

CALIFORNIA LEGISLATURE
2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, April 7, 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, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—37.

Quorum present.

(NOTE: Senator Morrow will be excused this day on personal business, Senator Dunn will be excused this day due to family illness, and Senator Florez will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by the former Senate Chaplain Walter J. Little:

It has been noted that all too often ships have sought a safe harbor at the first sight of a storm. And yet, ships were not designed to sit at anchor. The great ships are designed to meet, head-on, the waves of chaos and adversity, where, under a seasoned crew, they are most efficient.

Let us pray: *Lord*, Never let us fear the storm. Give us the confidence to always steer our little ship of state through the heart of adversity and conflict rather than running from it, remembering that beyond the storm lies a fair wind and a following sea.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 802—An act to amend Section 1747.09 of the Civil Code, relating to debit cards.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 859—An act to amend Section 803 of, and to amend and renumber Section 821 and 822 of the Food and Agricultural Code, relating to agriculture.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 853—An act to amend Sections 945, 1363, 1374, and 1378 of the Civil Code, relating to common interest developments.

Bill read second time.

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

Senate Bill 519—An act to add Section 21655.10 to the Vehicle Code, relating to highways.

Bill read second time.

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

Senate Bill 523—An act to amend Section 2106 of the Streets and Highways Code, relating to transportation.

Bill read second time.

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



Senate Bill 443—An act to amend Sections 4002, 4004, 4108, and 10510 of the Elections Code, relating to elections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 1050—An act to amend Section 15342 of the Elections Code, relating to elections.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 140—An act to amend Section 4216.4 of the Government Code, relating to subsurface installations.

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

Senate Bill 282—An act to amend Section 24011 of the Government Code, relating to county offices.

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

Senate Bill 557—An act to add Section 10062 of the Public Utilities Code, relating to municipal utilities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 671—An act to amend Section 9 of the Plumas County Flood Control and Water Conservation District Act (Chapter 2114 of the Statutes of 1959), relating to water.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 568—An act to amend Section 97.73 of the Revenue and Taxation Code, relating to local government finance, 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.

SPECIAL CONSENT CALENDAR SET

Without objection, **SCR 33**, **SCR 36**, **SR 11**, **ACR 19**, **ACR 25**, and **ACR 31** were withdrawn from Committee and set as a special consent calendar to be taken up this day.

UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (SCR 1)

Without objection, unanimous consent was granted that the action be rescinded whereby SCR 1 was adopted and to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Senate Concurrent Resolution 1

Senate Concurrent Resolution 1—Relative to the adoption of the Joint Rules of the Senate and Assembly for the 2005–06 Regular Session.

Resolution read third time and presented by Senator Battin.



Motion to Amend

Amendments to SCR 1 proposed by Senator Battin were read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Battin moved to suspend Senate Rule 29.3 to permit consideration of SCR 1 at this time, as amended, in print, and properly before the Senate.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Consideration of Senate Concurrent Resolution 1 as Amended

Senate Concurrent Resolution 1—Relative to the adoption of the Joint Rules of the Senate and Assembly for the 2005–06 Regular Session.

Resolution read third time and presented by Senator Battin.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, April 7, 2005

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

SB 737

Reports the same back with the recommendation: Do pass.

MIGDEN, Chair

UNANIMOUS CONSENT GRANTED

Without objection, on request of Senator Romero, unanimous consent was granted that SB 737 be given its second reading upon being reported by the committee.



SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill 737—An act to amend Section 11552 of, to add Article 14 (commencing with Section 12838) to Chapter 1 of Part 2.5 of Division 3 of Title 2 of, and to repeal Sections 11560, 11563.1, 12811, and 12811.1 of, the Government Code, and to amend Sections 2800, 2802, 2803, 2804, 2806, 2807, 2808, 2809, 2810, 2810.5, 2811, 2815, 2816, 3041, 3041.1, 5000, 5001, 5003.5, 5050, 5052, 5054, 5055, 5057, 5075, 5076.1, 6024, 6025, 6026, 6030, 6050, 7518, 13600, 13601, 13602, 13603, 13810, and 14204 of, to amend the headings of Chapter 1 (commencing with Section 5000), Chapter 2 (commencing with Section 5050), Chapter 3 (commencing with Section 5075), Chapter 4 (commencing with Section 6001), and Chapter 5 (commencing with Section 6024) of Title 7 of Part 3 of, and to amend the heading of Title 4.5 (commencing with Section 13600) of Part 4, of, and to add Sections 5075.1, 5075.6, and 6126.6 to, and to repeal Sections 2036, 2038, 2043.3, 2045.3, 2046.3, 2048.3, 2048.7, 2079, 5051, 5051.5, 5053, 5067, 5082, 6001, 6003, and 6004 of, and to repeal Article 3 (commencing with Section 2400) of Chapter 2 of Title 1 of Part 3 of, the Penal Code, and to amend Sections 1000, 1703, 1710, 1711, 1712, 1713, 1714, 1716, 1719, 1720, 1723, 1725, 1766, 1798, 3150, 3151, 3158, 3300, and 3309 of, and to repeal Sections 1717, 1718, 1721, 1722, and 3157 of, and to repeal and add Section 1798.5 the Welfare and Institutions Code, relating to reorganizing the Youth and Adult Correctional Agency, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senator Speier Presiding**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Perata placed the following Governor's appointment before the Senate:

Alan C. Lloyd, Ph.D., Secretary, Environmental Protection Agency.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (35)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.



Senator Perata Presiding**Consideration of Assembly Amendments**

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

Resolution presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SCR 27?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above resolution ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Joint Resolution 2—Relative to the Armenian Genocide.

Resolution read third time and presented by Senator Speier.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Request to Add Coauthors

Senator Speier asked for, and was granted, unanimous consent that all members voting “Aye” be added as coauthors to Senate Joint Resolution 2.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SJR 7)

Senator Bowen asked for, and was granted, unanimous consent that SJR 7 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Joint Resolution 7

Senate Joint Resolution 7—Relative to Equal Pay Day.

Resolution read and presented by Senator Bowen.



Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (30)—Senators Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill 424—An act to add Section 6720 to the Government Code, relating to Armenia.

Bill read third time and presented by Senator Poochigian.

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Senate Bill 416—An act to amend Section 904.6 of the Penal Code, relating to grand juries.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 170—An act to amend Section 1 of Chapter 260 of the Statutes of 2004, relating to school employees.

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 33—Relative to California Fitness Month.

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

(NOTE: See Consent Calendar Roll Call)



Senate Concurrent Resolution 36—Relative to the Alzheimer’s Association.

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

(NOTE: See Consent Calendar Roll Call)

Senate Resolution 11—Relative to the 60th anniversary of the death of Franklin Delano Roosevelt.

Resolution read and adopted.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 19—Relative to Irish-American Heritage Month.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 25—Relative to Rotary International Day.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 31—Relative to Financial Empowerment Month.

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 (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

TRIBUTE TO POPE JOHN PAUL II

The Senate paid tribute to Pope John Paul II.

Senator Escutia requested that the following excerpt from the final written message from Pope John Paul II be printed in the journal:

“To humanity, which sometimes seems lost and dominated by the power of evil, egoism and fear, the risen Lord offers as a gift his love that pardons, reconciles and reopens the soul to hope.”

MOMENT OF SILENCE

Senator Perata requested that the Senate observe a moment of silence in memory of Pope John Paul II.



LEAVES OF ABSENCE FOR THE DAY

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

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

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 10:50 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, April 11, 2005.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 7, 2005

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

AB 220	AB 343	AB 627	ACR 17
AB 254	AB 463	AB 1318	ACR 22
AB 286	AB 519	AB 1342	
AB 299	AB 543	AB 1443	

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 220—An act to amend Sections 4801, 5075.5, and 13823.9 of the Penal Code, to amend Section 3030 of the Family Code, and to amend Section 340.3 of the Code of Civil Procedure, relating to domestic violence.

Assembly Bill 254—An act to amend Section 1797.196 of the Health and Safety Code, relating to emergency medical services.

Assembly Bill 286—An act to add Section 21100.7 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 299—An act to amend Section 11166 of the Penal Code, relating to mandatory child abuse reporting.



Assembly Bill 343—An act to add Section 7284.5 to the Revenue and Taxation Code, relating to taxation.

Assembly Bill 463—An act to amend Section 54957 of the Government Code, relating to local agencies.

Assembly Bill 519—An act to amend Sections 213.5 and 366.26 of the Welfare and Institutions Code, relating to children.

Assembly Bill 543—An act to add and repeal Section 4019.1 of the Penal Code, relating to the Contra Costa County jail.

Assembly Bill 627—An act to amend Section 5009 of the Penal Code, relating to parolees.

Assembly Bill 1318—An act to amend Section 24011 of the Government Code, relating to county officers.

Assembly Bill 1342—An act to amend Section 25360.2 of the Health and Safety Code relating to hazardous substance releases.

Assembly Bill 1443—An act to amend Sections 26908.5 and 36525 of the Government Code, relating to local agency auditors.

Assembly Concurrent Resolution 17—Relative to language education.

Assembly Concurrent Resolution 22—Relative to the Charles R. Drew University of Medicine and Science and the Martin Luther King General Hospital.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 7, 2005

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

SCR 13

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 Rules

State Capitol, April 6, 2005

Mr. President: The Senate Rules Committee has adopted Senate Rules Committee Resolution #12 outlining the jurisdiction of the Select Committee on the West Nile Virus and appointed the following members to serve on the select committee: Senators Ashburn, Vice Chair, Aanestad,



Battin, Cox, Hollingsworth, Soto and Vincent. Senator Florez serves as Chair.

The Senate Rules Committee has increased the membership of the Select Committee on California's Horse Racing Industry from 13 to 14 members and appointed Senator Migden to fill the new vacancy.

The Senate Rules Committee has increased the membership of the Select Committee on Developmental Disabilities and Mental Health from 6 to 7 members and appointed Senator Speier to fill the new vacancy.

The Senate Rules Committee has increased the membership of the Senate Committee on Local Government from 7 to 9 members and appointed Senators Kuehl and Perata to fill the new vacancies.

PERATA, Chair

State Capitol, April 6, 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:

Jeffrey M. Davi, Real Estate Commissioner (5-0)

Carlton D. Moore, Oil Spill Response Administrator (5-0)

Benita D. Haley, Member California Community Colleges, Board of Directors (5-0)

Rosario Marin, Member California Integrated Waste Management Board (4-0)

Rosalie Mule, Member California Integrated Waste Management Board (4-0)

Marko C. Mlikotin, Member California Exposition and State Fair Board of Directors (5-0)

Kathleen K. Nakase, Member, California Exposition and State Fair Board of Directors (5-0)

Amparo P. Perez-Cook, Member California Exposition and State Fair Board of Directors (5-0)

Brenda J. Southwick, Member California Exposition and State Fair Board of Directors (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, April 6, 2005

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

Appointed Mr. Edward Kibbey of Pinyon as a member of the Coachella Valley Mountains Conservancy Governing Board to serve for a term ending April 6, 2007.



Reappointed Ms. Kristen L. Schwenkmeyer of Hermosa Beach as a member of the Commission on Health and Safety and Workers' Compensation to serve for a term ending December 31, 2008.

Appointed Mr. Denis Bertone of San Dimas as a member of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to serve for a term ending April 6, 2007.

PERATA, Chair

Committee on Government Modernization, Efficiency, and Accountability

Date of Hearing, April 6, 2005

Mr. President: The Committee on Government Modernization, Efficiency, and Accountability, to which were referred:

SB 99

SB 143

Reports the same back with the recommendation: Do pass.

FIGUEROA, Chair

Above bills ordered to second reading.

Committee on Business, Professions and Economic Development

Senate Chamber, April 7, 2005

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 614

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 614—An act to amend Section 2746.51 of the Business and Professions Code, relating to nursing.

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 7, 2005

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

SB 739

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 739—An act to add Section 1279.1 to, and to add and repeal Section 1279.2 of, the Health and Safety Code, relating to health facilities.

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

Date of Hearing, April 6, 2005

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

SB 190

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

FIGUEROA, Chair

Above measure re-referred to the Committee on Local Government.

Committee on Rules

Senate Chamber, April 7, 2005

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

SB 997

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 997—An act to amend Section 12300 of the Education Code, relating to school funding.

Bill read second time.

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

Committee on Health

Date of Hearing, April 6, 2005

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

SB 1062

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.

ORTIZ, Chair

Above measure re-referred to the Committee on Rules.



Date of Hearing, April 6, 2005

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

SB 279

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

ORTIZ, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, April 6, 2005

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

SB 454

SB 496

SB 571

SB 676

SB 750

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

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 30, 2005

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

SB 103

SB 380

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

ORTIZ, Chair

Above measures ordered to second reading.

Committee on Public Safety

Senate Chamber, April 7, 2005

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

SB 207

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 207—An act to add Section 14602.8 to the Vehicle Code, relating to vehicles.

Bill read second time.

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



Committee on Energy, Utilities and Communications

Senate Chamber, April 7, 2005

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

SB 396

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 396—An act to add Section 1702.5 to the Public Utilities 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 Judiciary

Senate Chamber, April 7, 2005

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

SB 218

SB 390

SB 570

SB 636

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 218—An act to amend Section 366.26 of the Welfare and Institutions Code, relating to termination of parental rights.

Bill read second time.

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

Bill read second time.

Senate Bill 570—An act to amend Section 5008 of, and to add Article 15.5 (commencing with Section 645) and Article 15.6 (commencing with Section 647) to Chapter 2 of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to minors.

Bill read second time.

Senate Bill 636—An act to add Section 1747.11 to the Civil Code, relating to credit cards.

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

Date of Hearing, April 5, 2005

Mr. President: The Committee on Transportation and Housing, to which was referred:

SB 208

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

TORLAKSON, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, April 7, 2005

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

SB 475

SB 692

SB 790

SB 931

SCR 34

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 475—An act to amend Section 39607 of the Health and Safety Code, relating to air resources.

Bill read second time.

Senate Bill 692—An act relating to immigration.

Bill read second time.

Senate Bill 790—An act to relating to lending.

Bill read second time.

Senate Bill 931—An act to amend Sections 44508 and 44515 of, and to add Section 44501.5 to, the Health and Safety Code, relating to pollution control.

Bill read second time.

Senate Concurrent Resolution 34—Relative to the West Coast Governors' Global Warming Initiative.

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, April 7, 2005

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

SB 430

SB 897



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 430—An act to amend Section 47607.5 of the Education Code, relating to charter schools.

Bill read second time.

Senate Bill 897—An act to add Section 42127.83 to the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, April 7, 2005

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

SB 305

SB 946

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 305—An act to amend Section 12078 of the Penal Code, relating to firearms.

Bill read second time.

Senate Bill 946—An act to amend Section 2910.5 of the Penal Code, relating to community correctional facilities.

Bill read second time.

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

Committee on Human Services

Senate Chamber, April 7, 2005

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

SB 374

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 374—An act to amend Section 1569.33 of the Health and Safety Code, relating to residential care facilities for the elderly.

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, March 29, 2005

Mr. President: The Committee on Public Safety, to which was referred:
SB 619

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 Health

Date of Hearing, April 6, 2005

Mr. President: The Committee on Health, to which was referred:
SB 37

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

ORTIZ, Chair

Above measure ordered to second reading.

Senate Chamber, April 7, 2005

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

SB 437

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 437—An act to amend Section 49557.2 of the Education Code, to amend Section 123290 of the Health and Safety Code, to amend Sections 12693.98 and 12693.981 of, to add Sections 12693.22, 12693.444, 12693.445, 12693.701, 12693.702, 12693.703, and 12693.983 to, and to add Chapter 17 (commencing with Section 12693.99) to Part 6.2 of Division 3 of, the Insurance Code, and to amend Sections 14005.23, 14005.41, and 18925 of, and to add Sections 14005.71 and 14011.65 to, the Welfare and Institutions 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 Human Services

Senate Chamber, April 7, 2005

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

SB 244

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 244—An act to amend Sections 1771.7 and 1788 of the Health and Safety Code, relating to continuing care retirement communities.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Senate Chamber, April 7, 2005

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which were referred:

SB 644

SB 683

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 644—An act to add Section 4050.1 to the Business and Professions Code, relating to pharmacists.

Bill read second time.

Senate Bill 683—An act to amend Section 1626 of, and to add Section 1634.1 to, the Business and Professions Code, relating to dentistry.

Bill read second time.

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

Committee on Agriculture

Senate Chamber, April 7, 2005

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

SB 509

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 509—An act to add Section 105207 to the Health and Safety 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.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, April 6, 2005

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

Business, Professions and Economic Development—SB 1111.

Business, Professions and Economic Development and Judiciary—SB 1112, SB 1113.

Human Services—SB 1114.

Natural Resources and Water—SB 1109, SB 1110.

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

Agriculture—SB 872.

Banking, Finance and Insurance—SB 938.

Business, Professions and Economic Development—SB 194.

Education—SB 812, SB 1080.

Energy, Utilities and Communications—SB 1003.

Environmental Quality—SB 838, SB 870.

Government Modernization, Efficiency, and Accountability—SB 902.

Governmental Organization—SB 118, SB 220.

Health—SB 266, SB 267, SB 328, SB 593, SB 630.

Judiciary—SB 815, SB 922, SB 943.

Labor and Industrial Relations—SB 314, SB 331, SB 704.

Natural Resources and Water—SB 841.

Public Employment and Retirement—SB 1055.

Public Safety—SB 460, SB 520, SB 584, SB 660, SB 719, SB 795, SB 797.



Transportation and Housing—SB 468, SB 601, SB 691, SB 731.

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

Banking, Finance and Insurance and Judiciary—SB 192.

Education and Elections, Reapportionment and Constitutional Amendments—SB 191.

Education and Energy, Utilities and Communications—SB 698.

Health and Banking, Finance and Insurance—SB 367, SB 437.

Health and Judiciary—SB 945.

Health and Public Safety—SB 180.

Health and Revenue and Taxation—SB 923.

Human Services and Judiciary—SB 244.

Natural Resources and Water and Judiciary—SB 960.

State Capitol, April 7, 2005

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

Rules—SB 931.

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 Constitutional Amendment 14: By Senator Morrow—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of, and by repealing Section 3.5 of, Article XIII thereof, relating to taxation.

Senate Concurrent Resolution 40: By Senators Lowenthal and Vincent (Coauthors: Assembly Members Dymally, Karnette, and Oropeza)—Relative to preservation of state authority over siting of liquified natural gas facilities.

Senate Joint Resolution 8: By Senator Soto—Relative to the federal Enhancing Education Through Technology Act.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SB 575** was withdrawn from the Committee on Judiciary and placed on file.



SENATE COMMITTEE ROLL CALLS
Committee on Appropriations

SB 737—Do pass

AYES (7)—Senators Aanestad, Alquist, Bowen, Migden, Murray, Ortiz, and Poochigian.

NOES (1)—Senator Ashburn.

Date of Hearing: 4/7/2005

Migden (Chair)

Committee on Banking, Finance and Insurance

SB 20—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Denham, Figueroa, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (2)—Senators Cox and Hollingsworth.

SB 23—Do pass and re-refer to Committee on Health

AYES (8)—Senators Figueroa, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (2)—Senators Cox and Denham.

SB 108—Do pass and re-refer to Committee on Health, with the recommendation: To Consent Calendar

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

SB 179—Do pass as amended and re-refer to Committee on Rules

AYES (6)—Senators Cox, Denham, Hollingsworth, Machado, Maldonado, and Speier.

NOES (1)—Senator Ortiz.

SB 375—Do pass and re-refer to Committee on Health

AYES (6)—Senators Figueroa, Lowenthal, Machado, Ortiz, Scott, and Speier.

NOES (2)—Senators Cox and Maldonado.

SB 381—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

SB 408—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Cox, Denham, Figueroa, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

SB 487—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.



SB 513—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

SB 706—Do pass as amended and re-refer to Committee on Judiciary

AYES (8)—Senators Cox, Figueroa, Lowenthal, Machado, Murray, Ortiz, Scott, and Speier.

NOES (1)—Senator Denham.

SB 840—Do pass as amended and re-refer to Committee on Health

AYES (7)—Senators Figueroa, Lowenthal, Machado, Murray, Ortiz, Scott, and Speier.

NOES (4)—Senators Cox, Denham, Hollingsworth, and Maldonado.

SB 1105—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

Date of Hearing: 4/6/2005

Speier (Chair)

Committee on Government Modernization, Efficiency, and Accountability

SB 99—Do pass

AYES (6)—Senators Ashburn, Campbell, Ducheny, Dutton, Figueroa, and McClintock.

NOES (3)—Senators Bowen, Kuehl, and Murray.

SB 143—Do pass

AYES (7)—Senators Ashburn, Campbell, Bowen, Ducheny, Dutton, Figueroa, and McClintock.

NOES (1)—Senator Kuehl.

SB 190—Do pass and re-refer to Committee on Local Government

AYES (8)—Senators Ashburn, Bowen, Campbell, Dutton, Figueroa, Kuehl, McClintock, and Murray.

NOES (0)—None.

Date of Hearing: 4/6/2005

Figueroa (Chair)

Committee on Health

SB 37—Do pass as amended and re-refer to Committee on Education

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, and Vincent.

NOES (1)—Senator Runner.

SB 279—Do pass and re-refer to Committee on Judiciary

AYES (11)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.



SB 281—Do pass as amended and re-refer to Committee on Education

AYES (11)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

SB 400—Do pass as amended and re-refer to Committee on Public Safety

AYES (8)—Senators Alquist, Chesbro, Figueroa, Kuehl, Maldonado, Ortiz, Romero, and Vincent.

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

SB 401—Do pass as amended and re-refer to Committee on Judiciary

AYES (8)—Senators Aanestad, Alquist, Chesbro, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

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

SB 454—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alquist, Chesbro, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (2)—Senators Aanestad and Cox.

SB 479—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alquist, Chesbro, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (4)—Senators Aanestad, Cox, Maldonado, and Runner.

SB 496—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

SB 571—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

SB 650—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

SB 676—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alquist, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, and Vincent.

NOES (0)—None.

SB 750—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alquist, Chesbro, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (4)—Senators Aanestad, Cox, Maldonado, and Runner.



SB 1062—Do pass and re-refer to Committee on Rules, with the recommendation: To Consent Calendar

AYES (11)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

Date of Hearing: 4/6/2005

Ortiz (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Ann M. Askins of Fair Oaks.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of John McTernan of Santa Monica.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Nathana Humphreys of Stockton.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Spalding G. Wathen and Ella I. Etcheverry of Fresno.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Myrtle M. Shuford of Lancaster and Peter Durst Martin of Chatsworth.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 12 m., Monday, April 11, 2005.

PAULA K. ROSSETTO, Minute Clerk



└