

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

FORTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 10, 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.

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, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—35.

Quorum present.

(NOTE: Senator Alarcón will be excused this day on legislative business and Senators Bowen, Dunn, Murray, and Speier will be excused this day due to illness.)



PRAYER

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

Oh God, You are Peace. From You comes Peace. To You returns Peace. Revive us with a salutation of Peace, and lead us to Your abode of Peace.—AMEN.

(An Islamic Prayer)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 26, SCR 27, ACR 6, ACR 9, ACR 10,** and **ACR 14** were withdrawn from Committee and placed on today's Consent Calendar.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 42—An act to amend Section 12174 of the Government Code, relating to museums, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Kehoe.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Ackerman, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Ackerman, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Senate Bill 121—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time



wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 122—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 123—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 26—Relative to National Agriculture Week and National Agriculture Day.

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 27—Relative to drowsy driver awareness day.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 6—Relative to Financial Literacy Month.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 9—Relative to California Girls and Women in Sports Day.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 10—Relative to a Day of Remembrance.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Concurrent Resolution 14—Relative to the recent election in Ukraine.

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 (32)—Senators Ackerman, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, and Vincent.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

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

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

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

At 9:15 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 14, 2005.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 10, 2005

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

SB 50

Above measure ordered enrolled.

Assembly Chamber, March 10, 2005

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

AB 156

AB 182

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 156—An act to make an appropriation in augmentation of the Budget Act of 2004, relating to contingencies and emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Assembly Bill 182—An act to amend Section 1529 of the Penal Code, relating to search warrants.

REPORTS OF STANDING COMMITTEES**Committee on Health**

Senate Chamber, March 10, 2005

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

SB 147

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 147—An act to add Section 123451 to the Health and Safety Code, relating to abortion.

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 10, 2005

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

SB 12

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 Bill 12—An act to amend Sections 49430, and 49431 of, and to add Section 49431.2 to, the Education Code, relating to pupils.

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 10, 2005

Mr. President: The Committee on Rules has examined:

SB 50

And reports that the same has been correctly enrolled, and presented to the Governor on the 10th day of March, 2005, at 11:15 a.m.

PERATA, Chair

State Capitol, March 9, 2005

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

Alan C. Lloyd, Ph.D., Secretary, Environmental Protection Agency (4–0)

L. Rachel Montes, Member, California State Lottery Commission (4–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

Committee on Labor and Industrial Relations

Senate Chamber, March 10, 2005

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

SB 101

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 101—An act to amend Section 226 of the Labor Code, relating to employee compensation, 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 Public Safety

Senate Chamber, March 10, 2005

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

SB 43

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 43—An act to amend Section 209.46 of the Penal Code relating to sex offenders.

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 9, 2005

The Committee on Rules has referred the following measures to committee:

Banking, Finance and Insurance—SB 717, SB 745, SB 778, SB 781.

Business, Professions and Economic Development—SB 683, SB 700, SB 736, SB 752, SB 777, SB 932, SB 934.

Education—SB 635, SB 672, SB 684, SB 687, SB 688, SB 694, SB 707, SB 709, SB 724, SB 741, SB 753, SB 755, SB 767, SB 782, SB 794, SB 813, SB 821, SB 825, SB 844, SB 845, SB 854, SB 871, SB 875, SB 897, SB 905, SB 912, SB 918, SB 930, SB 933.

Elections, Reapportionment and Constitutional Amendments—SB 784, SB 787.

Energy, Utilities and Communications—SB 608, SB 690, SB 769, SB 816, SB 850, SB 911.

Environmental Quality—SB 646, SB 729, SB 743, SB 764, SB 771, SB 772, SB 773, SB 775, SB 785, SB 832, SB 863, SB 922, SB 926, SB 935.

Government Modernization, Efficiency, and Accountability—SB 828, SB 886, SB 920.

Governmental Organization—SB 674, SB 677, SB 746, SB 900, SB 906, SB 919.

Health—SB 533, SB 611, SB 676, SB 708, SB 739, SB 750, SB 770, SB 774, SB 776, SB 791, SB 861, SB 869, SB 917.

Human Services—SB 679, SB 701.

Judiciary—SB 670, SB 678, SB 682, SB 702, SB 721, SB 725, SB 735, SB 754, SB 799, SB 802, SB 852, SB 855, SB 860, SB 894, SB 896, SB 937.

Labor and Industrial Relations—SB 727, SB 759, SB 848, SB 916, SB 923, SB 940.

Local Government—SB 671, SB 685, SB 732, SB 846.

Natural Resources and Water—SB 686, SB 742, SB 744, SB 768, SB 822, SB 826, SB 831.



Public Employment and Retirement—SB 525, SB 697, SB 699, SB 704, SB 733, SB 758, SB 877, SB 881, SB 882, SB 883, SB 885, SB 887, SB 890.

Public Safety—SB 616, SB 675, SB 722, SB 723, SB 751, SB 779, SB 817, SB 839, SB 842, SB 865, SB 898, SB 936, SB 939.

Revenue and Taxation—SB 801, SB 805.

Rules—SB 669, SB 673, SB 691, SB 692, SB 695, SB 696, SB 698, SB 711, SB 712, SB 713, SB 714, SB 715, SB 716, SB 719, SB 731, SB 738, SB 740, SB 747, SB 748, SB 756, SB 788, SB 789, SB 790, SB 793, SB 795, SB 796, SB 797, SB 804, SB 808, SB 809, SB 811, SB 812, SB 814, SB 815, SB 818, SB 819, SB 824, SB 827, SB 829, SB 830, SB 834, SB 835, SB 836, SB 837, SB 838, SB 841, SB 843, SB 856, SB 857, SB 858, SB 862, SB 867, SB 868, SB 870, SB 872, SB 873, SB 874, SB 876, SB 878, SB 880, SB 884, SB 888, SB 889, SB 891, SB 892, SB 893, SB 895, SB 901, SB 902, SB 903, SB 904, SB 907, SB 908, SB 909, SB 910, SB 915, SB 921, SB 925, SB 927, SB 928, SB 929, SB 938.

Transportation and Housing—SB 680, SB 681, SB 689, SB 705, SB 710, SB 765, SB 792, SB 800, SB 806, SB 810, SB 823, SB 851, SB 924.

Veterans Affairs—SB 693, SB 766.

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

Labor and Industrial Relations—SCR 25.

Natural Resources and Water—SCR 24.

Transportation and Housing—SCR 28.

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

Agriculture and Environmental Quality—SB 879.

Agriculture and Rules—SB 859.

Banking, Finance and Insurance and Health—SB 749, SB 798, SB 840, SB 913.

Banking, Finance and Insurance and Judiciary—SB 706.

Banking, Finance and Insurance and Rules—SB 728.

Education and Elections, Reapportionment and Constitutional Amendments—SCA 12.

Energy, Utilities and Communications and Environmental Quality—SB 757.

Environmental Quality and Rules—SB 849.



Governmental Organization and Revenue and Taxation—SB 457.

Health and Education—SB 780.

Health and Judiciary—SB 452.

Health and Public Safety—SB 383, SB 734.

Human Services and Judiciary—SB 726.

Human Services and Public Safety—SB 786.

Judiciary and Business, Professions and Economic Development—SB 833.

Judiciary and Public Safety—SB 720, SB 807.

Natural Resources and Water and Governmental Organization—SB 783.

Natural Resources and Water and Rules—SB 820.

Public Safety and Health—SB 803, SB 864.

Public Safety and Rules—SB 718, SB 737.

Revenue and Taxation and Rules—SB 703.

Transportation and Housing and Environmental Quality—SB 760, SB 761, SB 762, SB 763.

Transportation and Housing and Rules—SB 853.

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

Governmental Organization—SB 42.

Public Employment and Retirement—SB 621.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Bill 1108: By the Committee on Judiciary (Senators Dunn (Chair), Ackerman, Cedillo, Escutia, Figueroa, Kuehl, and Morrow)—An act to amend Sections 1658, 6704.1, 8764, 8776.4, 19641.2, 24045.3, 24045.5, 24045.9, 24045.15, and 25658 of the Business and Professions Code, to amend Sections 798.25, 799.1.5, 1365.2.5, 1747.08, 1798.81.5, 1798.83, and 1936 of the Civil Code, to amend Sections 995.640, 1985.6, 2025.480, 2030.050, 2031.300, and 2033.220 of the Code of Civil Procedure, to amend Section 31109.1 of the Corporations Code, to amend Sections 1240, 17212.2, 17592.70, 17592.72, 17592.73, 22115, 22200, 33126, 41020.5, 41326.1, 41328, 41530, 44830.3, 48853, 49341, 49414.5, 51226.1, 51430, 52059, 52124, 56366, 56366.1, 56366.11, 56505, 59052, 66739.5, 71093, 89539.2, 94742.3, 94931, and 99235 of, and to amend and renumber Section 17463.6 of, the Education Code, to amend Section 9042



of the Elections Code, to amend Sections 299.3, 420, 2024.6, 3111, and 6341 of the Family Code, to amend Section 14252 of the Financial Code, to amend Sections 1053, 1363.5, and 8494 of the Fish and Game Code, to amend Sections 77253 and 77265 of the Food and Agricultural Code, to amend Sections 3309.5, 6254, 7072, 7076.2, 7099, 7110, 7113.5, 8592.4, 8875.10, 12599, 12715, 17555, 20281.5, 20610, 21224, 22860, 27393, 30061, 31492.1, 31725.65, 31755, 31781.2, 31831.2, 31874.6, 51283.4, 53080, 53635, 54954.5, 56700, 65053.5, 65351, 65460.1, 66907.7, 68085, 68115, 68927, 69927, 70367, 71622, 82036, 84602, and 90004 of, and to add the heading of Chapter 5 (commencing with Section 14557) to Part 5.3 of Division 3 of Title 2 of, the Government Code, to amend Sections 1179.2, 1351.2, 1596.792, 11571.1, 18070, 25395.110, 25395.65, 25395.67, 25395.93, 25395.95, 25395.96, 25404, 25404.3, 44297, 100425, 101317, 101850, 113995, 118275, 120440, 125001 of, and to amend and renumber the heading of Article 45 (commencing with Section 123620) of Chapter 2 of Part 2 of Division 106 of, the Health and Safety Code, to amend Section 1215.2 of the Insurance Code, to amend Sections 98.2, 98.6, 2699.5, 3099.3, 3600.1, and 4658.5 of the Labor Code, to amend Sections 179, 972.1, and 985 of the Military and Veterans Code, to amend Sections 502.01, 679.05, 1203.4a, 11055, 12081, and 12553 of the Penal Code, to amend Sections 6106.5, 6108, and 10411 of the Public Contract Code, to amend Sections 5018.1, 14530.1, 14539, 14551, 21159.24, 30310, 40507, 42648.6 of, to amend and renumber Section 21061.5 of, and to amend and renumber the heading of Chapter 4 (commencing with Section 71069) of Part 2 of Division 34 of, the Public Resources Code, to amend Sections 353.2, 379.6, 394.25, 2827.10, 2828, 21661.5, 90300, 130054.1, 130630, and 170042 of the Public Utilities Code, to amend Sections 69.4, 214, 217, 2508, 3811, 7105, 17041, 17052.6, 18648, 18706, 19164, and 20583 of the Revenue and Taxation Code, to amend Sections 527, 36705, 36733, and 36737 of the Streets and Highways Code, to amend Section 1052 of the Unemployment Insurance Code, to amend Sections 4000.1, 4466, 5205.5, 9400.1, 12509, 13352, 15250, 15275, 23575, 23593, and 27362 of the Vehicle Code, to amend Sections 521, 525, 527, 1013, 12997, 13305, 13387, and 35539.13 of the Water Code, to amend Sections 294, 366.21, 387, 636, 740, 827, 4637.5, 4688.5, 7200.06, 11404, 11462, 14016.5, 14016.51, 14087.6, 14123.25, and 16206 of the Welfare and Institutions Code, to amend Section 15 of Chapter 656 of the Statutes of 2003, and to amend Sections 4 and 5 of the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the maintenance of the codes.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Gloria Gonzalez of Santa Rosa.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Bill Johnson of Victorville.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Cpl. Mick Bekowsky, (USMC) of Concord.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Monday, March 14, 2005.

PAULA K. ROSSETTO, Minute Clerk



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