

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, April 20, 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.

### 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, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Morrow, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson—30.  
Quorum present.

*(NOTE: Senators Alarcón, Escutia, Hollingsworth, Murray, and Ortiz will be excused this day on legislative business, Senator Poochigian will be excused this day on personal business, Senator Vincent will be excused this day due to a family illness, and Senators Dunn and Migden will be excused this day due to illness.)*



**PRAYER**

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

*Holy and Gracious God*, We give thanks today for the work we have been given to do. Help us to do our tasks without fear, and give us the strength to be instruments of hope wherever we may go.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Health**

Date of Hearing, April 19, 2006

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

SB 1208      SB 1338      SB 1469      SB 1616

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

ORTIZ, Chair

Above measures re-referred to the Committee on Rules.

Date of Hearing, April 19, 2006

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

SB 1414

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

ORTIZ, Chair

Above measure re-referred to the Committee on Labor and Industrial Relations.

Date of Hearing, April 19, 2006

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

SB 1672

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

ORTIZ, Chair

Above measure re-referred to the Committee on Revenue and Taxation.

Date of Hearing, April 19, 2006

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

SB 1277

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

ORTIZ, Chair

Above measure re-referred to the Committee on Banking, Finance and Insurance.



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

**Senate Bill 1703**—An act to amend Sections 14502 and 14503 of the Government Code, relating to transportation.

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

**Senate Bill 1559**—An act to amend Section 385.5 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1490**—An act to add Sections 9611 and 9612 to the Business and Professions Code, relating to cemeteries.

Bill read second time.

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

**Senate Bill 1618**—An act to amend Sections 21070, 21071, and 21072 of, and to amend the heading of Article 74 of Chapter 1.5 of Part 3 of Division 2 of, the Public Contract Code, relating to local agency contracts.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1210**—An act to amend Sections 1250.410, 1255.040, 1255.410, 1255.450, and 1255.460 of, to add Section 1263.025 to, and to repeal Sections 1255.420 and 1255.430 of, the Code of Civil Procedure, to add Section 1091.6 to the Government Code, and to amend Section 33333.2 of the Health and Safety Code, relating to eminent domain.

Bill read second time.

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

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Runner moved that **AB 937** be placed on the inactive file.

Motion carried.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10, **AB 358** was re-referred to the Committee on Rules.

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **ACR 98**, **ACR 120**, **ACR 126**, **ACR 133**, **ACR 137**, and **ACR 141** were withdrawn from Committee and placed on today's special consent calendar.



**CONSENT CALENDAR****Objection Raised**

Senator Bowen objected to **SB 1801** being on the Consent Calendar.

The President ordered the above measure placed on the third reading file.

**REQUEST TO RETURN BILL TO ASSEMBLY**

On the request of Senator Denham, SCR 7 was withdrawn from enrollment and returned to the Assembly for further action.

**REQUEST FOR UNANIMOUS CONSENT (SCR 109)**

Senator Romero asked for, and was granted, unanimous consent to take up SCR 109 at this time, without reference to file.

**Consideration of Senate Concurrent Resolution 109**

**Senate Concurrent Resolution 109**—Relative to “Denim Day California.”

**Roll Call**

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

AYES (28)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Morrow, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**CONSENT CALENDAR**

**Senate Bill 1327**—An act to amend Section 48203 of the Education Code, relating to school attendance.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1307**—An act to amend Section 56.13 of the Civil Code, to amend Section 123105 of the Health and Safety Code, and to amend Sections 4683 and 4690 of the Probate Code, relating to medical information.

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

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 102**—Relative to Construction Career Awareness Day.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*



**Senate Concurrent Resolution 67**—Relative to Shaken Baby Syndrome Awareness Week.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1666**—An act to amend Sections 1798.80 and 1798.84 of, and to add Section 1798.83.5 to, the Civil Code, relating to personal information.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1385**—An act to amend Section 1 of Chapter 260 of the Statutes of 2004, relating to school employees.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 1491**—An act to add Title 1.807 (commencing with Section 1798.79.8) to Part 4 of Division 3 of the Civil Code, relating to domestic violence.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1457**—An act relating to state property, 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)*

**Assembly Concurrent Resolution 98**—Relative to World Languages and Cultures Month.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 120**—Relative to Financial Literacy Month.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 126**—Relative to West Nile Virus and Mosquito and Vector Control Awareness Week.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Concurrent Resolution 133**—Relative to Voter Education and Participation Month.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 137**—Relative to Sexual Assault Awareness Month.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 141**—Relative to National Donate Life Month.

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 (30)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Morrow, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

#### **CONSIDERATION OF DAILY FILE (RESUMED) UNFINISHED BUSINESS**

##### **Consideration of Assembly Amendments**

**Senate Concurrent Resolution 70**—Relative to Lung Cancer Awareness Month.

Resolution presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SCR 70?

#### **Roll Call**

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Morrow, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Above resolution ordered enrolled.

#### **THIRD READING OF SENATE BILLS**

**Senate Joint Resolution 29**—Relative to Homeland Security.

Resolution read third time and presented by Senator Kehoe.



**Roll Call**

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

AYES (28)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Morrow, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Escutia, Hollingsworth, Murray, and Ortiz.

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

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

The following Senators were granted leaves of absence for the day due to illness: Senators Dunn and Migden.

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

At 9:25 a.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 Monday, April 24, 2006.

Motion carried.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
April 20, 2006

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor



**Assembly Concurrent Resolution 131**—Relative to the Huntington Beach International Surfing Museum.





**Assembly Concurrent Resolution 140**—Relative to the Air and Space Museum and Education Center.

**Assembly Joint Resolution 45**—Relative to farming.

**Assembly Bill 1781**—An act to amend Section 101.10 of the Streets and Highways Code, relating to highways.

**Assembly Bill 1795**—An act to amend Section 1520.5 of the Health and Safety Code, relating to care facilities.

**Assembly Bill 1834**—An act to amend Section 77761 of the Food and Agricultural Code, relating to agriculture.

**Assembly Bill 1859**—An act to amend Section 18986.62 of the Welfare and Institutions Code, relating to health and human services.

**Assembly Bill 1893**—An act to amend Section 33445 of the Health and Safety Code, relating to redevelopment.

**Assembly Bill 1910**—An act to amend Sections 5007 and 22511.55 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1921**—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1942**—An act to add Sections 833.2 and 13517.7 to the Penal Code, relating to arrests.

**Assembly Bill 1943**—An act to amend Sections 70901 and 70902 of the Education Code, relating to community colleges.

**Assembly Bill 1946**—An act to amend Sections 10102 and 10103 of the Insurance Code, relating to residential property insurance.

**Assembly Bill 1963**—An act to amend Section 10150.6 of the Business and Professions Code, relating to real estate brokers.

**Assembly Bill 1980**—An act to amend Section 830.7 of the Penal Code, relating to powers of arrest.

**Assembly Bill 1992**—An act to amend Sections 117555 and 117560 of, and to repeal and add Section 117550 of, the Health and Safety Code, relating to solid waste.

**Assembly Bill 2007**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 2011**—An act to add Section 53601.8 to the Government Code, relating to local agency investments.

**Assembly Bill 2036**—An act relating to community colleges.



**Assembly Bill 2038**—An act to amend Sections 17310, 17314.1, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

**Assembly Bill 2040**—An act to amend Section 60851 of the Education Code, relating to pupil assessment, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 2073**—An act to amend Section 7159 of, and to add Section 7159.9 to, the Business and Professions Code, relating to contractors.

**Assembly Bill 2083**—An act to amend and repeal Section 1797.196 of the Health and Safety Code, relating to emergency medical services.

**Assembly Bill 2159**—An act to amend Section 1270.1 of the Penal Code, relating to bail.

**Assembly Bill 2164**—An act to amend Section 53069.8 of the Government Code, relating to local law enforcement.

**Assembly Bill 2225**—An act to amend Section 148.3 of the Penal Code, relating to crime.

**Assembly Bill 2235**—An act to amend Section 10006 of, and to add Sections 10006.5 and 10156.9 to, the Business and Professions Code, relating to real estate.

**Assembly Bill 2568**—An act to add Section 6132 to the Probate Code, relating to probate matters.

**Assembly Bill 2615**—An act to amend Section 293 of the Penal Code, relating to information regarding victims of sex offenses.

**Assembly Bill 2658**—An act to amend Sections 7102 and 7113.5 of the Business and Professions Code, relating to contractors.

**Assembly Bill 2764**—An act to amend Section 25350.51 of the Government Code, relating to county property.

**Assembly Bill 2796**—An act to amend Sections 8585 and 8741 of the Health and Safety Code, relating to cemeteries.

**Assembly Bill 2914**—An act to amend Section 16101 of the Corporations Code, and to repeal Section 5 of Chapter 504 of the Statutes of 1998, relating to limited liability partnerships.

## REPORTS OF STANDING COMMITTEES

### Committee on Rules

State Capitol, April 19, 2006

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

**Business, Professions and Economic Development**—AB 1793.

**Education**—AB 1968, AB 2423.



**Governmental Organization**—SJR 30; AB 3046.

**Judiciary**—SB 1852; AB 1787, AB 2301, AB 2455; AJR 41.

**Public Employment and Retirement**—AB 2240.

**Public Safety**—AB 1996, AB 2075.

**Rules**—AB 1801, AB 1802, AB 1803, AB 1804, AB 1805, AB 1806, AB 1807, AB 1808, AB 1809, AB 1810, AB 1811, AB 1812, AB 1813, AB 1814, AB 1815, AB 1816, AB 1817, AB 1818, AB 1819, AB 1820, AB 1821, AB 1822, AB 1823, AB 1824, AB 1825.

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

**Education and Public Safety**—AB 2181.

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

**Appropriations**—SB 1338.

**Education**—SB 1510, SB 1543, SB 1563, SB 1614, SB 1662, SB 1677, SB 1774, SB 1777, SB 1819, SB 1824.

**Environmental Quality**—SB 1205, SB 1416, SB 1733, SB 1826.

**Governmental Organization**—SB 1229, SB 1695, SB 1770, SB 1805.

**Health**—SB 1398, SB 1811.

**Human Services**—SB 1569, SB 1576, SB 1825.

**Judiciary**—SB 1393, SB 1430, SB 1481, SB 1499, SB 1806, SB 1820; AB 402.

**Labor and Industrial Relations**—SB 1424, SB 1561.

**Local Government**—AB 1232.

**Natural Resources and Water**—SB 1681.

**Public Safety**—SB 1227, SB 1295, SB 1420, SB 1469, SB 1544, SB 1616, SB 1631.

**Revenue and Taxation**—SB 1208, SB 1374, SB 1827; AB 308.

**Transportation and Housing**—SB 1628.

**Veterans Affairs**—SB 1582, SB 1697.

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

**Health and Revenue and Taxation**—SB 1118.

**Labor and Industrial Relations and Public Employment and Retirement**—SB 1194.



**Public Safety and Judiciary**—SB 1238.

**Transportation and Housing and Environmental Quality**—AB 1012.

**Transportation and Housing and Public Safety**—AB 406.

**Committee on Rules**

State Capitol, April 20, 2006

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

**Health**—SB 1427.

Senate Chamber, April 20, 2006

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

SB 1740

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 1740**—An act relating to the Internet.

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, 2006

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

AJR 42

Reports the same back with the recommendation: Be adopted.

PERATA, Chair

Above resolution ordered to third reading.

Date of Hearing, April 19, 2006

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

SCR 73

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

PERATA, Chair

Above measure ordered to second reading.



State Capitol, April 19, 2006

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Alan D. Bersin, Member, State Board of Education (4-0).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, April 19, 2006

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:

Yvonne Chan, Ed.D., Member, State Board of Education (3-0);

Kenneth A. Noonan, Member, State Board of Education (3-0);

Paul G. Gardner, III, Member, State Board of Education (5-0).

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, April 19, 2006

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:

Edward C. Reno, III, Member, Boating and Waterways Commission (5-0);

Knute Michael Miller, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (5-0);

Michael B. Sitts, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (5-0);

Lawrence J. Goldzband, Member, San Francisco Bay Conservation and Development Commission (5-0);

Colleen M. Jordan, Member, San Francisco Bay Conservation and Development Commission (5-0);

Stan Y. Moy, Member, San Francisco Bay Conservation and Development Commission (5-0);

Raymond S. Randolph, Ph.D., Member, San Francisco Bay Conservation and Development Commission (5-0).

PERATA, Chair

Above appointments ordered placed on unfinished business file.



**Committee on Human Services**

Senate Chamber, April 20, 2006

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

SB 1759

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 1759**—An act to amend Sections 1265.5, 1337.2, 1337.6, 1338.5, 1416.26, 1522, 1568.09, 1569.17, 1575.7, 1596.871, 1728.1, 1736.1, 1736.2, 1736.6, 1743.9 of, and add Chapter 2.6 (commencing with Section 1499) to Division 2 of, the Health and Safety Code, relating to health and care facilities.

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, April 20, 2006

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

SB 1266

SB 1578

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

MURRAY, Chair

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

**Senate Bill 1266**—An act to amend Section 42238.51 of the Education Code, relating to public schools.

Bill read second time.

**Senate Bill 1578**—An act to add Chapter 8 (commencing with Section 122335) to Part 6 of Division 105 of the Health and Safety Code, relating to dogs.

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**

Date of Hearing, April 19, 2006

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

SB 1245

SB 1394

SB 1508

SB 1804



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

SPEIER, Chair

Above measures re-referred to the Committee on Health.

Date of Hearing, April 19, 2006

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

SB 1223

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

SPEIER, Chair

Above measure re-referred to the Committee on Health.

Date of Hearing, April 19, 2006

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

SB 1847

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

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Energy, Utilities and Communications**

Date of Hearing, April 4, 2006

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

SB 1368

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

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Health**

Date of Hearing, April 19, 2006

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

SB 1288

SB 1323

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

ORTIZ, Chair

Above measures re-referred to the Committee on Public Safety.



**Committee on Elections, Reapportionment and Constitutional Amendments**

Date of Hearing, April 19, 2006

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

SB 1120

Reports the same back with the recommendation: Be re-referred to the Committee on Rules.

BOWEN, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, April 19, 2006

Mr. President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which were referred:

SB 1235

SB 1276

SB 1348

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

BOWEN, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Judiciary**

Senate Chamber, April 20, 2006

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

SB 1599

SB 1758

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 1599**—An act to add Section 26840.12 to the Government Code, to add Section 103629 to the Health and Safety Code, and to add Section 18309.6 to the Welfare and Institutions Code, relating to domestic violence.

Bill read second time.

**Senate Bill 1758**—An act to amend Sections 8623, 8625, 8636, and 8638 of, to repeal Section 8635 of, and to add Section 8632.5 to, the Family Code, relating to adoption.

Bill read second time.

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





**Committee on Business, Professions and Economic Development**

Date of Hearing, April 20, 2006

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

SB 1550

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

FIGUEROA, Chair

Above measure ordered to second reading.

**Committee on Health**

Senate Chamber, April 20, 2006

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

SB 1487

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

ORTIZ, Chair

Above measure ordered filed with the Secretary of the Senate.

Senate Chamber, April 20, 2006

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

SB 1350

SB 1755

SB 1763

SB 1772

SB 1785

SJR 22

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 1350**—An act to amend Section 1797.199 of, and to add Section 1797.1991 to, the Health and Safety Code, relating to trauma care funding, and making an appropriation therefor.

Bill read second time.

**Senate Bill 1755**—An act to amend Sections 1572 and 1576.2 of, and to repeal Sections 1575.45 and 1575.5 of, the Health and Safety Code, and to amend Sections 14043.46, 14105.395, 14520, and 14573 of, and to repeal and add Sections 14521 and 14525 of, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.



**Senate Bill 1763**—An act to add Division 112.7 (commencing with Section 130675) to the Health and Safety Code, relating to compulsory licensing of pharmaceutical drugs.

Bill read second time.

**Senate Bill 1772**—An act to amend Sections 111115 and 111170 of the Health and Safety Code, relating to drinking water.

Bill read second time.

**Senate Bill 1785**—An act to add Section 1648 to the Health and Safety Code, relating to human milk, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Joint Resolution 22**—Relative to the Microbicide Development Act.

Resolution 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 20, 2006

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

SB 1636

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 1636**—An act to amend Sections 3426.4, 3426.5, and 3426.7 of the Civil Code, to amend Section 2019.210 of the Code of Civil Procedure, and to amend Section 6254 of, and to add Section 6256 to, the Government Code, relating to trade secrets.

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, April 20, 2006

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

SB 1198

SB 1278

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 1198**—An act to amend Section 19960 of the Business and Professions Code, relating to gambling.

Bill read second time.

**Senate Bill 1278**—An act to amend Sections 8870.3, 8870.4, and 8870.71 of the Government Code, relating to the Seismic Safety Commission.

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**

Senate Chamber, April 20, 2006

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

SB 1628

SB 1719

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 1628**—An act to amend Section 66540 of the Government Code, relating to the San Francisco Bay Area Water Transit Authority.

Bill read second time.

**Senate Bill 1719**—An act to amend Section 385.5 of the vehicle Code, relating to vehicles.

Bill read second time.

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

**Committee on Health**

Senate Chamber, April 20, 2006

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

SB 1394

SB 1427

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 1394**—An act to add Section 14087.395 to the Welfare and Institutions Code, relating to Medi-Cal.



**Senate Bill 1427**—An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

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

**Committee on Education**

Senate Chamber, April 20, 2006

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

SB 1717

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 1717**—An act to add Section 42246 to the Education Code, relating to school finance.

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**

Date of Hearing, April 17, 2006

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

SB 1478

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

SIMITIAN, Chair

Above measure ordered to second reading.

Senate Chamber, April 20, 2006

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

SB 1230

SB 1798

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 1230**—An act to add and repeal Sections 40602.5 and 44282.5 of, and to add and repeal Chapter 5.8 (commencing with Section 40610) of Part 3 of Division 26 of, the Health and Safety Code, relating to air pollution.

Bill read second time.



**Senate Bill 1798**—An act to amend Section 21159.24 of the Public Resources Code, relating to the environment.

Bill read second time.

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

Date of Hearing, April 20, 2006

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

SB 1344

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.

SIMITIAN, Chair

Above measure ordered to second reading.

#### **Committee on Judiciary**

Senate Chamber, April 20, 2006

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

SB 1430

SB 1458

SB 1650

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 1430**—An act relating to public health.

Bill read second time.

**Senate Bill 1458**—An act to add Article 7.3 (commencing with Section 25383) to Chapter 6.8 of Division 20 of the Health and Safety Code, relating to hazardous substances.

Bill read second time.

**Senate Bill 1650**—An act to amend Section 1263.510 of, and to add Sections 1245.245 and 1263.615 to, the Code of Civil Procedure, relating to eminent domain.

Bill read second time.

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

#### **UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (AB 881)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 881 was passed and transmitted to the Assembly, and that the measure be taken up at this time without reference to file.



**Consideration of Assembly Bill 881**

**Assembly Bill 881**—An act to amend, repeal, and add Section 7125 of the Business and Professions Code, and to add and repeal Section 11665 of the Insurance Code, relating to workers' compensation.

Bill read third time and presented by Senator Ashburn.

**Motion to Amend**

Amendments to AB 881 proposed by Senator Runner were read and adopted and the measure ordered printed and to second reading.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Banking, Finance and Insurance to hear SB 1591 without four days notice in the file.

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

Without objection, **SB 1229** was withdrawn from the Committee on Agriculture and re-referred to the Committee on Rules;

**SB 1582** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules;

**SB 1452** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations;

**SB 1227** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Appropriations;

**SB 1120** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

**SB 1277** was withdrawn from the Committee on Banking, Finance and Insurance and re-referred to the Committee on Appropriations.

**SENATE COMMITTEE ROLL CALLS**

**SB 1823**—Do pass as amended (Corrected)

AYES (5)—Senators Lowenthal, Murray, Romero, Scott, and Speier.

NOES (2)—Senators Cox and Florez.

Failed passage

Date of Hearing: 4/5/2006

Speier (Chair)

**SB 1823**—Reconsideration granted (Corrected)

AYES (11)—Senators Cox, Denham, Florez, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Romero, Scott, and Speier.

NOES (0)—None.

**Committee on Banking, Finance and Insurance**

**SB 1188**—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Florez, Lowenthal, Murray, Romero, Scott, and Speier.

NOES (5)—Senators Cox, Denham, Hollingsworth, Machado, and Maldonado.



**SB 1223—Do pass and re-refer to Committee on Health**

AYES (10)—Senators Cox, Denham, Florez, Lowenthal, Machado, Maldonado, Murray, Romero, Scott, and Speier.

NOES (0)—None.

**SB 1245—Do pass and re-refer to Committee on Health**

AYES (11)—Senators Cox, Denham, Florez, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Romero, Scott, and Speier.

NOES (0)—None.

**SB 1340—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (11)—Senators Cox, Denham, Florez, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Romero, Scott, and Speier.

NOES (0)—None.

**SB 1394—Do pass and re-refer to Committee on Health**

AYES (7)—Senators Florez, Lowenthal, Machado, Murray, Romero, Scott, and Speier.

NOES (4)—Senators Cox, Denham, Hollingsworth, and Maldonado.

**SB 1508—Do pass and re-refer to Committee on Health**

AYES (7)—Senators Florez, Lowenthal, Machado, Murray, Romero, Scott, and Speier.

NOES (2)—Senators Cox and Denham.

**SB 1591—Do pass**

AYES (5)—Senators Lowenthal, Machado, Romero, Scott, and Speier.

NOES (5)—Senators Cox, Denham, Florez, Hollingsworth, and Maldonado.

Failed passage

**SB 1591—Reconsideration granted**

AYES (11)—Senators Cox, Denham, Florez, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Romero, Scott, and Speier.

NOES (0)—None.

**SB 1804—Do pass and re-refer to Committee on Health**

AYES (7)—Senators Florez, Lowenthal, Machado, Murray, Romero, Scott, and Speier.

NOES (4)—Senators Cox, Denham, Hollingsworth, and Maldonado.

**SB 1810—Do pass as amended and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar**

AYES (11)—Senators Cox, Denham, Florez, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Romero, Scott, and Speier.

NOES (0)—None.



**SB 1847**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Cox, Denham, Florez, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Romero, Scott, and Speier.

NOES (0)—None.

Date of Hearing: 4/19/2006

Speier (Chair)

**Committee on Elections, Reapportionment and Constitutional Amendments**

**SB 1120**—re-refer to Committee on Rules

AYES (3)—Senators Bowen, Poochigian, and Romero.

NOES (0)—None.

**SB 1235**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Battin, Bowen, Murray, and Romero.

NOES (0)—None.

**SB 1243**—Do pass and re-refer to Committee on Appropriations

AYES (1)—Senator Battin.

NOES (1)—Senator Murray.

Failed passage

**SB 1243**—Reconsideration granted

AYES (5)—Senators Battin, Bowen, Murray, Poochigian, and Romero.

NOES (0)—None.

**SB 1258**—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Battin, Bowen, Murray, and Romero.

NOES (0)—None.

**SB 1265**—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Bowen and Romero.

NOES (0)—None.

Failed passage

**SB 1265**—Reconsideration granted

AYES (5)—Senators Battin, Bowen, Murray, Poochigian, and Romero.

NOES (0)—None.

**SB 1276**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Battin, Bowen, Murray, and Romero.

NOES (0)—None.

**SB 1348**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Battin, Bowen, Murray, and Romero.

NOES (0)—None.





**SB 1354**—Do pass as amended and re-refer to Committee on Judiciary  
AYES (3)—Senators Bowen, Murray, and Romero.  
NOES (1)—Senator Battin.

**SB 1682**—Do pass and re-refer to Committee on Appropriations  
AYES (2)—Senators Battin and Poochigian.  
NOES (3)—Senators Bowen, Murray, and Romero.  
Failed passage

**SB 1682**—Reconsideration granted  
AYES (5)—Senators Battin, Bowen, Murray, Poochigian, and Romero.  
NOES (0)—None.

**SB 1760**—Do pass as amended and re-refer to Committee on Appropriations  
AYES (4)—Senators Battin, Bowen, Murray, and Romero.  
NOES (0)—None.

Date of Hearing: 4/19/2006

Bowen (Chair)

#### **Committee on Health**

**SB 1208**—Do pass and re-refer to Committee on Rules  
AYES (6)—Senators Alquist, Chesbro, Cox, Figueroa, Kuehl, and Ortiz.  
NOES (3)—Senators Aanestad, Maldonado, and Runner.

**SB 1260**—Do pass as amended and re-refer to Committee on Appropriations  
AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.  
NOES (0)—None.

**SB 1277**—Do pass and re-refer to Committee on Banking, Finance and Insurance  
AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.  
NOES (0)—None.

**SB 1288**—Do pass and re-refer to Committee on Public Safety  
AYES (5)—Senators Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.  
NOES (4)—Senators Aanestad, Cox, Maldonado, and Runner.

**SB 1301**—Do pass as amended and re-refer to Committee on Appropriations  
AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.  
NOES (0)—None.

**SB 1312**—Do pass as amended and re-refer to Committee on Appropriations  
AYES (5)—Senators Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.  
NOES (3)—Senators Cox, Maldonado, and Runner.



**SB 1323**—Do pass and re-refer to Committee on Public Safety

AYES (5)—Senators Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.

NOES (4)—Senators Aanestad, Cox, Maldonado, and Runner.

**SB 1338**—Do pass and re-refer to Committee on Rules

AYES (6)—Senators Alquist, Chesbro, Figueroa, Kuehl, Maldonado, and Ortiz.

NOES (2)—Senators Cox and Runner.

**SB 1371**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.

NOES (0)—None.

**SB 1414**—Do pass and re-refer to Committee on Labor and Industrial Relations

AYES (5)—Senators Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.

NOES (4)—Senators Aanestad, Cox, Maldonado, and Runner.

**SB 1469**—Do pass and re-refer to Committee on Rules

AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.

NOES (0)—None.

**SB 1487**—Do pass and re-refer to Committee on Judiciary

AYES (4)—Senators Aanestad, Cox, Maldonado, and Runner.

NOES (5)—Senators Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.

Failed passage

**SB 1532**—Reconsideration granted

AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.

NOES (0)—None.

**SB 1616**—Do pass and re-refer to Committee on Rules

AYES (6)—Senators Aanestad, Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.

NOES (3)—Senators Cox, Maldonado, and Runner.

**SB 1672**—Do pass and re-refer to Committee on Revenue and Taxation

AYES (8)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Maldonado, Ortiz, and Runner.

NOES (1)—Senator Kuehl.

**SB 1683**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.

NOES (4)—Senators Aanestad, Cox, Maldonado, and Runner.



**SB 1766**—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alquist, Chesbro, Figueroa, Kuehl, and Ortiz.

NOES (4)—Senators Aanestad, Cox, Maldonado, and Runner.

**SB 1822**—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.

NOES (0)—None.

**SB 1851**—Do pass as amended and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, and Runner.

NOES (0)—None.

Date of Hearing: 4/19/2006

Ortiz (Chair)

#### **Committee on Rules**

**SCR 73**—Be adopted, to Consent Calendar

AYES (5)—Senators Ashburn, Battin, Bowen, Cedillo, and Perata.

NOES (0)—None.

**AJR 42**—Be adopted

AYES (5)—Senators Ashburn, Battin, Bowen, Cedillo, and Perata.

NOES (0)—None.

Date of Hearing: 4/19/2006

Perata (Chair)

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Charles Edward Camp of Dulzura.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Joseph Rosen.

Senator Lowenthal requested that when the Senate adjourns this day it do so in memory of Laura Bauer of Vallejo.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Gladys “Micky” Seeley, Grace Womack and Eugene Everett Harmon of Bakersfield, Ruthie Lee Moore of Arvin, and Ernest A. Neufeld of Wasco.

Senator Margett requested that when the Senate adjourns this day it do so in memory of John T. Evans and Robert E. Murphy of Arcadia and Betty Howard of Walnut.

Senator Murray requested that when the Senate adjourns this day it do so in memory of Arthur Winston and Samuel Joseph Hill, DDS of Los Angeles.



Senator Migden requested that when the Senate adjourns this day it do so in memory of Col. James R. Robinson of Sacramento.

Senators Perata and Migden requested that when the Senate adjourns this day it do so in memory of Joseph Freitas of San Francisco.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Anthony Soltero of Ontario and Irv Wilner of Monterey Park.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Joe Lockner of Hemet and Roberta Gillis of Santa Clarita.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Sgt. Joseph A. Blanco of Bloomington.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Ana Cheng of San Francisco and Rabbi Gerald Raiskin of Burlingame.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, April 24, 2006.

PAULA K. ROSSETTO, Minute Clerk

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