

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 17, 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.

ROLL CALL

The roll was called and the following Senators answered to their names:

Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—36.

Quorum present.

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 16, 2005

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

AB 671

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 671—An act to amend Section 6487.06 of, and to add and repeal Section 18511 of, the Revenue and Taxation Code, relating to taxation.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, May 16, 2005

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

SB 92	SB 348	SB 503	SB 857
SB 97	SB 358	SB 555	SB 905
SB 105	SB 368	SB 621	SB 914
SB 159	SB 375	SB 706	SB 922
SB 185	SB 406	SB 734	SB 950
SB 187	SB 441	SB 772	SB 975
SB 269	SB 455	SB 797	SB 1018
SB 314	SB 490	SB 837	SB 1021
SB 338	SB 501	SB 851	

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

MIGDEN, Chair

Above measures ordered to second reading.

Senate Chamber, May 16, 2005

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

SB 488	SB 935	SB 1081
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Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

MIGDEN, Chair

Above measures ordered to second reading.

Senate Chamber, May 10, 2005

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

SB 1061

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.



Date of Hearing, May 16, 2005

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

SB 404

SB 695

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

MIGDEN, Chair

Above measures ordered to second reading.

Date of Hearing, May 16, 2005

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

SB 13

SB 218

SB 255

SB 607

SB 651

SB 834

Reports the same back with the recommendation: Do pass.

MIGDEN, Chair

Above bills ordered to second reading.

Senate Chamber, May 17, 2005

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

SB 293

SB 444

SB 663

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 293—An act to add Chapter 2 (commencing with Section 14005), to add Chapter 3 (commencing with Section 14010), to add Chapter 4 (commencing with Section 14200), to add Chapter 5 (commencing with Section 14500), and to add Chapter 6 (commencing with Section 14600) to Division 7 of, to repeal Division 8 (commencing with Section 15000) of, and to repeal and add Section 14000 of, the Unemployment Insurance Code, relating to job training.

Bill read second time.

Senate Bill 444—An act to amend Section 186.22 of the Penal Code, relating to crime.

Bill read second time.

Senate Bill 663—An act to amend Section 25110 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 Judiciary

Senate Chamber, May 17, 2005

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

SB 234

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 234—An act to amend Section 19545 of, and to add Section 19571 to, the Revenue and Taxation Code, relating to taxation.

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 17, 2005

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

SB 532

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 532—An act to amend Section 246.3 of the Penal Code, relating to BB devices.

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, May 17, 2005

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

AB 280

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

Assembly Bill 280—An act to amend Sections 171.5 and 602 of the Penal Code, relating to harbors.

Bill read second time.

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 49: By Senator Speier—Relative to medication errors.

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

Senate Bill 645—An act to add Section 354.9 to the Code of Civil Procedure, and to add Chapter 3.2 (commencing with Section 8253) to Division 1 of Title 2 of the Government Code, relating to Mexican repatriation.

Bill read second time.

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

Senate Bill 126—An act to amend Section 53158 of, and to add Section 53152.3 to, the Government Code, relating to emergency services.

Bill read second time.

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

Senate Bill 726—An act to amend Section 361.4 of, and to add Sections 366.23 and 366.24 to, the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

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

Senate Bill 491—An act to add Chapter 1 (commencing with Section 15465) to Part 7.2 of Division 3 of Title 2 of the Government Code, to amend Section 130060 of the Health and Safety Code, and to add Section 24349.1 to the Revenue and Taxation Code, relating to financing hospital seismic safety programs, 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 proposed by the Committee on Health were read and adopted and the measure ordered printed, and re-referred to the Committee on Revenue and Taxation.

Senate Bill 803—An act to amend Sections 11999.5, 11999.6, 11999.9, 11999.10, and 11999.12 of the Health and Safety Code, and to amend Sections 1210, 1210.1, and 3063.1 of the Penal Code, relating to drug treatment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

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 872—An act to amend Sections 6025.2, 6025.5, 6026, 6026.5, 6027, 6028, and 6029 of, and to add Sections 6025.3 and 6027.1 to, the Food and Agricultural Code, relating to vertebrate pests, and making an appropriation therefor.

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 Constitutional Amendment 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article IX thereof, relating to pupil education.

Resolution 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 Elections, Reapportionment and Constitutional Amendments.

Senate Bill 1075—An act to amend Section 8690.6 of, and to repeal and add Article 3.6 (commencing with Section 177) of Chapter 1 of Division 1 of Title 1 of the Government Code, relating to emergencies, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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



Senate Joint Resolution 12—Relative to wine labeling.

Resolution read second time.

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

Senate Bill 524—An act to add Section 2190.6 to the Business and Professions Code, relating to medicine.

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

Senate Bill 279—An act to add Article 18.5 (commencing with Section 2418) to Chapter 5 of Division 2 of the Business and Professions Code, relating to physicians and surgeons.

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

THIRD READING OF SENATE BILLS

Senate Bill 44—An act to amend Section 65302.1 of the Government Code, relating to general plans.

Bill read third time.

Amendments Adopted

Amendments to SB 44 proposed by Senator Kehoe were read and adopted and the measure ordered printed, engrossed, and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

SB 13—Do pass

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

NOES (2)—Senators Ashburn and Dutton.

SB 198—Do pass as amended

AYES (7)—Senators Alquist, Battin, Bowen, Florez, Migden, Murray, and Ortiz.

NOES (4)—Senators Aanestad, Ashburn, Dutton, and Poochigian.

SB 218—Do pass

AYES (9)—Senators Aanestad, Alquist, Ashburn, Bowen, Dutton, Florez, Migden, Murray, and Poochigian.

NOES (0)—None.

SB 245—Do pass as amended

AYES (8)—Senators Aanestad, Alquist, Ashburn, Battin, Bowen, Dutton, Migden, and Poochigian.

NOES (0)—None.



SB 255—Do pass

AYES (7)—Senators Alquist, Bowen, Escutia, Florez, Migden, Murray, and Ortiz.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 281—Do pass as amended

AYES (10)—Senators Aanestad, Alquist, Ashburn, Bowen, Dutton, Florez, Migden, Murray, Ortiz, and Poochigian.

NOES (0)—None.

SB 404—Do pass as amended

AYES (10)—Senators Aanestad, Alquist, Ashburn, Battin, Bowen, Dutton, Florez, Migden, Ortiz, and Poochigian.

NOES (0)—None.

SB 607—Do pass

AYES (7)—Senators Alquist, Bowen, Escutia, Florez, Migden, Murray, and Ortiz.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 651—Do pass

AYES (8)—Senators Aanestad, Alquist, Battin, Dutton, Florez, Migden, Murray, and Ortiz.

NOES (1)—Senator Ashburn.

SB 695—Do pass as amended

AYES (7)—Senators Alquist, Bowen, Escutia, Florez, Migden, Murray, and Ortiz.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 834—Do pass

AYES (9)—Senators Aanestad, Alquist, Ashburn, Bowen, Dutton, Florez, Migden, Ortiz, and Poochigian.

NOES (0)—None.

SB 852—Do pass as amended

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

NOES (3)—Senators Ashburn, Dutton, and Poochigian.

SB 995—Do pass as amended

AYES (7)—Senators Aanestad, Alquist, Battin, Dutton, Escutia, Florez, and Migden.

NOES (2)—Senators Ashburn and Poochigian.

SB 1037—Do pass as amended

AYES (7)—Senators Alquist, Battin, Bowen, Florez, Migden, Murray, and Ortiz.

NOES (2)—Senators Aanestad and Ashburn.



SB 1084—Do pass as amended

AYES (7)—Senators Alquist, Bowen, Dutton, Florez, Migden, Murray, and Ortiz.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

Date of Hearing: 5/16/2005

Migden (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Cedillo, and Murray.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, May 18, 2005.

PAULA K. ROSSETTO, Minute Clerk



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