

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

SIXTIETH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, April 25, 2005

The Senate met at 12 p.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, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent—38.

Quorum present.

*(NOTE: Senator Dunn will be excused this day due to a family illness and Senator Soto will be excused this day due to illness.)*



**PRAYER**

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

*Holy and Enabling Spirit*, Give wings to our afternoon prayers. May those we support and cherish with our work receive Your grace to help them in their need.—AMEN.

(From: *New Zealand Prayer Book*, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 21, 2005

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

SJR 7

SCR 4

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

Above measures ordered to unfinished business file.

Assembly Chamber, April 21, 2005

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

ACR 40

ACR 53

AJR 1

AJR 8

AJR 13

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 Concurrent Resolution 40**—Relative to the 85th Anniversary of the League of Women Voters.

**Assembly Concurrent Resolution 53**—Relative to organ donation.

**Assembly Joint Resolution 1**—Relative to Dr. Dalip S. Saund.

**Assembly Joint Resolution 8**—Relative to marine pollution.

**Assembly Joint Resolution 13**—Relative to Social Security.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Date of Hearing, April 18, 2005

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

SB 580

Reports the same back with the recommendation: Do pass as amended.  
MIGDEN, Chair

Above measure ordered to second reading.

**Committee on Natural Resources and Water**

Date of Hearing, April 12, 2005

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

SB 1084

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

KUEHL, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, April 25, 2005

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

SB 1075

SCR 17

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 1075**—An act to amend Section 26614 of the Government Code, relating to emergency services.

Bill read second time.

**Senate Concurrent Resolution 17**—Relative to the flag of the former Republic of Vietnam.

Resolution 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 19, 2005

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

SB 284

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

DENHAM, Chair

Above measure ordered to second reading.



**Committee on Health**

Date of Hearing, April 20, 2005

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

SB 869

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 measure ordered to second reading.

Date of Hearing, April 20, 2005

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

SB 923

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

ORTIZ, Chair

Above measure ordered to second reading.

Senate Chamber, April 25, 2005

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

SB 325

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 325**—An act to add Section 5701.7 to the Welfare and Institutions Code, relating to mental health.

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 25, 2005

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

SB 937

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 937**—An act to add Section 1714.4 to the Civil Code, relating to liability.

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 25, 2005

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

SB 708

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 708**—An act to add Part 5.7 (commencing with Section 17800) to Division 9 of the Welfare and Institutions Code, relating to health care.

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 20, 2005

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

SB 780

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.

**Committee on Environmental Quality**

Senate Chamber, April 25, 2005

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

SB 427

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

LOWENTHAL, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 427**—An act to add Section 21080.20 to the Public Resources Code, relating to environmental quality.

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 18, 2005

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

SB 421

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

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Senate Chamber, April 25, 2005

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

SB 125

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 125**—An act to amend Sections 798.36 and 798.55 of the Civil Code, relating to mobilehomes.

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 19, 2005

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

SB 599

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

DUNN, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Senate Chamber, April 25, 2005

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

SB 1



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 1**—An act to add Sections 25405.5 and 25405.6 to, and to add Chapter 8.8 (commencing with Section 25780) to Division 15 of, the Public Resources Code, and to add Sections 379.8, 387.5, and 760 to the Public Utilities Code, relating to solar energy, and making an appropriation therefor.

Bill read second time.

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

**Committee on Environmental Quality**

Senate Chamber, April 25, 2005

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

SB 1056

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

LOWENTHAL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 1056**—An act to amend Section 42300 of the Health and Safety Code, relating to air pollution.

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 20, 2005

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

SB 18

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

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, April 20, 2005

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

SCA 13



Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Elections, Reapportionment and Constitutional Amendments.

ORTIZ, Chair

Above measure ordered to second reading.

### **Committee on Education**

Senate Chamber, April 25, 2005

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

SB 635

SB 767

SB 844

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 635**—An act to add Article 2.5 (commencing with Section 32315) to Chapter 3 of Part 19 of the Education Code, relating to public postsecondary education.

Bill read second time.

**Senate Bill 767**—An act to amend Sections 94736, 94739, 94746, and 94960 of the Education Code, relating to private postsecondary education.

Bill read second time.

**Senate Bill 844**—An act to amend Sections 47605.8 47613 of, and to add Section 47605.4 to, the Education Code, relating to charter 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 Judiciary**

Senate Chamber, April 25, 2005

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

SB 1082

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 1082**—An act to amend Sections 3651, 3653, and 17560 of, and to add Sections 3047 and 17440 to, the Family Code, relating to child support.

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, April 25, 2005

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

SB 57

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 57**—An act to add Section 76000.5 to the Government Code, relating to county penalties.

Bill read second time.

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

**Committee on Transportation and Housing**

Date of Hearing, April 19, 2005

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

SB 326

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

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, April 19, 2005

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

SB 950

SB 1087

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 measures ordered to second reading.



**Committee on Rules**

Senate Chamber, April 22, 2005

Mr. President: The Committee on Rules has examined:

|        |        |        |        |
|--------|--------|--------|--------|
| SCR 5  | SCR 13 | SCR 14 | SCR 16 |
| SCR 21 | SCR 23 | SCR 35 | SJR 2  |

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 22nd day of April, 2005, at 4:45 p.m.

PERATA, Chair

**Committee on Appropriations**

Date of Hearing, April 18, 2005

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

SB 469

Reports the same back with the recommendation: Do pass as amended.

MIGDEN, Chair

Above measure ordered to second reading.

**Committee on Revenue and Taxation**

Senate Chamber, April 25, 2005

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 703 SB 956

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

MACHADO, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 703**—An act to amend Section 2610.6 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 956**—An act to amend Section 7280 of the Revenue and Taxation Code, relating to taxation.

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 25, 2005

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

SB 613

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 613**—An act to add Section 664.5 to the Penal Code, relating to offenses against minors.

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 19, 2005

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

SB 584

SB 585

SB 946

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 measures ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, April 18, 2005

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

SB 419

SB 762

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

LOWENTHAL, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Senate Chamber, April 25, 2005

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

SB 14

SB 723

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

MIGDEN, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 14**—An act to amend Sections 19136 and 19142 of, to add Section 19136.12 to, and to repeal Sections 19136.3, 19136.4, 19136.6, 19136.8, and 19136.11 of, the Revenue Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 723**—An act to amend 6608.5 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

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



**Committee on Labor and Industrial Relations**

Date of Hearing, April 25, 2005

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

SB 314

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 314**—An act to amend Sections 10200, 10201, 10205, and 10209 of the Unemployment Insurance Code, relating to employment training.

Bill read second time.

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

**Committee on Transportation and Housing**

Date of Hearing, April 19, 2005

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

SB 629

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

TORLAKSON, Chair

Above measure ordered to second reading.

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

**Senate Bill 803**—An act to amend Sections 11999.5, 11999.6, and 11999.9 of the Health and Safety Code, and to amend Sections 1210 and 1210.1 of the Penal Code, relating to drug treatment, and making an appropriation therefor.

Bill read second time.

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

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

Bill read second time.

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



**Senate Bill 462**—An act to amend Section 47605.1 of the Education Code, relating to charter schools.

Bill read second time.

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

**Senate Bill 707**—An act to amend Sections 8483, 8483.1, 8483.7, 8483.75, and 8483.9 of, and to add Sections 8484.65 and 8484.68 to, the Education Code, relating to before and after school programs.

Bill read second time.

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

**Senate Bill 935**—An act relating to hazardous substances and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

**Senate Bill 999**—An act to amend Section 40600 of the Health and Safety Code, relating to air quality.

Bill read second time.

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

**Senate Bill 630**—An act to amend Section 7155.7 of the Health and Safety Code, relating to anatomical gifts.

Bill read second time.

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

**Senate Bill 468**—An act to amend Section 226.5 of the Streets and Highways 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.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing SB 728 to be heard in committee without four days notice in the File.



**REQUEST FOR UNANIMOUS CONSENT (SR 12)**

Senator Romero asked for, and was granted, unanimous consent that SR 12 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Senate Resolution 12**

**Senate Resolution 12**—Relative to Denim Day California.

Resolution read third time and presented by Senator Romero.

Resolution read and unanimously adopted by a standing vote of the Senate.

**REQUEST FOR UNANIMOUS CONSENT (ACR 17)**

Senator Scott asked for, and was granted, unanimous consent that ACR 17 be withdrawn from committee and taken up at this time, without reference to file.

**Consideration of Assembly Concurrent Resolution 17**

**Assembly Concurrent Resolution 17**—Relative to language education.

Resolution read and presented by Senator Scott.

**Roll Call**

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

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

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

**Senate Bill 39**—An act to amend Section 3206 of the Elections Code, relating to absentee voting.

Bill read third time and presented by Senator Murray.

**Roll Call**

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

AYES (24)—Senators Aanestad, Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (14)—Senators Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.



**Senate Bill 48**—An act to amend Section 12316 of the Penal Code, relating to ammunition.

Bill read third time and presented by Senator Scott.

The roll was called.

#### CALL OF THE SENATE

Pending the announcement of the vote, Senator Scott moved a call of the Senate.

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 389**—An act to add Section 13083 to the Financial Code, relating to automated teller machines.

Bill read third time and presented by Senator Morrow.

The roll was called.

#### CALL OF THE SENATE

Pending the announcement of the vote, Senator Morrow moved a call of the Senate.

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 647**—An act to amend Sections 3063.5 and 11105 of the Penal Code, relating to parole revocation, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Margett.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Chesbro, Ducheny, Escutia, Figueroa, Florez, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (3)—Senators Ashburn, Denham, and Hollingsworth.

#### Roll Call

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

AYES (27)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Chesbro, Ducheny, Escutia, Figueroa, Florez, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (3)—Senators Ashburn, Denham, and Hollingsworth.

Bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 48)**

On motion of Senator Scott, further proceedings under the call of the Senate were dispensed with.

**Roll Call**

The names of the absentees were called and SB 48 was passed by the following vote:

AYES (21)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Maldonado, McClintock, Morrow, and Runner.

Above bill ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 295**—An act to amend Sections 6047.13, 6047.29, and 6047.68 of, and to amend and renumber Section 6047.35 of, the Food and Agricultural Code, relating to agriculture, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, 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, Speier, Torlakson, and Vincent.

NOES (0)—None.

**Roll Call**

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

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, 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, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 720**—An act to amend Section 1218 of the Code of Civil Procedure, to amend Section 6380 of the Family Code, and to amend Section 136.2 of the Penal Code, relating to court orders.

Bill read third time and presented by Senator Kuehl.





**Roll Call**

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

AYES (32)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (2)—Senators Ackerman and Hollingsworth.

Bill ordered transmitted to the Assembly.

**Senate Bill 370**—An act to amend Sections 12223 and 15627 of, and to add Section 19253 to, the Elections Code, relating to elections.

Bill read third time and presented by Senator Bowen.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senate Bill 987**—An act to amend Sections 131010, 131100, 131103, 131241, and 131285 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Migden.

**Roll Call**

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

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (4)—Senators Denham, Hollingsworth, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Denham.

**Roll Call**

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

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny,



Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 983**—An act to amend Sections 66452.8 and 66452.9 of the Government Code, relating to subdivided lands.

Bill read third time and presented by Senator Lowenthal.

#### **Roll Call**

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

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

NOES (3)—Senators Aanestad, Ashburn, and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 268**—An act to amend Section 53601.7 of the Government Code, relating to local agencies.

Bill read third time and presented by Senator Campbell.

#### **Roll Call**

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

AYES (32)—Senators Aanestad, Ackerman, Alquist, Battin, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (2)—Senators Ashburn and McClintock.

Bill ordered transmitted to the Assembly.

#### **Senator Speier Presiding**

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 389)**

On motion of Senator Morrow, further proceedings under the call of the Senate were dispensed with.

#### **Roll Call**

The names of the absentees were called and SB 389 was passed by the following vote:

AYES (26)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Campbell, Chesbro, Cox, Denham, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado,



Margett, Morrow, Perata, Poochigian, Runner, Scott, Torlakson, and Vincent.

NOES (8)—Senators Alquist, Bowen, McClintock, Migden, Ortiz, Romero, Simitian, and Speier.

Above bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)  
SPECIAL CONSENT CALENDAR**

**Senate Bill 253**—An act to amend Section 798.3 of the Civil Code, to amend Sections 65583, 65584.1, and 66016 of, and to repeal Sections 65586 and 65588.1 of, the Government Code, and to amend Sections 18070.3, 18070.6, 18400.3, and 18867 of, and to repeal Section 33334.20 of, the Health and Safety Code, relating to housing.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 496**—An act to amend Section 14132.47 of the Welfare and Institutions Code, relating to Medi-Cal.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 742**—An act to amend Section 3 of Chapter 1086 of the Statutes of 1970, relating to tidelands and submerged lands of the City of Eureka.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 784**—An act to amend Section 82015 of the Government Code, relating to elections, 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 979**—An act to amend Sections 115843.3 and 115843.5 of the Health and Safety Code, relating to reservoirs, 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 982**—An act to amend Section 25197.1 of the Health and Safety Code, relating to hazardous waste.

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

*(NOTE: See Consent Calendar Roll Call)*



**Senate Bill 1047**—An act to amend Section 7711 of the Public Utilities Code, relating to railroad corporations.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 19**—Relative to the Robert Mondavi Highway.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 28**—Relative to Nathan Shapell Highway.

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

NOES (0)—None.

#### **UNFINISHED BUSINESS**

##### **Consideration of Governor's Appointment**

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

Rosalie Mule, Member, California Integrated Waste Management Board.

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

NOES (0)—None.



**LEAVES OF ABSENCE FOR THE DAY**

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

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

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

At 1 p.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 Tuesday, April 26, 2005.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 25, 2005

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

SB 737

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

Above measure ordered to unfinished business file.

Assembly Chamber, April 25, 2005

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

|        |        |         |         |
|--------|--------|---------|---------|
| AB 11  | AB 620 | AB 1122 | AB 1495 |
| AB 252 | AB 643 | AB 1130 | AB 1734 |
| AB 301 | AB 866 | AB 1188 |         |
| AB 341 | AB 982 | AB 1464 |         |

Assembly Chamber, April 25, 2005

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 27

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 11**—An act to add Section 36516.3 to the Government Code, relating to city councils.



**Assembly Bill 252**—An act to amend Section 8778 of the Government Code, relating to arts.

**Assembly Bill 301**—An act to amend Section 11011.15 of the Government Code, relating to state property.

**Assembly Bill 341**—An act to amend Section 7108.5 of the Business and Professions Code, to amend Sections 3260 and 3260.1 of the Civil Code, and to amend Sections 7107 and 10262.5 of the Public Contract Code, relating to works of improvement.

**Assembly Bill 620**—An act to amend Sections 1335, 1336, 1337, and 1341 of the Penal Code, relating to criminal proceedings.

**Assembly Bill 643**—An act to amend Section 3533 of the Government Code, relating to state employees.

**Assembly Bill 866**—An act to amend Section 20440 of the Elections Code, relating to the Code of Fair Campaign Practices.

**Assembly Bill 982**—An act to amend Section 76355 of the Education Code relating to community colleges.

**Assembly Bill 1122**—An act to amend Section 672 of the Insurance Code, relating to auto insurance.

**Assembly Bill 1130**—An act to amend Section 4519.7 of the Welfare and Institutions Code, relating to developmental services.

**Assembly Bill 1188**—An act to amend Sections 11162 and 11166.01 of the Penal Code, and to amend Section 15630 of the Welfare and Institutions Code, relating to abuse.

**Assembly Bill 1464**—An act to amend Section 21091 of the Public Resources Code, relating to environmental quality.

**Assembly Bill 1495**—An act to amend Section 415.46 of the Code of Civil Procedure, relating to unlawful detainer.

**Assembly Bill 1734**—An act to amend Section 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Banking, Finance and Insurance**

Date of Hearing, April 20, 2005

Madam President: The Committee on Banking, Finance and Insurance, to which was referred:

SB 437

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

SPEIER, Chair

Above measure ordered to second reading.



**Committee on Judiciary**

Senate Chamber, April 25, 2005

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

SB 1088

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 1088**—An act to add Section 216 to the Family Code, relating to family law.

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 19, 2005

Madam President: The Committee on Judiciary, to which was referred:

SB 852

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

DUNN, Chair

Above measure ordered to second reading.

Senate Chamber, April 25, 2005

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

SB 422

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 422**—An act to amend Sections 116.240 and 116.940 of, and to add Sections 116.221, 116.222, 116.223, and 116.232 to, the Code of Civil Procedure, relating to small claims court.

Bill read second time.

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

**Committee on Transportation and Housing**

Date of Hearing, April 19, 2005

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

SB 1102



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 Education**

Senate Chamber, April 25, 2005

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

SB 430

SB 512

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 Sections 1240, 1241.5, 42127.8, 47604.4, and 47605 the Education Code, relating to charter schools.

Bill read second time.

**Senate Bill 512**—An act to amend Sections 8212, 8222, 8226, and 8352 of the Education Code, relating to child care.

Bill read second time.

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

#### **Committee on Banking, Finance and Insurance**

Senate Chamber, April 25, 2005

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

SB 530

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 530**—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

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**

Senate Chamber, April 25, 2005

Madam President: The Chair of the Committee on Government Modernization, Efficiency, and Accountability, to which was referred:

SB 954





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 954**—An act to add Section 12104 to the Public Contract Code, relating to public contracts.

Bill read second time.

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

**Committee on Local Government**

Date of Hearing, April 20, 2005

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

SB 1059

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

KEHOE, Chair

Above measure ordered to second reading.

Date of Hearing, April 20, 2005

Madam President: The Committee on Local Government, to which were referred:

SB 846

SB 1085

Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measures ordered to second reading.

**Committee on Natural Resources and Water**

Senate Chamber, April 25, 2005

Madam President: The Chair of the Committee on Natural Resources and Water, to which was referred:

SB 668

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

KUEHL, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 668**—An act to amend Section 2207, 2715, 2761, and 2763 of, to add Section 2731.5 to, and to repeal and add Section 2731 of, the Public Resources Code, and to amend Section 10295.5 of, and to repeal and add Section 20676 of, the Public Contracts Code, relating to mining.

Bill read second time.

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



**Committee on Transportation and Housing**

Date of Hearing, April 19, 2005

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

SB 371

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 Health**

Date of Hearing, April 20, 2005

Madam President: The Committee on Health, to which were referred:

SB 484

SB 499

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 Rules**

State Capitol, April 25, 2005

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

Appointed Ms. Ann Notthoff of Orinda as a member of the Coastal Conservancy to serve for a term ending April 25, 2009.

Reappointed Ms. Teresa Hughes of Castro Valley as a member of the Medical Assistance Commission to serve for a term ending January 1, 2009.

PERATA, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

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

**Senate Joint Resolution 12:** By Senators Chesbro, Ackerman, Cox, Denham, Figueroa, Florez, Machado, Margett, and Perata (Coauthors: Assembly Members Aghazarian, Benoit, Berg, Bermudez, Blakeslee, DeVore, Jones, Laird, Maze, Mullin, Nakanishi, Nation, Nava, Salinas, and Wolk)—Relative to wine labeling.



**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SB 634** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Health;

**SB 161** and **SB 192** were withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations;

**SB 849** was withdrawn from the Committee on Health and re-referred to the Committee on Appropriations; and

**SB 110** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Appropriations.

**MESSAGE FROM THE STATE BAR OF CALIFORNIA**

The following communication was ordered printed in the Journal:

April 11, 2005

*Senator Don Perata, Chair*

*Senate Committee on Rules*

Dear Senator Perata: It is my pleasure to announce that the State Bar Board of Governors has appointed attorney Scott Drexel as its Chief Trial Counsel, effective April, 11, 2005. His appointment requires Senate confirmation.

As set forth in Business and Professions Code section 6079.5, the Chief Trial Counsel serves a term of four years and is responsible for managing the daily operations of the discipline enforcement system. The discipline enforcement units screen, analyze, investigate and prosecute complaints against California lawyers. Mr. Drexel succeeds Mike Nisperos, who served in the post from 2001–2004. A copy of Mr. Drexel's resume and the relevant statute are attached for your review.

Mr. Drexel is an outstanding selection for this critical position within the State Bar discipline system. He has served the State Bar of California since 1989, as Chief Court Counsel and since 1995 has been both the Chief Counsel and the court's Administrative Officer. His responsibilities included oversight and management of an operating budget of more than \$7 million, 40 employees, including nine attorneys, in support of the presiding judge, two part-time review judges and five full-time hearing judges of the State Bar Court.

Additionally, he has served as Pro Tempore Judge of the State Bar Court and has managed the State Bar's Office of Probation, the Client Security Fund and the Office of Mandatory Fee Arbitration.

The State Bar requests that a confirmation hearing before the Senate Rules Committee be set for the earliest possible date.

Thank you for your courtesy and consideration and if you have any questions, please feel free to contact me at (415) 538-2358, or Anthony Williams at (916) 442-8018.

Very truly yours,

JUDY JOHNSON  
Executive Director

Above appointment referred to the Committee on Rules.



**REQUESTS TO ADJOURN IN MEMORIAM**

Senators Aanestad and Cox requested that when the Senate adjourns this day it do so in memory of Donald McCullough Jr. of Yuba City.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Maria Cordova-Zier of Los Angeles.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Iris Corley of West Hills.

Senator Maldonado requested that when the Senate adjourns this day it do so in memory of Elsa Teresita Campos De Mata of Caracas, Venezuela and Charles Morton Gamble of Santa Maria.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Albert Byrnes of Santa Barbara/Montecito.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Peter Brindley of Mill Valley.

Senator Perata requested that when the Senate adjourns this day it do so in memory of James Herkenrath of Sacramento.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Larry Lasater of Pittsburg.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, April 26, 2005.

PAULA K. ROSSETTO, Minute Clerk

