

CALIFORNIA LEGISLATURE
2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, May 12, 2005

The Senate met at 9 a.m.
Hon. Alan Lowenthal, of the 27th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alquist, Ashburn, Bowen, Campbell, Chesbro,
Cox, Denham, Ducheny, Dutton, Figueroa, Florez, Hollingsworth, Kehoe,
Kuehl, Lowenthal, Machado, Margett, McClintock, Morrow, Runner,
Scott, and Simitian—24.

Quorum present.

(NOTE: Senators Alarcón, Battin, Cedillo, Dunn, Escutia, Maldonado, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Soto, Speier, Torlakson, and Vincent will be excused this day on legislative business.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, May 11, 2005

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

Agriculture—AB 649.

Banking, Finance and Insurance—AB 544.

Business, Professions and Economic Development—AB 303, AB 370.

Education—AB 13, AB 455, AB 882, AB 961, AB 1303.

Energy, Utilities and Communications—AB 746, AB 1732, AB 1736.



Government Modernization, Efficiency, and Accountability—AB 348.

Governmental Organization—AB 834.

Health—AB 8, AB 83, AB 436, AB 547, AB 1346, AB 1376.

Judiciary—AB 68, AB 496, AB 662, AB 1150, AB 1460, AB 1519, AB 1669.

Labor and Industrial Relations—AB 604.

Local Government—AB 365, AB 1003, AB 1335.

Natural Resources and Water—AB 270, AB 1201.

Public Safety—AB 240, AB 280, AB 324, AB 376, AB 787, AB 806, AB 1267.

Rules—AB 1170.

Transportation and Housing—AB 14, AB 1048, AB 1637.

Veterans Affairs—AB 690, AB 823, AB 1594.

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

Appropriations—SB 1.

Energy, Utilities and Communications—AJR 5.

Health—SB 163.

Human Services—AJR 13.

Judiciary—AJR 15.

Natural Resources and Water—AJR 14.

Veterans Affairs—AJR 12.

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

Environmental Quality and Natural Resources and Water—AB 752.

Human Services and Judiciary—AB 1743.

Judiciary and Appropriations—AB 378.

Senate Chamber, May 11, 2005

Mr. President: The Committee on Rules has examined:

SCR 33

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 11th day of May, 2005, at 4:30 p.m.

PERATA, Chair



Committee on Labor and Industrial Relations

Senate Chamber, May 12, 2005

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

SB 510

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 510**—An act relating to workers' compensation insurance.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 510 pursuant to Joint Rule 58.

SENATOR HOLLINGSWORTH

Permission of Rules Committee

Senate Chamber, May 12, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 510.

PERATA, Chair

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

Committee on Rules

State Capitol, May 11, 2005

Mr. President: The Senate Rules Committee has created a Select Committee on Urban School Governance and appointed Senator Romero to serve as Chair. The Rules Committee also adopted Senate Rules Committee Resolution #25 outlining the jurisdiction of this new select committee.

PERATA, Chair

State Capitol, May 12, 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:

Dian M. Grueneich, Commissioner, Public Utilities Commission (4-0)

Gary A. Kuwabara, Chief Deputy Director, Department of Rehabilitation (4-0)

Frederick R. Ruiz, Member, The Regents of the University of California (4-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.



State Capitol, May 12, 2005

Pursuant to Gov.C. Sec.12080.2, the Rules Committee today referred Governor's Reorganization Plan No. 2 to the Committee on Government Modernization, Efficiency and Accountability for study and a report. This report may contain a recommendation as to the disposition of the Plan, and must be presented to the Senate by June 28, 2005.

PERATA, Chair

Committee on Appropriations

Senate Chamber, May 12, 2005

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

SB 18	SB 414	SB 517	SB 535
SB 750	SB 913	SB 1024	

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 18—An act to add Chapter 2 (commencing with Section 125330) to Part 5.5 of Division 106 of, and to add and repeal Article 4 (commencing with Section 125292.15) of Chapter 3 of Part 5 of Division 106 of, the Health and Safety Code, relating to reproductive health.

Bill read second time.

Senate Bill 414—An act to amend Sections 44579.5, 44579.6, 99230, 99231, 99232, 99233, 99234, 99234.5, 99235, 99237, 99239, 99240, and 99242 of, and to repeal Section 99241 of, the Education Code, relating to instructional programs.

Bill read second time.

Senate Bill 517—An act to add Section 60851.1 to the Education Code, relating to pupil assessment.

Bill read second time.

Senate Bill 535—An act to amend Sections 17230, 17464, 47605, 47605.6, 47607, and 47634.2 of the Education Code, relating to charter schools.

Bill read second time.

Senate Bill 750—An act to add Section 14066.5 to, and to add Article 2.93 (commencing with Section 14091.25) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

Senate Bill 913—An act to add Section 1374.17 to the Health and Safety Code, to add Section 10127.19 to the Insurance Code, and to add



Article 2.99 (commencing with Section 14095) to Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to health care.

Bill read second time.

Senate Bill 1024—An act to add Chapter 12.49 (commencing with Section 8879.20) to Division 1 of Title 2 of the Government Code, relating to public works and improvements by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds, 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.

Senate Chamber, May 11, 2005

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

SB 744

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Senate Chamber, May 12, 2005

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

SB 60

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 60—An act to amend Section 197 of the Code of Civil Procedure, and to amend Sections 1653.5, 12800, and 12801.5 of, to add Sections 1672.6, 1808.10, 12801.2, 12801.9, and 12801.10 to, to repeal Section 14610.7 of, and to repeal and add Section 12801 of, the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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



Committee on Appropriations

Senate Chamber, May 12, 2005

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

SB 584

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

MIGDEN, Chair

Above measure ordered to second reading.

Senate Chamber, May 12, 2005

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

SB 114

SB 320

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 114—An act to add Article 4 (commencing with Section 11920) to Chapter 4 of Division 5 of the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 320—An act to amend Section 999.9 of the Military and Veterans Code, and to amend Section 10115.2 of the Public Contract Code, relating to veterans.

Bill read second time.

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

Senate Chamber, May 11, 2005

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

SB 952

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Public Employment and Retirement

Date of Hearing, May 9, 2005

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 545

SB 777



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

SOTO, Chair

Above measures ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 48: By Senator Lowenthal (Principal coauthor: Assembly Member Dymally)—Relative to the Paramount Hay Tree in the City of Paramount.

Senate Joint Resolution 13: By Senators Escutia, Ducheny, Simitian, and Soto (Coauthors: Assembly Members Huff and Nunez)—Relative to railroad safety.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 548—An act to amend Section 11007 of the Government Code, relating to state construction projects.

Bill read second time.

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

Senate Bill 709—An act to amend Section 84040.6 of, and to add Section 84040.7 to, the Education Code, relating to community colleges.

Bill read second time.

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

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

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

THIRD READING OF SENATE BILLS

Senate Bill 1035—An act to amend Section 17070.75 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to SB 1035 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed, engrossed, and to second reading.



Senate Bill 776—An act to amend Section 32127.3 of, and to, add Section 32130.6 to the Health and Safety Code, relating to health care districts.

Bill read third time.

Amendments Adopted

Amendments to SB 776 proposed by Senator Runner were read and adopted and the measure ordered printed, engrossed, and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 120** was withdrawn from the Committee on Banking, Finance and Insurance and re-referred to the Committee on Rules.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, May 16:

SB 548	SB 118	SB 599	SB 897
SB 896	SB 168	SB 630	SB 1095
SB 125	SB 310	SB 648	SB 1110
SB 941	SB 436	SB 723	SB 127
SB 115	SB 462	SB 787	SB 1111

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Battin, Cedillo, Dunn, Escutia, Maldonado, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Soto, Speier, Torlakson, and Vincent.

REQUEST TO ADJOURN IN MEMORIAM

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Barbara Scholle of Somis.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 12 p.m., Monday, May 16, 2005.

PAULA K. ROSSETTO, Minute Clerk

