORIAM**

Senator Migden requested that when the Senate adjourns this day it do so in memory of Dennis Collins and Brayton Wilber Jr. of San Francisco and Colette LaRoche of Sacramento.

#### **ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, March 30, 2006.

PAULA K. ROSSETTO, Minute Clerk



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