

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 17, 2005

The Senate met at 9 a.m.

Hon. Alan Lowenthal, of the 27th 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, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—34.

Quorum present.

(NOTE: Senators Ackerman, Alarcón, Murray, Perata, and Speier will be excused this day on legislative business and Senator Hollingsworth will be excused this day due to a family illness.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, February 16, 2005

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

Appointed Ms. Angie Wei of Oakland as a member of the Commission on Health and Safety and Workers' Compensation to serve for a term ending December 31, 2008.

Appointed Mr. David Lehman of Arcata as a member of the Council on Mentally Ill Offenders to serve at the pleasure of the Rules Committee.



Mr. Lehman will fill the existing vacancy for a representative of law enforcement.

PERATA, Chair

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 359: By Senator Ortiz—An act to add Section 3100.5 to the Family Code, relating to child custody.

Senate Bill 360: By Senator Florez—An act to amend Section 22203 of the Financial Code, relating to loans.

Senate Bill 361: By Senator Scott—An act relating to community colleges.

Senate Bill 362: By Senator Torlakson—An act to amend Section 17071.30, and to add Section 17071.31 to, the Education Code, relating to school facilities.

Senate Bill 363: By Senator Perata—An act to add Section 6403.5 to the Labor Code, relating to health facilities.

Senate Bill 364: By Senator Perata—An act to amend Section 1371.4 of the Health and Safety Code, relating to health care.

Senate Bill 365: By Senator Ducheny—An act to amend Sections 65589.4 and 65589.7 of the Government Code, relating to housing.

Senate Bill 366: By Senator Kuehl—An act relating to female offenders.

Senate Bill 367: By Senator Speier—An act relating to health care coverage.

Senate Bill 368: By Senator Escutia—An act to amend Section 400 of the Education Code, relating to pupils.

Senate Bill 369: By Senator Simitian—An act to add Part 3.7 (commencing with Section 71175) to Division 34 of the Public Resources Code, relating to ecological labeling.

Senate Bill 370: By Senator Bowen—An act to amend Section 12223 of the Elections Code, relating to elections.

Senate Bill 371: By Senator Torlakson—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Senate Bill 372: By Senator Margett—An act to amend Section 35795 of the Vehicle Code, relating to vehicles.



Senate Bill 373: By Senator Kehoe—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to water.

Senate Bill 374: By Senator Alquist—An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

Senate Bill 375: By Senator Speier—An act to amend Sections 1358.4, 1358.5, 1358.6, 1358.8, 1358.9, 1358.10, 1358.11, 1358.14, 1358.15, 1358.17, 1358.18, 1358.20, and 1358.21 of, and to repeal and add Section 1358.12 of, the Health and Safety Code, and to amend Sections 10192.4, 10192.5, 10192.6, 10192.8, 10192.9, 10192.10, 10192.11, 10192.14, 10192.15, 10192.17, 10192.18, 10192.20, and 10192.21 of, and to repeal and add Section 10192.12 of, the Insurance Code, relating to health care coverage.

Senate Bill 376: By Senators Soto and Margett (Coauthors: Assembly Members Calderon, Chavez, Huff, and Negrete McLeod)—An act to add Article 2.7 (commencing with Section 71639) to Chapter 2 of Part 5 of Division 20 of the Water Code, relating to water.

Senate Bill 377: By Senator Ortiz—An act to amend Section 12693.70 of the Insurance Code, relating to health care coverage.

Senate Bill 378: By Senator Morrow—An act to amend Section 68665 of the Government Code, relating to prisoners.

Senate Bill 379: By Senator Margett—An act to add Section 21431 to the Government Code, relating to public employees' retirement.

Senate Bill 380: By Senator Alquist—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 381: By Senators Denham and Scott—An act to amend Section 11521.6 of the Insurance Code, relating to annuities.

Senate Bill 382: By Senator Battin—An act relating to employment.

Senate Bill 383: By Senator Maldonado—An act to add Section 6608.7 to the Welfare and Institutions Code, relating to mental health.

Senate Bill 384: By Senator Maldonado—An act to add Section 51204.7 to the Education Code, relating to instruction.

Senate Bill 385: By Senator Ducheny—An act to amend and repeal Section 60640 of the Education Code, relating to pupil assessment.

Senate Bill 386: By Senator Campbell—An act to amend Section 314.5 of the Public Utilities Code, relating to the Public Utilities Commission.



Senate Bill 387: By Senator Ducheny—An act to amend Section 2081.7 of the Fish and Game Code, and to amend Section 7043 of, and to add Section 7046 to, the Water Code, relating to water.

Senate Bill 388: By Senator Poochigian—An act to add Section 13823.20 to the Penal Code, relating to public education about gun violence.

Senate Bill 389: By Senator Morrow—An act to add Section 13083 to the Financial Code, relating to automated teller machines.

Senate Bill 390: By Senator Bowen—An act to add Part 6.5 (commencing with Section 249.50) to Division 2 of the Probate Code, relating to probate agreements.

Senate Bill 391: By Senator Poochigian—An act to amend Section 186.22 of the Penal Code, relating to gangs.

Senate Bill 392: By Senator Cedillo—An act to amend Sections 3693.1 and 3706.1 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 393: By Senator Ortiz—An act to amend Section 26909 of, to add Section 26909.5 to, and to add Chapter 7.5 (commencing with Section 60210) to Division 1 of Title 6 of, the Government Code, and to repeal Sections 20201 and 20202 of the Water Code, relating to special districts, and making an appropriation therefor.

Senate Bill 394: By Senator Murray—An act to relating to voter registration.

Senate Bill 395: By Senator Escutia—An act to add Chapter 5.8 (commencing with Section 70501) to Title 8 of the Government Code, relating to court facilities.

Senate Bill 396: By Senator Battin—An act to add Section 1702.5 to the Public Utilities Code, relating to telecommunications.

Senate Bill 397: By Senator Escutia—An act to add Section 11174.11 to the Penal Code, relating to elder death.

Senate Bill 398: By Senator Simitian—An act relating to the Insurance Commissioner.

Senate Bill 399: By Senator Dunn—An act to amend Section 23004.3 of the Government Code, relating to counties.

Senate Bill 400: By Senator Kuehl—An act to add Section 22980.05 to, and to repeal and add Section 22974.8 of, the Business and Professions Code, relating to tobacco.

Senate Bill 401: By Senator Ortiz—An act to amend Section 56.05 of the Civil Code, relating to medical information.



Senate Bill 402: By Senator Campbell—An act to amend Section 2891.1 of the Public Utilities Code, relating to telecommunications.

Senate Bill 403: By Senator Machado—An act to amend Section 8670.12.2 of the Government Code, relating to harbors and navigation.

Senate Bill 404: By Senator Migden—An act to amend Section 44262 of the Education Code, relating to teacher credentialing.

Senate Bill 405: By Senator Battin—An act to add Section 18343 to the Education Code, relating to the Banning Unified School District.

Senate Bill 406: By Senator Dutton—An act relating to workers' compensation.

Senate Bill 407: By Senator Margett—An act to add Chapter 3.5 (commencing with Section 18880) to Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 408: By Senator Margett—An act to amend Section 17207 of the Financial Code, relating to escrow agents.

Senate Bill 409: By Senator Kehoe—An act to amend Section 65302 of the Government Code, relating to general plans.

Senate Bill 410: By Senator Speier—An act to add Article 2.2 (commencing with Section 10133.92) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to structured settlements.

Senate Bill 411: By Senator Alarcón—An act relating to solid waste.

Senate Bill 412: By Senator Figueroa—An act to amend Section 27 of the Business and Professions Code, relating to consumer affairs.

Senate Bill 413: By Senator Alquist—An act relating to school facilities.

Senate Bill 414: By Senator Alquist—An act to amend Section 48663 of the Education Code, relating to community day schools.

Senate Bill 415: By Senator Alquist—An act to add Section 1373.15 to the Health and Safety Code, and to add Section 10124.1 to the Insurance Code, relating to health care coverage.

Senate Bill 416: By Senator Ackerman—An act to amend Sections 904.6 and 939 of the Penal Code, relating to grand juries.

Senate Bill 417: By Senator Ortiz—An act to amend Section 186.1 of the Penal Code, relating to criminal profiteering.

Senate Bill 418: By Senator Escutia—An act to amend Sections 19461 and 19469 of, and to add Section 19471 to, the Welfare and Institutions Code, relating to rehabilitation services, and making an appropriation therefor.



Senate Bill 419: By Senator Simitian—An act to add Section 25162.2 to the Health and Safety Code, relating to hazardous waste.

Senate Bill 420: By Senator Simitian—An act to amend Section 40910 of the Public Resources Code, relating to solid waste.

Senate Bill 421: By Senator Simitian—An act to amend Section 25354.5 of the Health and Safety Code, relating to hazardous substances.

Senate Bill 422: By Senator Simitian—An act to amend Section 116.220 of the Code of Civil Procedure, relating to small claims court.

Senate Bill 423: By Senator Simitian—An act to amend Section 25214.10 of the Health and Safety Code, and to amend Sections 42476.5 and 42479 of, and to repeal Section 42476.6 of, the Public Resources Code, relating to electronic waste.

Senate Bill 424: By Senators Poochigian and Speier (Coauthor: Assembly Member Aghazarian)—An act to add Section 6720 to the Government Code, relating to Armenia.

Senate Bill 425: By Senator Ortiz—An act to add Article 6.5 (commencing with Section 1385.1) to Chapter 2.2 of Division 2 of the Health and Safety Code, and to add Article 4.5 (commencing with Section 10181) to Chapter 1 of Part 2 of Division 2 of the Insurance Code, relating to health care coverage, and making an appropriation therefor.

Senate Bill 426: By Senator Simitian—An act to amend Section 26011.6 of the Public Resources Code, relating to energy.

Senate Bill 427: By Senator Hollingsworth—An act to add Section 21080.20 to the Public Resources Code, relating to environmental quality.

Senate Bill 428: By Senator Scott—An act to add Article 1 (commencing with Section 42200) to Chapter 7 of Part 24 of the Education Code, relating to education finance.

Senate Bill 429: By Senator Florez—An act to amend Sections 115880 and 115885 of, and to add Article 1.5 (commencing with Section 115860) to Chapter 5 of Part 10 of Division 104 of, the Health and Safety Code, relating to public health.

Senate Bill 430: By Senator Runner—An act to amend Section 47607.5 of the Education Code, relating to charter schools.

Senate Bill 431: By Senator Battin—An act to add Section 390.2 to the Public Utilities Code, relating to electricity.

Senate Bill 432: By Senator Alquist—An act to amend Section 54985 of the Government Code, relating to county fees.

Senate Bill 433: By Senator Simitian—An act to repeal Section 1798.82 of the Civil Code, relating to personal information.



Senate Bill 434: By Senator Simitian—An act to add Section 161 to the Penal Code, relating to traducement.

Senate Bill 435: By Senator Hollingsworth—An act to amend Section 65915 of the Government Code, relating to housing.

Senate Bill 436: By Senator Migden—An act to amend Section 11403.4 of, and to add Section 11403.5 to, the Welfare and Institutions Code, relating to foster care.

Senate Bill 437: By Senator Escutia—An act relating to health care coverage.

Senate Bill 438: By Senator Migden (Coauthor: Assembly Member McCarthy)—An act to add Section 1638.1 to the Business and Professions Code, relating to oral and maxillofacial surgery, and making an appropriation therefor.

Senate Bill 439: By Senator Simitian—An act to add Article 1.3 (commencing with Section 92005) to Chapter 1 of Part 57 of the Education Code, relating to the University of California.

Senate Bill 440: By Senator Speier—An act to add Title 1.81.23 (commencing with Section 1798.90.5) to Part 4 of Division 3 of the Civil Code, relating to personal information disclosures.

Senate Bill 441: By Senator Soto—An act to add Section 739.11 to the Public Utilities Code, relating to electricity.

Senate Bill 442: By Senator Machado—An act to amend Section 14005.12 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 443: By the Committee on Elections, Reapportionment and Constitutional Amendments (Senators Bowen (Chair), Battin, Dunn, Murray, Poochigian, and Romero)—An act to amend Sections 4002, 4004, 4108, and 10510 of the Elections Code, relating to elections.

Senate Bill 444: By Senator Ackerman—An act to amend Section 1798.92 of the Civil Code, relating to identity theft.

Senate Bill 445: By Senator Ducheny—An act to repeal and add Chapter 11 (commencing with Section 66900) of Part 40 of the Education Code, relating to postsecondary education.

Senate Bill 446: By Senator Campbell—An act to amend Section 2900 of the Business and Professions Code, relating to the practice of psychology.

Senate Bill 447: By Senator Poochigian—An act to amend Sections 1800, 1800.5, 1801, and 1801.5 of the Welfare and Institutions Code, relating to juvenile offenders, and declaring the urgency thereof, to take effect immediately.



Senate Bill 448: By Senator Poochigian—An act to amend Sections 209 and 653f of the Penal Code, relating to crimes.

Senate Bill 449: By Senator Denham—An act to amend Sections 209 and 653f of the Penal Code, relating to crimes.

Senate Bill 450: By Senator Poochigian—An act to amend Section 1237 of the Penal Code, relating to appeals.

Senate Bill 451: By Senator Poochigian—An act to amend Sections 12800 and 13000 of the Vehicle Code, relating to identification.

Senate Bill 452: By Senator Alarcón—An act to amend Section 14105.33 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 453: By Senators Poochigian, Ashburn, Denham, and Florez (Coauthors: Assembly Members Aghazarian, Cogdill, Matthews, Maze, Nakanishi, Parra, and Villines)—An act to amend Section 14173 of, to amend and renumber Section 14174.3 of, and to repeal Sections 14172, 14174, and 14175 of, the Penal Code, relating to the Central Valley Rural Crime Prevention Program, and declaring the urgency thereof, to take effect immediately.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill 49—An act to amend Sections 51203, 51283, 51283.4, and 51283.5 of the Government Code, relating to land conservation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Senate Bill 53—An act to amend Section 170018 of, to add Section 170041 to, and to repeal Sections 170010, 170012, and 170014 of, the Public Utilities Code, relating to the San Diego County Regional Airport Authority.

Bill read second time, ordered engrossed, and to Consent Calendar.

LEAVES OF ABSENCE FOR THE DAY

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

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



ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Friday, February 18, 2005.

PAULA K. ROSSETTO, Minute Clerk



└