

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, April 3, 2006

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:

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

Quorum present.

(NOTE: Senator Speier will be excused this day on legislative business and Senator Vincent will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
April 3, 2006

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent.



I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Stan L. Dixon, former Member, Chairman of the Humboldt County Board of Supervisors, member of the Board since 1999, and Chairman since 2002. Reappointed 03/14/06. Effective 04/01/06.

Member, and designated Chair, of the State Board of Forestry and Fire Protection, term ending 01/15/10.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol

April 3, 2006

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective March 31, 2006, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Joan Marie Borucki

Member and designated Chair,
Unemployment Insurance Appeals
Board

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 30, 2006

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

ACR 120

ACR 127

ACR 130

ACR 135

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, April 3, 2006

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

SB 144

SB 663

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

Above measures ordered to unfinished business file.

Assembly Chamber, April 3, 2006

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

AJR 41

E. DOTSON WILSON, Chief Clerk of the Assembly



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, April 3, 2006

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

SB 1822

SCR 110

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 1822—An act to amend Section 2897 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

Senate Concurrent Resolution 110—Relative to National Library Week.

Resolution read second time.

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

Committee on Local Government

Senate Chamber, April 3, 2006

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

SB 1842

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 1842—An act to add Section 25351.05 to the Government Code, relating to local government.

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 3, 2006

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

AB 759

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

Assembly Bill 759—An act to amend Sections 17204 and 17206 of the Business and Professions Code, relating to unfair competition.

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 1360

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 Public Safety

Date of Hearing, March 21, 2006

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

SB 1299

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

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Labor and Industrial Relations

Senate Chamber, April 3, 2006

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

SB 1254

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 1254—An act to amend Section 511 of the Labor Code, relating to employment.

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 1310

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 3, 2006

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

SB 1426

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 1426**—An act relating to agriculture.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1426 pursuant to Joint Rule 58.

SENATOR DENHAM

Permission of Rules Committee

Senate Chamber, April 3, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1426.

PERATA, Chair

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

Committee on Judiciary

Senate Chamber, April 3, 2006

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

SB 1638

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 1638—An act to amend Section 2507 of the Business and Professions Code, relating to midwives.

Bill read second time.

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

Committee on Education

Date of Hearing, March 29, 2006

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

SB 1255

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

SCOTT, Chair

Above measure ordered to second reading.

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, April 3, 2006

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

SB 1682

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 Bill 1682—An act to add Section 14218.3 to the Elections Code, relating to elections.

Bill read second time.

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

Committee on Rules

Senate Chamber, April 3, 2006

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

SB 1831

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 1831—An act to amend Section 2932 of the Penal Code, relating to inmates.

Bill read second time.

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

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 120—Relative to Financial Literacy Month.

Assembly Concurrent Resolution 127—Relative to Women's History Month.

Assembly Concurrent Resolution 130—Relative to Kidney Cancer Awareness Month.

Assembly Concurrent Resolution 135—Relative to county agricultural commissioners.

Assembly Joint Resolution 41—Relative to immigrant children.

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

Senate Bill 1838—An act to amend Section 129875.2 of the Health and Safety Code, relating to health facilities.

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 1535—An act to amend Sections 104, 710, 710.5, 710.7, 711, 711.2, and 711.4 of, to add Sections 106, 703.1, and 8040.1 to, to repeal Sections 208 and 209 of, and to repeal and add Sections 206 and 207 of, the Fish and Game Code, relating to fish and game.

Bill read second time.

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

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SB 1130, SB 1131, SB 1132, SB 1133, SB 1134, SB 1135, SB 1136, SB 1137, SB 1138, SB 1139, SB 1140, SB 1141, SB 1142, SB 1143, SB 1144, SB 1145, SB 1146, SB 1147, SB 1148, SB 1149, SB 1150, SB 1151, SB 1152, SB 1153, and SB 1154** were withdrawn from the Committee on Rules and placed on second reading.



LEAVES OF ABSENCE FOR THE DAY

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

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

REQUEST TO ADJOURN IN MEMORIAM

Senator Speier requested that when the Senate adjourns this day it do so in memory of Angelo Zawaydeh of San Bruno.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Tuesday, April 4, 2006.

PAULA K. ROSSETTO, Minute Clerk

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