

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, February 16, 2005

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, Campbell, 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, Torlakson, and Vincent—37.

Quorum present.

*(NOTE: Senators Alarcón and Speier will be excused this day on personal business and Senator Soto will be excused this day due to illness.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Rules

Senate Chamber, February 16, 2005

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

SB 38

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 38**—An act to amend Section 12693.12 of the Insurance Code, relating to health care coverage.

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**

Date of Hearing, February 16, 2005

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

SB 49

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

KEHOE, Chair

Above measure ordered to second reading.

Date of Hearing, February 16, 2005

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

SB 53

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

KEHOE, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, February 16, 2005

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

SB 33

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 33**—An act to amend Sections 285, 288.1, 1000.12 and 1203.006 of, and to repeal Section 1000.13 of, the Penal Code, relating to sexual abuse.

Bill 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 for assignment:

**Senate Bill 271:** By Senator Scott—An act to amend Section 11521.2 of the Insurance Code, relating to annuities.

**Senate Bill 272:** By Senator Romero—An act to amend Section 13140 of the Elections Code, relating to candidates.

**Senate Bill 273:** By Senator Morrow—An act to amend Section 11910 of the Public Utilities Code, relating to the Municipal Utility District Act.

**Senate Bill 274:** By Senator Romero—An act to add Section 1129.5 to the Government Code, relating to public service.

**Senate Bill 275:** By Senator Torlakson—An act to add Section 87 to the Streets and Highways Code, relating to transportation.

**Senate Bill 276:** By Senator Denham—An act to add Section 23058 to the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 277:** By Senator Battin—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

**Senate Bill 278:** By Senator Cedillo—An act to amend and repeal Section 18824 of the Business and Professions Code, relating to boxing, and making an appropriation therefor.

**Senate Bill 279:** By Senator Cedillo—An act to add Section 1317.1a to the Health and Safety Code, relating to physicians and surgeons.

**Senate Bill 280:** By Senator Campbell—An act to amend Section 21004 of, and to add Section 21014.4 to, the Revenue and Taxation Code, relating to taxation.

**Senate Bill 281:** By Senator Maldonado—An act to amend Section 104650 of, and to add and repeal Section 104651 of, the Health and Safety Code, relating to nutrition.

**Senate Bill 282:** By Senator Maldonado—An act to amend Section 24011 of the Government Code, relating to county offices.

**Senate Bill 283:** By Senator Maldonado—An act to add Section 97 to, and to add and repeal Section 97.2 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to highways.

**Senate Bill 284:** By Senator Maldonado—An act relating to specialty crops, and making an appropriation therefor.

**Senate Bill 285:** By Senator Maldonado—An act to amend Section 201 of, and to add Section 227.4 to, the Labor Code, relating to employment.



**Senate Bill 286:** By Senator Cox—An act relating to bridges.

**Senate Bill 287:** By Senator Cox—An act to amend Section 20133 of the Public Contract Code, relating to public contracts.

**Senate Bill 288:** By Senator Ducheny—An act to amend Section 1942.3 of the Civil Code, to amend Sections 568.2 and 568.3 of the Code of Civil Procedure, and to amend Section 50710.1 of the Health and Safety Code, relating to tenancy.

**Senate Bill 289:** By Senator Battin—An act to amend Section 87100 of the Government Code, relating to conflicts of interest.

**Senate Bill 290:** By Senator Battin—An act to amend Section 13263 of the Elections Code, relating to elections.

**Senate Bill 291:** By Senator Battin—An act to amend Section 18602 of the Elections Code, relating to elections.

**Senate Bill 292:** By Senator Speier—An act to amend Section 138.7 of the Labor Code, relating to workers' compensation.

**Senate Bill 293:** By Senator Ducheny—An act to add Chapter 2 (commencing with Section 14005), to add Chapter 3 (commencing with Section 14010), to add Chapter 4 (commencing with Section 14200), to add Chapter 5 (commencing with Section 14500), and to add Chapter 6 (commencing with Section 14600) to Division 7 of, to repeal Division 8 (commencing with Section 15000) of, and to repeal and add Section 14000 of, the Unemployment Insurance Code, relating to job training.

**Senate Bill 294:** By Senator Morrow—An act to amend Section 1239 of the Penal Code, relating to appeals.

**Senate Bill 295:** By Senator Chesbro—An act to amend Section 6046 of the Food and Agricultural Code, relating to agriculture.

**Senate Bill 296:** By Senator Campbell—An act to repeal and add Part 3 (commencing with Section 21300) of Division 11 of the Probate Code, relating to no contest clauses.

**Senate Bill 297:** By Senator Morrow—An act to amend Section 378 of the Code of Civil Procedure, relating to permissive joinder.

**Senate Bill 298:** By Senator Scott—An act to amend Section 99230 of the Public Utilities Code, relating to transportation.

**Senate Bill 299:** By Senator Chesbro—An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

**Senate Bill 300:** By Senator Kuehl—An act to amend Section 12945.2 of the Government Code, relating to family and medical leave.

**Senate Bill 301:** By Senator Murray—An act relating to health care.



**Senate Bill 302:** By Senator Scott—An act to amend Sections 7612, 7630, 7660.5 and 9003 of the Family Code, relating to adoption.

**Senate Bill 303:** By Senator Chesbro—An act to add Chapter 24.5 (commencing with Section 78801) to Part 2 of Division 22 of the Food and Agricultural Code relating to agriculture.

**Senate Bill 304:** By Senator Battin—An act to add Article 6 (commencing with Section 1363.910) to Chapter 4 of Title 6 of Part 4 of Division 2 of the Civil Code, relating to common interest developments.

**Senate Bill 305:** By Senator Morrow—An act to amend Section 12078 of the Penal Code, relating to firearms.

**Senate Bill 306:** By Senator Campbell—An act to add Section 5003.19 to the Public Resources Code, relating to state property.

**Senate Bill 307:** By Senator Simitian—An act to add Section 11110 to the Health and Safety Code, relating to nonprescription drugs.

**Senate Bill 308:** By Senator Simitian—An act to add Sections 27388.5 and 27388.7 to the Government Code, relating to recording fees.

**Senate Bill 309:** By Senator Torlakson—An act to add Section 25005.6 to the Public Resources Code, relating to energy resources.

**Senate Bill 310:** By Senator Chesbro—An act to amend Section 23770 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 311:** By Senator Cox—An act to amend Section 19823 of, and to amend the heading of Article 2 (commencing with Section 19823) of Division 5 of Title 2 of, the Government Code, relating to state merit awards.

**Senate Bill 312:** By Senator Ackerman—An act to amend Section 437c of the Code of Civil Procedure, relating to summary judgment.

**Senate Bill 313:** By Senator Denham—An act to amend Section 987 of the Penal Code, relating to criminal procedure.

**Senate Bill 314:** By Senator Romero—An act to amend Section 10209 of the Unemployment Insurance Code, relating to employment training.

**Senate Bill 315:** By Senator Margett—An act to amend Section 1255.1 of the Health and Safety Code, relating to health facilities.

**Senate Bill 316:** By Senator Margett—An act to add Section 1678 to the Vehicle Code, relating to the Department of Motor Vehicles.

**Senate Bill 317:** By Senator Margett (Coauthor: Assembly Member Tran)—An act to amend Sections 2800.1, 2800.2, and 2800.3 of the Vehicle Code, relating to vehicles.



**Senate Bill 318:** By Senator Romero—An act to amend Section 40051 of the Public Resources Code, relating to solid waste.

**Senate Bill 319:** By Senator Migden—An act to add Section 47632.6 to the Education Code, relating to public education funding.

**Senate Bill 320:** By Senator Machado—An act to amend Section 999.9 of the Military and Veterans Code, relating to veterans.

**Senate Bill 321:** By Senator Morrow—An act to amend Section 66001 of the Government Code, relating to development fees.

**Senate Bill 322:** By Senator Migden—An act to amend Section 23952 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 323:** By Senator Migden—An act to amend Sections 6485 and 6514 of the Revenue and Taxation Code, relating to taxation.

**Senate Bill 324:** By Senator McClintock—An act to amend Section 8558 of, and to add Sections 8557.5 and 14032.3 to, the Government Code, relating to highways.

**Senate Bill 325:** By Senator Ducheny—An act to add Section 5701.7 to the Welfare and Institutions Code, relating to mental health.

**Senate Bill 326:** By Senator Dunn (Coauthor: Assembly Member Arambula)—An act to amend Section 65589.4 of the Government Code, relating to housing.

**Senate Bill 327:** By Senator Lowenthal—An act to amend Section 20118 of the Public Contract Code, relating to local agency contracts.

**Senate Bill 328:** By Senator Cedillo—An act relating to hospitals.

**Senate Bill 329:** By Senator Cedillo—An act to add Article 7 (commencing with Section 111657) to Chapter 6 of Part 5 of Division 104 of the Health and Safety Code, relating to drugs.

**Senate Bill 330:** By Senator Cedillo—An act to amend Section 1382 of the Penal Code, relating to criminal procedure.

**Senate Bill 331:** By Senator Cedillo—An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation.

**Senate Bill 332:** By Senator Battin—An act to add Article 5.5 (commencing with Section 6010) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

**Senate Bill 333:** By Senator Campbell—An act to amend Section 62 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 334:** By Senator Murray—An act relating to business.



**Senate Bill 335:** By Senator Maldonado—An act to add Section 21689 to the Public Utilities Code, relating to aeronautics, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 336:** By Senator Maldonado—An act to amend Section 19816.20 of the Government Code, relating to public employment, and making an appropriation therefor.

**Senate Bill 337:** By Senator Maldonado—An act to add Sections 66017.5 and 69433.2 to the Education Code, relating to postsecondary education.

**Senate Bill 338:** By Senator Maldonado—An act to add Chapter 5.8 (commencing with Section 51950) to Part 28 of the Education Code, relating to curriculum.

**Senate Bill 339:** By Senator Dutton—An act to add Section 53121 to the Government Code, relating to emergency telephone systems.

**Senate Bill 340:** By Senator Battin—An act to amend Section 125290.30 of the Health and Safety Code, relating to stem cells.

**Senate Bill 341:** By Senator Denham—An act to amend Section 19412 of the Business and Professions Code, relating to horse racing.

**Senate Bill 342:** By Senator Denham—An act to amend Section 19800 of the Business and Professions Code, relating to gambling.

**Senate Bill 343:** By Senator Denham—An act to amend Section 19620 of the Business and Professions Code, relating to fairs.

**Senate Bill 344:** By Senator Denham—An act to amend Section 24045.16 of the Business and Professions Code, relating to alcoholic beverages.

**Senate Bill 345:** By Senator Battin—An act to amend Section 25005 of the Corporations Code, relating to securities.

**Senate Bill 346:** By Senator Battin—An act to amend Section 530.5 of the Penal Code, relating to crime.

**Senate Bill 347:** By Senator Ortiz (Principal coauthor: Senator Cox) (Principal coauthors: Assembly Members Jones and Niello)—An act to amend Section 12670.11 of the Water Code, relating to water.

**Senate Bill 348:** By Senator Figueroa—An act relating to international trade.

**Senate Bill 349:** By Senator McClintock (Coauthor: Assembly Member Emmerson)—An act to amend Section 68130.5 of the Education Code, relating to public postsecondary education.





**Senate Bill 350:** By Senator Machado (Principal coauthor: Senator Perata) (Principal coauthor: Assembly Member Wolk) (Coauthor: Senator Torlakson)—An act to add Part 12 (commencing with Section 12999.25) to Division 6 of the Water Code, relating to water.

**Senate Bill 351:** By Senator Soto—An act to add Section 36623.1 to the Streets and Highways Code, relating to improvement districts.

**Senate Bill 352:** By Senator Scott—An act to add and repeal Article 4.8 (commencing with Section 44518) of Chapter 3 of Part 25 of the Education Code, relating to employee training programs, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 353:** By Senator Migden—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 354:** By Senator Escutia—An act to add Section 57013 to the Health and Safety Code, relating to hazardous substances.

**Senate Bill 355:** By Senator Murray—An act relating to the Internet.

**Senate Bill 356:** By Senator Alarcón—An act to amend Section 4927 of the Business and Professions Code, relating to acupuncture.

**Senate Bill 357:** By Senator Dunn—An act to amend Section 186.3 of the Penal Code, relating to crimes.

**Senate Bill 358:** By Senator Scott (Principal coauthor: Assembly Member Leno)—An act to amend Section 1522 of the Health and Safety Code, and to amend Section 362.05 of the Welfare and Institutions Code, relating to child care.

**Senate Constitutional Amendment 8:** By Senator Simitian—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of, and by adding Section 4.5 to, Article XIII A thereof, by amending Section 2 of Article XIII C thereof, and by amending Section 3 of Article XIII D thereof, relating to taxation.

**Senate Concurrent Resolution 21:** By Senator Ducheny—Relative to nonprofit and philanthropic organizations.

**Senate Concurrent Resolution 22:** By Senator Battin—Relative to California Hispanic Heritage Month.

**Senate Concurrent Resolution 23:** By Senators Scott, Aanestad, Chesbro, Cox, Florez, Ortiz, and Torlakson (Coauthors: Assembly Members Leslie, Negrete McLeod, Pavley, Ruskin, and Strickland)—Relative to Lyme Disease Awareness Week.





**SENATE COMMITTEE ROLL CALLS****Committee on Local Government**

**SB 49**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cox, Kehoe, Machado, McClintock, and Torlakson.

NOES (0)—None.

**SB 53**—Do pass, to Consent

AYES (6)—Senators Ackerman, Cox, Kehoe, Machado, McClintock, and Torlakson.

NOES (0)—None.

Date of Hearing: 2/16/2005

Kehoe (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to personal business: Senators Alarcón and Speier.

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

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Frederick John Brown of San Pedro.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Charles Mortimer Thomas Jr. of Eureka.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Michael J. Levy of Pleasant Hill.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, February 17, 2005.

PAULA K. ROSSETTO, Minute Clerk



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