

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, April 5, 2005

The Senate met at 9 a.m.

Hon. Jim Battin, of the 37th 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, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson—36.

Quorum present.

(NOTE: Senators Florez, Perata, and Vincent will be excused this day on legislative business and Senator Morrow will be excused this day on personal business.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 4, 2005

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

SCR 27

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.



REPORTS OF STANDING COMMITTEES**Committee on Public Safety**

Date of Hearing, March 29, 2005

Mr. President: The Committee on Public Safety, to which was referred:
SB 647

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 Rules

Senate Chamber, April 5, 2005

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

SB 361

SB 1081

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 361—An act relating to community colleges.

Bill read second time.

Senate Bill 1081—An act relating to fish and game.

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

Date of Hearing, April 4, 2005

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

SB 109

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

LOWENTHAL, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, April 4, 2005

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

SB 225



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

LOWENTHAL, Chair

Above measure re-referred to the Committee on Transportation and Housing.

Date of Hearing, April 4, 2005

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 459

SB 764

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

LOWENTHAL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 4, 2005

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

SB 974

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Date of Hearing, April 4, 2005

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 979

SB 982

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.

LOWENTHAL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 4, 2005

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

SB 989

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

LOWENTHAL, Chair

Above measure re-referred to the Committee on Judiciary.



Committee on Judiciary

Senate Chamber, April 5, 2005

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

SB 119

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 119—An act to amend Sections 307, 5211, 7211, 9211, and 12351 of the Corporations Code, relating to corporations.

Bill read second time.

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

Committee on Health

Senate Chamber, April 5, 2005

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

SB 776

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 776—An act to add Section 32130.6 to the Health and Safety Code, relating to health care districts.

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

Date of Hearing, April 5, 2005

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

SB 330

Reports the same back with the recommendation: Do pass.

ALQUIST, Chair

Above bill ordered to second reading.

Date of Hearing, April 5, 2005

Mr. President: The Committee on Public Safety, to which were referred:

SB 532

SB 737

SB 842



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

ALQUIST, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Health

Date of Hearing, March 30, 2005

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

SB 429

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

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, April 5, 2005

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

SB 724

SB 1006

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 724—An act to amend Section 66010.4 of the Education Code, relating to the California State University.

Bill read second time.

Senate Bill 1006—An act to add Section 33126.3 to the Education Code, relating to schools.

Bill read second time.

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

Committee on Agriculture

Date of Hearing, April 5, 2005

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

SB 295

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.

DENHAM, Chair

Above measure re-referred to the Committee on Appropriations.



Date of Hearing, April 5, 2005

Mr. President: The Committee on Agriculture, to which was referred:
SB 859

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

DENHAM, Chair

Above measure re-referred to the Committee on Rules.

Committee on Natural Resources and Water

Date of Hearing, April 5, 2005

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

SB 658

SB 1028

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

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 5, 2005

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

SCR 24

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Banking, Finance and Insurance

Senate Chamber, April 5, 2005

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which was referred:

SB 271

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

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 271—An act to amend Section 11521.2 of the Insurance Code, relating to annuities.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 271 pursuant to Joint Rule 58.

SENATOR SCOTT



Permission of Rules Committee

Senate Chamber, April 5, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 271.

PERATA, Chair

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

Committee on Energy, Utilities and Communications

Date of Hearing, April 5, 2005

Mr. President: The Committee on Energy, Utilities and Communications, to which were referred:

SB 210	SB 580	SB 850
SB 1047	SB 1068	

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

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, April 5, 2005

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 1010

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1010—An act to amend Section 7701 of the Public Utilities Code, relating to rail service assistance.

Bill read second time.

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

Date of Hearing, April 5, 2005

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 911

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bill ordered to second reading.



Committee on Rules

Senate Chamber, April 5, 2005

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

SB 719

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 719**—An act relating to vehicles.

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 276**—An act to add Section 23058 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

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

Senate Bill 137—An act to amend Sections 1365.1 and 1367.1 of, to add Sections 1367.4 and 1367.5 to, and to repeal Section 1366.3 of, the Civil Code, and to amend Section 116.540 of, and to add Section 729.035 to, the Code of Civil Procedure, relating to common interest developments.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 831—An act to amend Section 12648.6 of the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

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

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.



Senate Bill 138—An act to amend Section 1347 of the Penal Code, relating to criminal procedure.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 593** was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Agriculture

SB 295—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Chesbro, Denham, Ducheny, Maldonado, and Ortiz.

NOES (0)—None.

SB 859—Do pass and re-refer to Committee on Rules, with the recommendation: To Consent Calendar

AYES (5)—Senators Chesbro, Denham, Ducheny, Maldonado, and Ortiz.

NOES (0)—None.

Date of Hearing: 4/5/2005

Denham (Chair)

Committee on Energy, Utilities and Communications

SB 15—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Battin, Bowen, Campbell, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (0)—None.

SB 204—Do pass as amended

AYES (6)—Senators Alarcón, Bowen, Dunn, Escutia, Kehoe, and Murray.

NOES (3)—Senators Battin, Campbell, and Cox.

SB 210—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Battin, Bowen, Campbell, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (0)—None.

SB 578—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Bowen, Campbell, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (0)—None.

SB 580—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Battin, Bowen, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (1)—Senator Campbell.



SB 608—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Bowen, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (2)—Senators Battin and Campbell.

SB 757—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (7)—Senators Alarcón, Bowen, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (3)—Senators Battin, Campbell, and Cox.

SB 816—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Battin, Bowen, Campbell, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (0)—None.

SB 850—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Bowen, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (2)—Senators Battin and Campbell.

SB 911—Do pass

AYES (10)—Senators Alarcón, Battin, Bowen, Campbell, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (0)—None.

SB 1047—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Bowen, Campbell, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (0)—None.

SB 1059—Do pass as amended and re-refer to Committee on Local Government

AYES (10)—Senators Alarcón, Battin, Bowen, Campbell, Cox, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (0)—None.

SB 1068—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Bowen, Dunn, Escutia, Kehoe, Murray, and Simitian.

NOES (3)—Senators Battin, Campbell, and Cox.

Date of Hearing: 4/5/2005

Escutia (Chair)

Committee on Environmental Quality

SB 109—Do pass and re-refer to Committee on Public Safety

AYES (6)—Senators Chesbro, Escutia, Figueroa, Kuehl, Lowenthal, and Simitian.

NOES (3)—Senators Campbell, Cox and Runner.



SB 225—Do pass and re-refer to Committee on Transportation and Housing

AYES (8)—Senators Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

SB 459—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Escutia, Figueroa, Kuehl, Lowenthal, and Simitian.

NOES (3)—Senators Campbell, Cox and Runner.

SB 467—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

SB 497—Do pass as amended and re-refer to Committee on Transportation and Housing

AYES (6)—Senators Chesbro, Escutia, Figueroa, Kuehl, Lowenthal, and Simitian.

NOES (3)—Senators Campbell, Cox and Runner.

SB 566—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (1)—Campbell.

SB 646—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Escutia, Figueroa, Kuehl, Lowenthal, and Simitian.

NOES (3)—Senators Campbell, Cox and Runner.

SB 655—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (1)—Campbell.

SB 764—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Escutia, Figueroa, Kuehl, Lowenthal, and Simitian.

NOES (3)—Senators Campbell, Cox and Runner.

SB 974—Do pass, to Consent Calendar

AYES (9)—Senators Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.



SB 979—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

SB 982—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

SB 989—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (9)—Senators Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

SB 1106—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Campbell, Chesbro, Cox, Escutia, Figueroa, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

Date of Hearing: 4/4/2005

Lowenthal (Chair)

Committee on Natural Resources and Water

SB 306—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Bowen, Dutton, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, Migden, and Romero.

NOES (0)—None.

SB 658—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Bowen, Kehoe, Kuehl, Lowenthal, Machado, Migden, and Romero.

NOES (3)—Senators Aanestad, Dutton, and Hollingsworth.

SB 768—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Bowen, Kehoe, Kuehl, Lowenthal, Machado, Migden, and Romero.

NOES (4)—Senators Aanestad, Dutton, Hollingsworth, and Margett.

SB 1028—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Bowen, Kehoe, Kuehl, Lowenthal, Machado, Migden, and Romero.

NOES (4)—Senators Aanestad, Dutton, Hollingsworth, and Margett.



SB 1103—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Dutton, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, Migden, and Romero.

NOES (0)—None.

SCR 24—Do pass, to Consent Calendar

AYES (11)—Senators Aanestad, Bowen, Dutton, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, Migden, and Romero.

NOES (0)—None.

Date of Hearing: 4/5/2005

Kuehl (Chair)

Committee on Public Safety

SB 43—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Margett, and Romero.

NOES (0)—None.

Failed passage

SB 43—Reconsideration granted

AYES (5)—Senators Alquist, Cedillo, Margett, Migden, and Romero.

NOES (0)—None.

SB 59—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Alquist, Cedillo, and Romero.

NOES (0)—None.

Failed passage

SB 59—Reconsideration granted

AYES (5)—Senators Alquist, Cedillo, Margett, Migden, and Romero.

NOES (0)—None.

SB 330—Do pass

AYES (5)—Senators Alquist, Cedillo, Margett, Migden, and Romero.

NOES (0)—None.

SB 346—Do pass and re-refer to Committee on Rules

AYES (3)—Senators Alquist, Margett, and Romero.

NOES (0)—None.

Failed passage

SB 346—Reconsideration granted

AYES (5)—Senators Alquist, Cedillo, Margett, Migden, and Romero.

NOES (0)—None.

SB 504—Do pass as amended and re-refer to Committee on Judiciary

AYES (4)—Senators Alquist, Margett, Migden, and Romero.

NOES (0)—None.



SB 532—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alquist, Margett, Migden, and Romero.

NOES (0)—None.

SB 737—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Cedillo, Margett, Migden, and Romero.

NOES (0)—None.

SB 842—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Cedillo, Margett, Migden, and Romero.

NOES (0)—None.

Date of Hearing: 4/5/2005

Alquist (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez, Perata, and Vincent.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, April 6, 2005.

PAULA K. ROSSETTO, Minute Clerk

