

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 28, 2006

The Senate met at 9 a.m.
Hon. Bob Margett, of the 29th 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, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—31.

Quorum present.

(NOTE: Senators Alarcón, Denham, Escutia, Morrow, and Perata will be excused this day on legislative business, Senator Speier will be excused this day on personal business, Senator McClintock will be excused this day due to family illness, and Senator Alquist will be excused this day due to a death in the family.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 28, 2006

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective February 13, 2006, the nomination of the following appointee



heretofore submitted and now before your honorable body for confirmation.

Deborah Ann Widener Member, California Regional Water
Quality Control Board, San Francisco,
Bay Region

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES
Committee on Banking, Finance and Insurance

Senate Chamber, March 28, 2006

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

SB 1459 SB 1699 SB 1704 SB 1823

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 1459—An act to amend Sections 85100 and 85300 of, and to add Article 9 (commencing with Section 85900) to Chapter 5 of Title 9 of, the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

Senate Bill 1699—An act to amend Section 1747.09 of the Civil Code, and to add Section 4110 to the Financial Code, relating to financial transactions.

Bill read second time.

Senate Bill 1704—An act to amend Sections 127662 and 127665 of the Health and Safety Code, relating to public health.

Bill read second time.

Senate Bill 1823—An act to amend Section 1371.35 of the Health and Safety Code, relating to health care service plans.

Bill read second time.

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

Committee on Education

Date of Hearing, March 22, 2006

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

SB 1217



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

SCOTT, Chair

Above measure ordered to second reading.

Committee on Transportation and Housing

Senate Chamber, March 28, 2006

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

SB 1227 SB 1505 SB 1812

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 1227—An act to add Section 1463.27 to the Penal Code, and to amend Section 22352 of, to add Section 42012 to, and to repeal Section 22358.4 of, the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 1505—An act to add Sections 43868 and 43869 to the Health and Safety Code, relating to fuel.

Bill read second time.

Senate Bill 1812—An act to add Section 820.1 to the Streets and Highways Code, relating to transportation.

Bill read second time.

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

Committee on Rules

Senate Chamber, March 28, 2006

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

SB 1394 SB 1649 SB 1758 SB 1820

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 1394—An act relating to parole officers.

Bill read second time.

Senate Bill 1649—An act relating to parks and recreation.

Bill read second time.



Senate Bill 1758—An act relating to adoption.

Bill read second time.

Senate Bill 1820—An act to amend Section 3030 of the Family Code, relating to child custody and visitation.

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, March 21, 2006

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

SCR 91 SCR 93 SCR 95 SCR 96

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

LOWENTHAL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Environmental Quality

Senate Chamber, March 28, 2006

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

SB 1601

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 1601—An act to add Section 40724.8 to 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 Business, Professions and Economic Development

Senate Chamber, March 28, 2006

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

SB 1361

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 1361—An act to amend Section 2914 of the Business and Professions Code, relating to psychologists.

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, March 28, 2006

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

SB 1211	SB 1319	SB 1437
SB 1609	SB 1666	SB 1721

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 1211—An act to amend Sections 9000, 9100, 9102, 9103, 9104, 9250, 9353, 19000, 19011, 19022, 19023, 19025, 19040, 19050, 19051, 19052, 19053, 19100, 19103, 19104, 19150, 19151, 19154, 19252, and 19255 of the Probate Code, relating to estates and trusts.

Bill read second time.

Senate Bill 1319—An act to add Section 851.91 to the Penal Code, relating to criminal procedure.

Bill read second time.

Senate Bill 1437—An act to amend Sections 51500, 51501, and 60044 of the Education Code, relating to prohibited instruction.

Bill read second time.

Senate Bill 1609—An act to amend Sections 1923.2 and 1923.5 of the Civil Code, relating to reverse mortgages.

Bill read second time.

Senate Bill 1666—An act to amend Section 1798.80 of, and to add Section 1798.83.5 to, the Civil Code, relating to personal information.

Bill read second time.

Senate Bill 1721—An act to amend Section 71634.4 of the Government Code, relating to trial court employees.

Bill read second time.

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



Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, March 28, 2006

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred: SCA 22

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

BOWEN, Chair

Second Reading of Bills—Author's Amendments

Senate Constitutional Amendment 22—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XVIII thereof, relating to amending the Constitution of the State.

Resolution read second time.

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

Committee on Labor and Industrial Relations

Senate Chamber, March 28, 2006

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

SB 1189

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 1189—An act to amend Section 212 of the Labor Code, relating to employment compensation.

Bill read second time.

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

Committee on Governmental Organization

Senate Chamber, March 28, 2006

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

SB 1451

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

FLOREZ, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 1451—An act to add Section 8588.15 to the Government Code, relating to public safety.

Bill read second time.

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

Committee on Natural Resources and Water

Date of Hearing, March 28, 2006

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

SB 1347

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

KUEHL, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, March 28, 2006

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

SB 1434

SB 1556

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

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Health

Senate Chamber, March 28, 2006

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

SB 1469

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 1469—An act to amend Section 440.20 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 Public Safety

Senate Chamber, March 28, 2006

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

SB 1767

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 1767—An act to add Section 12531 to the Government Code, relating to local enforcement.

Bill read second time.

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

Date of Hearing, March 28, 2006

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

SB 1184

SB 1247

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

MIGDEN, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Judiciary

Senate Chamber, March 28, 2006

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

SB 1206

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 1206—An act to amend Sections 33030, 33031, 33320.1, 33378, 33445, 33485, 33486, and 33501 of, and to add Sections 33444.4, 33501.1, 33501.2, 33501.3, 33501.7, and 33601.5 to, the Health and Safety Code, relating to redevelopment.

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, March 28, 2006

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

SB 1294

SB 1377

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 1294—An act to amend Section 25143.1 of the Health and Safety Code, relating to hazardous waste, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1377—An act to add Section 39516.5 to the Health and Safety Code, relating to air resources.

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

Date of Hearing, March 28, 2006

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

SB 1421

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

ALQUIST, Chair

Above measure re-referred to the Committee on Education.

Committee on Public Safety

Senate Chamber, March 28, 2006

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

SB 1722

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 1722—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 measure ordered printed and re-referred to the committee.

Committee on Human Services

Date of Hearing, March 28, 2006

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

SB 1570

SB 1641

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

ALQUIST, Chair

Above measures re-referred to the Committee on Judiciary.

Committee on Rules

Senate Chamber, March 28, 2006

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

SB 1371

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 1371—An act to amend Section 14005.35 of the Welfare and Institutions Code, relating to Medi-Cal.

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, March 28, 2006

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

SB 1430

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 1430—An act to amend Section 100106 of the Health and Safety Code, relating to public health.

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

Senate Chamber, March 28, 2006

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

SB 1329

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

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1329—An act to add Section 33444.7 to the Health and Safety Code, relating to redevelopment.

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, March 28, 2006

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

SB 1835

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 1835—An act to add Section 44013 to the Public Resources Code, relating to solid waste, 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 Public Safety

Senate Chamber, March 28, 2006

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

SB 1788



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 1788—An act to amend Section 1203.097 of the Penal Code, relating to domestic violence.

Bill read second time.

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

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 1322—An act to amend Sections 65583 and 65583.2 of the Government Code, relating to housing.

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 1224—An act to amend Section 35401.7 of the Vehicle Code, relating to vehicles.

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.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 146—An act to amend Section 19999.3 of, and to add Sections 20037.6, 20677.5, and 20683.1 to, the Government Code, relating to state employees, making an appropriation therefor, to take effect immediately, usual and current expenses.

Bill read second time and ordered to third reading.

MOTION TO RE-REFER TO COMMITTEE

On motion of Senator Margett, and without objection, **AB 146** was re-referred to the Committee on Rules.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1374** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committees on Judiciary and Revenue and Taxation;

SB 1253 and **SB 1806** were withdrawn from the Committee on Natural Resources and Water and re-referred to the Committee on Rules; and

SB 1231 was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Transportation and Housing.



MEMORANDUM OF UNDERSTANDING

A Memorandum of Understanding (MOU) reached with Bargaining Unit 2, was received on March 24, 2006, from the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE) (June 1, 2005 through June 30, 2007) and filed pursuant to Senate Rule 29.4.

SENATE COMMITTEE ROLL CALLS**Committee on Human Services**

SB 1421—Do pass and re-refer to Committee on Education

AYES (4)—Senators Aanestad, Chesbro, Maldonado, and Romero.

NOES (0)—None.

SB 1570—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Chesbro, Maldonado, and Romero.

NOES (1)—Senator Aanestad.

SB 1641—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Chesbro, Maldonado, and Romero.

NOES (1)—Senator Aanestad.

Date of Hearing: 3/28/2006

Alquist (Chair)

Committee on Natural Resources and Water

SB 1310—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Lowenthal, Machado, and Migden.

NOES (2)—Senators Aanestad and Margett.

SB 1347—Do pass and re-refer to Committee on Rules

AYES (7)—Senators Aanestad, Kehoe, Kuehl, Lowenthal, Machado, Margett, and Migden.

NOES (0)—None.

SB 1360—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Lowenthal, Machado, and Migden.

NOES (2)—Senators Aanestad and Margett.

SB 1434—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Lowenthal, Machado, and Migden.

NOES (2)—Senators Aanestad and Margett.

SB 1535—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Lowenthal, Machado, and Migden.

NOES (2)—Senators Aanestad and Margett.

SB 1556—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Lowenthal, Machado, and Migden.

NOES (2)—Senators Aanestad and Margett.

Date of Hearing: 3/28/2006

Kuehl (Chair)



Committee on Public Safety

SB 1184—Do pass and re-refer to Committee on Appropriations

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

NOES (0)—None.

SB 1239—Do pass as amended

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

NOES (0)—None.

SB 1240—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (0)—None.

SB 1247—Do pass and re-refer to Committee on Appropriations

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

NOES (0)—None.

SB 1422—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (0)—None.

SB 1521—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (0)—None.

SB 1714—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (0)—None.

Date of Hearing: 3/28/2006

Migden (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Denham, Escutia, Morrow, and Perata.

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

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

The following Senator was granted leave of absence for the day due to a death in the family: Senator Alquist.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Belen Romero Torres of National City.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Loyd Henry Forrest, Jr. of Wilton.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Tommy Gary Echevarria.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, March 29, 2006.

PAULA K. ROSSETTO, Minute Clerk



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