

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, May 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, Speier, and Torlakson—38.

Quorum present.

(NOTE: Senator Vincent will be excused this day on legislative business.)

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, May 3, 2006

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

SB 1289

SB 1807

AB 840

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 1289—An act to amend Section 11403 of, and to add Section 11403.5 to, the Welfare and Institutions Code, relating to foster children.

Bill read second time.

Senate Bill 1807—An act to add Section 11011.28 to the Government Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 840—An act to amend Sections 69433.9, 69436, and 69517.5 of the Education Code, relating to student financial aid, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, May 3, 2006

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

SB 1485

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1485—An act to amend Section 6530 of the Penal Code, relating to crimes.

Bill read second time.

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

Committee on Transportation and Housing

Date of Hearing, May 2, 2006

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

SB 1628

Reports the same back with the recommendation: Do pass.

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing, May 2, 2006

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

SB 1496



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

DUNN, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, May 2, 2006

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

SB 1593

SB 1609

Reports the same back with the recommendation: Do pass.

DUNN, Chair

Above bills ordered to second reading.

Committee on Public Safety

Date of Hearing, May 2, 2006

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

SB 1323

SB 1469

SB 1616

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.

Date of Hearing, May 2, 2006

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

SB 1749

Reports the same back with the recommendation: Do pass.

MIGDEN, Chair

Above bill ordered to second reading.

Date of Hearing, May 2, 2006

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

SB 1773

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

MIGDEN, Chair

Above measure re-referred to the Committee on Rules.

Committee on Appropriations

Senate Chamber, May 3, 2006

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

SB 1180

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 1180—An act to add Section 11757 to the Health and Safety Code, relating to alcoholic beverages.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, April 25, 2006

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

SB 1744

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

DUNN, Chair

Above measure ordered to second reading.

Senate Chamber, May 3, 2006

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

SB 1207

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 1207—An act to amend Section 708 of, and to add Section 708.5 to, the Corporations Code, relating to corporations.

Bill read second time.

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

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing, May 3, 2006

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

SB 1579

Reports the same back with the recommendation: Do pass.

BOWEN, Chair

Above bill ordered to second reading.

Committee on Local Government

Date of Hearing, May 3, 2006

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

SB 1432



Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bill ordered to second reading.

Committee on Natural Resources and Water

Senate Chamber, May 3, 2006

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

AB 1244

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1244—An act to amend Sections 79401, 79402, 79403.5, 79412, 79415, 79420, 79421, 79440, 79450, 79452, 79460 and 79475 of, to amend and repeal Sections 79420, 79423, 79453, and 79455 of, to add Sections 79472 and 79473 to, and to repeal Sections 79406 and 79422 of, the Water Code, relating to water.

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 3, 2006

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

SB 1373

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 1373—An act to add Sections 1719.7 and 1731.9 to the Welfare and Institutions Code, relating to the Division of Juvenile Justice.

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, May 3, 2006

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

SB 1652



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 1652—An act to amend Section 81130.3 of the Education Code, relating to community colleges.

Bill read second time.

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

Date of Hearing, May 3, 2006

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

SCR 107

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

PERATA, Chair

Above measure ordered placed on the Consent Calendar.

Committee on Health

May 3, 2006

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

SB 409

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

ORTIZ, Chair

Above measure ordered to unfinished business.

Date of Hearing, May 3, 2006

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

SJR 25

SJR 28

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Business, Professions and Economic Development.

ORTIZ, Chair

Above measures re-referred to the Committee on Business, Professions and Economic Development.

Date of Hearing, May 3, 2006

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

SJR 22

Reports the same back with the recommendation: Be adopted.

ORTIZ, Chair

Above resolution ordered to third reading.



Committee on Education

Date of Hearing, May 3, 2006

Mr. President: The Committee on Education, to which was referred:
SB 1437

Reports the same back with the recommendation: Do pass.

SCOTT, Chair

Above bill ordered to second reading.

Committee on Governmental Organization

Senate Chamber, May 3, 2006

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

SB 1370

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 1370—An act to amend Section 23958.4 of the Business
and Professions Code, relating to alcoholic beverages.

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, May 3, 2006

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

SB 1699

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 1699—An act to amend Section 1747.09 of the Civil Code,
relating to financial transactions.

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 1420—An act to add Section 6038 to the Penal Code, relating to probation, and making an appropriation therefor.

Bill read second time.

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

Senate Bill 1545—An act to add Section 12022.52 to the Penal Code, relating to firearms.

Bill read second time.

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

Senate Bill 1830—An act to amend Section 1543 of the Penal Code, relating to corrections.

Bill read second time.

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

Senate Bill 1278—An act to amend Sections 8870, 8870.1, 8870.2, 8870.3, 8870.35, 8870.4, 8870.5, 8870.71, 8870.9, 8870.95, and 12804 of, to add Section 8870.05 to, and to repeal Section 8870.25 of, the Government Code, relating to the Seismic Safety Commission.

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 Appropriations.

Senate Bill 1116—An act to amend Sections 2352, 2540, 2543, 2590, and 2591 of, and to add Sections 2352.5 and 2591.5 to, the Probate Code, relating to conservatorships.

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 1550—An act to add Chapter 6 (commencing with Section 6500) to Division 3 of the Business and Professions Code, and to amend



Sections 2340 and 2342 of, and to add Section 60.1 to, the Probate Code, relating to professional fiduciaries.

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 1557—An act to add Part 8.2 (commencing with Section 32600) to Division 12 of the Water Code, relating to water.

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.

Senate Bill 1597—An act to add Section 41136.1 to the Revenue and Taxation Code, relating to taxation.

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

Senate Bill 1690—An act to amend Section 10214.5 of the Unemployment Insurance Code, relating to employment training panel.

Bill read second time.

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

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 proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1533—An act to amend Sections 44392 and 44393 of the Education Code, relating to paraprofessional teachers.

Bill 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 Appropriations.

Senate Bill 1304—An act to add Section 81005 to the Education Code, relating to community colleges.

Bill 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 Appropriations.



Senate Bill 1689—An act to amend, repeal, and add Section 42238.5 of, and to add Sections 42238.85 and 46305.2 to, the Education Code, relating to school finance.

Bill 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 Appropriations.

Senate Bill 1170—An act to add Section 47632.7 to the Education Code, relating to charter schools.

Bill 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 Appropriations.

Senate Bill 1181—An act to add Section 66904.7 to the Education Code, relating to public postsecondary education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill 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 Appropriations.

Senate Bill 1293—An act to add Article 5 (commencing with Section 19340) to Chapter 7 of Part 11 of the Education Code, relating to state library materials.

Bill 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 Appropriations.

Senate Bill 1309—An act to amend Sections 69433.5, 69616, 69616.1, 69616.2, 69616.3, 69616.4, 69616.5, and 87482 of, to amend and renumber the heading of Article 5.6 (commencing with Section 69616) of Chapter 2 of Part 42 of, to add Article 10 (commencing with Section 33430) to Chapter 3 of Part 20 of, to add Article 6.3 (commencing with Section 69439.3) to Chapter 1.7 of Part 42 of, to add Article 3.51 (commencing with Section 78260), Article 3.52 (commencing with Section 78261), and Article 3.53 (commencing with Section 78262) to Chapter 2 of Part 48 of, and to add Article 7.7 (commencing with Section 89267) to Chapter 2 of Part 55 of, the Education Code, and to add Article 5 (commencing with Section 128050) to Chapter 2 of Part 3 of Division 107



of the Health and Safety Code, relating to nursing education, and making an appropriation therefor.

Bill 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 Appropriations.

Senate Bill 1421—An act to add Section 8356.2 to the Education Code, relating to child care.

Bill 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 Appropriations.

Senate Bill 1740—An act to add Chapter 5.8 (commencing with Section 51950) to Part 28 of the Education Code, relating to pupil instruction.

Bill 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 Appropriations.

Senate Bill 1819—An act to amend Section 69433.5 of, and to add Article 6.1 (commencing with Section 69439.1) to Chapter 1.7 of Part 42 of, the Education Code, relating to postsecondary education.

Bill 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 Appropriations.

Senate Bill 1329—An act to add Chapter 19 (commencing with Section 50899) to Part 2 of Division 31 of the Health and Safety Code, relating to community development.

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 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.

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 1508—An act to add Section 1367.645 to the Health and Safety Code, and to add Section 10123.831 to the Insurance Code, relating to health care coverage.

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 1622—An act to add Section 12693.335 to the Insurance Code, and to add Article 7.5 (commencing with Section 1120) to Chapter 4 of Part 1 of Division 1 of the Unemployment Insurance Code, relating to health insurance.

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 1638—An act to add Sections 2509 and 2516 to the Business and Professions Code, relating to midwives.

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 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.

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 1613—An act to add Section 23123 to 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.

Senate Bill 1627—An act to amend Sections 65928 and 65950 of, and to add Sections 65850.6 and 65964 to, the Government Code, relating to telecommunications.

Bill read second time.

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



Senate Bill 1668—An act to amend Section 11174.32 of the Penal Code, relating to child death investigations.

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

Senate Bill 1124—An act to amend Sections 24214, 44395, 44830, 69612, 69613, 70000, 70001, 70002, 70003, and 70004 of, to add and repeal Article 5 (commencing with Section 90540) to Chapter 11 of Part 55, and to repeal Section 70005 of, the Education Code, relating to teacher development, and making an appropriation therefor.

Bill 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 Appropriations.

Senate Bill 1563—An act to amend Section 60641 of, and to add Sections 78213.5 and 78213.7 to, the Education Code, relating to community colleges.

Bill 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 Appropriations.

Senate Bill 1614—An act to amend Sections 10600, 10601, 44230, and 60900 of, and to add Section 10601.5 to, the Education Code, relating to teachers.

Bill 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 Appropriations.

Senate Bill 1709—An act to add Chapter 3.3 (commencing with Section 66130) to Part 40 of the Education Code, relating to postsecondary education.

Bill 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 Appropriations.

Senate Bill 1324—An act to amend Section 17292 of the Education Code, relating to school facilities.

Bill 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 Appropriations.

Senate Bill 1209—An act to amend Sections 41522, 44251, 44252, 44252.5 44253.3, 44259, 44270.1, 44275.4, 44277, 44279.1, and 44320.2 of, to add Sections 44252.7, 44265.1, 44279.25, 44387, and 45028.2 to, to



add Chapter 3.38 (commencing with Section 44740) to Part 25 of, to repeal Sections 44274, 44274.1, 44275.3, 44275.5, 44278, and 44279 of, to repeal and add Section 44274.2 of, and to repeal and add Article 6 (commencing with Section 44560) of Chapter 3 of Part 25 of, the Education Code, relating to teachers, and making an appropriation therefor.

Bill 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 Appropriations.

Senate Bill 1264—An act to amend Sections 69432.9, 69434, 69435.3, 69436, 69437, and 69437.3 of the Education Code, relating to student financial aid.

Bill 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 Appropriations.

Senate Bill 1442—An act to amend Section 52244 of the Education Code, relating to pupil instruction.

Bill 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 Appropriations.

Senate Bill 1567—An act to add and repeal Article 2 (commencing with Section 44441) of Chapter 3 of Part 25 of the Education Code, relating to English language education.

Bill 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 Appropriations.

Senate Bill 1592—An act to amend Section 60851 of, and to add Sections 60851.1, 60852.7, and 78402 to, the Education Code, relating to pupils.

Bill 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 Appropriations.

Senate Bill 1710—An act to amend Sections 33370, 33380, 33381, 33382, 33383, and 62000.14 of the Education Code, relating to education.

Bill 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 Appropriations.



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

Bill 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 Appropriations.

Senate Bill 1731—An act to add Section 49605 to the Education Code, relating to pupil counseling, and making an appropriation therefor.

Bill 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 Appropriations.

Senate Bill 1824—An act to add and repeal Section 44259.8 of the Education Code, relating to teacher credentialing.

Bill 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 Appropriations.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Thursday, May 4, 2006:

SJR 23	SB 1486	SB 1282
SB 1626	SCR 55	

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill 1842—An act relating to local government.

Bill read third time.

Amendments Adopted

Amendments to SB 1842 proposed by Senator Migden were read and adopted and the measure ordered printed, engrossed, and to second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 956** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules;

SB 1387 was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

SB 1118 was withdrawn from the Committee on Health and re-referred to the Committees on Revenue and Taxation and Health.

LEAVES OF ABSENCE FOR THE DAY

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



ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 5 p.m., Thursday, May 4, 2006.

PAULA K. ROSSETTO, Minute Clerk

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