

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, May 8, 2006

The Senate met at 9 a.m.
Hon. Dave Cox, of the 1st 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, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, and Torlakson—35.

Quorum present.

(NOTE: Senators Dunn, Kehoe, Speier, and Vincent will be excused this day on legislative business.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
May 8, 2006

To the Members of the Senate:

Senate Bill 409, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of Senate Bill 409 as an emergency measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 4, 2006

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

SCR 7

SCR 66

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

Above measures ordered to unfinished business file.

Assembly Chamber, May 4, 2006

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

AB 1832	AB 2676	AB 2136	AB 2712
AB 1870	AB 2695	AB 2189	AB 2777
AB 1976	AB 2814	AB 2236	AB 2815
AB 2091	AB 2893	AB 2242	AB 2884
AB 2112	AB 2906	AB 2268	AB 2890
AB 2116	AB 2960	AB 2283	AB 2903
AB 2237	AB 1848	AB 2369	AB 2985
AB 2260	AB 1909	AB 2456	AB 3041
AB 2346	AB 1914	AB 2457	AB 2519
AB 2359	AB 2000	AB 2520	AB 2875
AB 2360	AB 2002	AB 2579	AB 2918
AB 2533	AB 2085	AB 2588	
AB 2592	AB 2120	AB 2612	
AB 2663	AB 2126	AB 2711	

Assembly Chamber, May 4, 2006

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

ACR 116

AJR 32

Assembly Chamber, May 4, 2006

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1457 to the Senate.

Above measure ordered held at Desk.

Assembly Chamber, May 5, 2006

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

SB 1266

SB 1689

Above measures ordered enrolled.



Assembly Chamber, May 5, 2006

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

SCA 7

Above resolution ordered enrolled.

Assembly Chamber, May 5, 2006

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

SB 201

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

Above measure ordered to unfinished business file.

Assembly Chamber, May 5, 2006

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

AB 3049

Assembly Chamber, May 5, 2006

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 127

AB 140

AB 142

AB 1039

AB 1467

AB 1540

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 1832—An act to add Section 1203.15 to the Penal Code, relating to probation.

Assembly Bill 1870—An act to amend Section 44021 of, and to add Section 44012.1 to, the Health and Safety Code, relating to air pollution.

Assembly Bill 1976—An act to amend Section 45452 of the Education Code, to amend Section 1463.21 of the Penal Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

Assembly Bill 2091—An act to add Section 50.5 to Chapter 375 of the Statutes of 1986, relating to the Coast Life Support District.

Assembly Bill 2112—An act to amend Sections 91004 and 91007 of the Government Code, relating to the Political Reform Act of 1974.

Assembly Bill 2116—An act to amend Sections 8592.1, 8592.4, and 8592.5 of the Government Code, relating to public safety.



Assembly Bill 2237—An act to amend Section 9147.5 of the Government Code, relating to harbors and ports.

Assembly Bill 2260—An act to amend Sections 2111, 2113, 2168, 2168.1, 2168.2, and 2168.5 of, and to add Section 2220.7 to, the Business and Professions Code, relating to physicians and surgeons, and making an appropriation therefor.

Assembly Bill 2346—An act to add Sections 53395.8a and 53395.8b to the Government Code, relating to infrastructure financing districts.

Assembly Bill 2359—An act to add Section 115062 to the Health and Safety Code, relating to radiation technology.

Assembly Bill 2360—An act to add Article 7 (commencing with Section 111658) to Chapter 6 of Part 5 of Division 104 of the Health and Safety Code, relating to medical devices.

Assembly Bill 2533—An act to amend Section 6365 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Assembly Bill 2592—An act to amend Sections 13995.20, 13995.40, 13995.49, and 13995.54 of the Government Code, relating to California tourism.

Assembly Bill 2663—An act relating to public programs.

Assembly Bill 2676—An act to amend Section 47021 of, and to repeal Section 47026 of, the Food and Agriculture Code, relating to farmers' markets.

Assembly Bill 2695—An act to amend Section 527.8 of the Code of Civil Procedure, and to amend and repeal Section 1203.097 of the Penal Code, relating to domestic violence.

Assembly Bill 2814—An act to amend Section 1050 of the Penal Code, relating to criminal procedure.

Assembly Bill 2893—An act to amend Section 3030 of the Family Code, relating to sex offenders.

Assembly Bill 2906—An act to amend Sections 33221, 33222, 33223, 33224, 33225, 33226, 33251, 33252, 33257, 33261, 33262, 33263, 33264, 33291, 33292, 33296, 33297, and 33298 of, and to add Section 33228 to, the Food and Agricultural Code, relating to milk inspection services.

Assembly Bill 2960—An act to amend Section 454.5 of the Public Utilities Code, relating to energy.

Assembly Bill 1848—An act to amend Section 8592.6 of the Government Code relating to homeland security.



Assembly Bill 1909—An act to amend Section 11580.9, of the Insurance Code, relating to motor vehicle insurance coverage.

Assembly Bill 1914—An act to amend, repeal, and add Section 19582.5 of the Revenue and Taxation Code, relating to taxation.

Assembly Bill 2000—An act to add Part 1.5 (commencing with Section 8250) to Division 5 of the Water Code, relating to levees.

Assembly Bill 2002—An act to add Section 1978 to the Streets and Highways Code, relating to highway signs.

Assembly Bill 2085—An act to amend Section 18707 of the Revenue and Taxation Code, relating to taxation.

Assembly Bill 2120—An act to amend Sections 5007, 9105, and 22511.55 of the Vehicle Code, relating to vehicles.

Assembly Bill 2126—An act to amend Section 580 of the Code of Civil Procedure, and to amend Section 290 of, and to repeal and add Sections 291 and 4502 of, the Family Code, relating to enforcement of judgments.

Assembly Bill 2136—An act to amend Section 11628 of the Insurance Code, relating to insurance.

Assembly Bill 2189—An act to amend Section 399.12 of the Public Utilities Code, relating to energy.

Assembly Bill 2236—An act to amend Sections 81305, 81460, and 81608.5 of the Water Code, relating to water.

Assembly Bill 2242—An act to add Part 6.1 (commencing with Section 22959.1) to Division 5 of Title 2 of the Government Code, relating to public employee health benefits, and making an appropriation therefor.

Assembly Bill 2268—An act to add Section 7149.6 to the Fish and Game Code, relating to fishing.

Assembly Bill 2283—An act to amend Section 2425.3 of the Business and Professions Code, relating to medicine.

Assembly Bill 2369—An act to amend Section 491.160, 709.170, and 1993 of the Code of Civil Procedure, and to repeal Section 26744 of the Government Code, relating to civil warrants.

Assembly Bill 2456—An act to amend Section 7145.5 of the Business and Professions Code, relating to contractors.

Assembly Bill 2457—An act to amend Sections 7017.3, 7068.1, 7072.5, and 7152 of the Business and Professions Code, relating to contractors.

Assembly Bill 2520—An act to amend Sections 4604, 4604.2, 5051, and 12804.6 of the Vehicle Code, relating to vehicles.



Assembly Bill 2579—An act to amend Sections 456, 457, and 458 of the Military and Veterans Code, relating to military and veterans.

Assembly Bill 2588—An act to add Article 6 (commencing with Section 12260) to Chapter 3 of Part 2 of Division 3 of Title 2 of the Government Code, relating to the Secretary of State.

Assembly Bill 2612—An act to amend Section 19.8 of, and to add Section 490.7 to the Penal Code, relating to crime.

Assembly Bill 2711—An act to amend Section 33521 of the Financial Code, relating to payment instruments.

Assembly Bill 2712—An act to amend Section 1100 of the Harbors and Navigation Code, relating to bar pilots.

Assembly Bill 2777—An act to amend Sections 1800 and 1820 of the Military and Veterans Code, relating to veterans.

Assembly Bill 2815—An act to amend Sections 116.5, 12800, and 12830 of the Insurance Code, relating to service contracts.

Assembly Bill 2884—An act to amend Section 1386 of the Health and Safety Code, and to amend Section 806 of the Military and Veterans Code, relating to military benefits.

Assembly Bill 2890—An act to add Sections 22168 and 50511 to the Financial Code, relating to lenders.

Assembly Bill 2903—An act to add Section 19602.5 to the Government Code, relating to the Department of Motor Vehicles.

Assembly Bill 2985—An act to amend Section 1522.41 of, and to add Section 1522.6 to, the Health and Safety Code, relating to group homes.

Assembly Bill 3041—An act to amend Section 22844 of the Government Code, relating to public employees' health benefits.

Assembly Bill 2519—An act to amend section 1326.1 of the Penal Code, relating to Criminal Procedure.

Assembly Bill 2875—An act to add Chapter 3.5 (commencing with Section 1002) to Title 14 of Part 2 of the Code of Civil Procedure, relating to confidential settlement agreements.

Assembly Bill 2918—An act to amend Section 101750 of the Health and Safety Code, and to amend Sections 14087.51 and 14087.54 of the Welfare and Institutions Code, relating to county organized health systems.

Assembly Concurrent Resolution 116—Relative to state employee merit awards.

Assembly Joint Resolution 32—Relative to Qualified Veterans Mortgage Bonds.



Assembly Bill 3049—An act to amend Section 631 of the Code of Civil Procedure, relating to civil actions.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, May 8, 2006

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

Education—SB 1652.

Judiciary—SB 1765.

Committee on Human Services

Date of Hearing, May 2, 2006

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

SB 1600

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

ALQUIST, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, May 5, 2006

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

SB 1750

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 1750—An act to amend Sections 8265 and 8448 of, to repeal Section 8269 of, and to repeal and add Sections 8267 and 8268 of, the Education Code, relating to child development centers, 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

Date of Hearing, May 2, 2006

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

SB 1759



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 Rules

Senate Chamber, May 8, 2006

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

SCR 115

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 Concurrent Resolution 115—Relative to “Year of the Community.”

Resolution 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

Senate Chamber, May 8, 2006

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

AB 874

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 874—An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 874 pursuant to Joint Rule 58.

ASSEMBLY MEMBER WOLK

Permission of Rules Committee

Senate Chamber, May 8, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 874.

PERATA, Chair

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



Committee on Health

Senate Chamber, May 8, 2006

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

AB 699

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

Assembly Bill 699—An act to add Section 120155 to the Health and Safety Code, relating to vaccines.

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 8, 2006

Mr. President: The Committee on Rules has examined:

SB 409

And reports that the same has been correctly enrolled, and presented to the Governor on the 8th day of May, 2006, at 1 p.m.

PERATA, Chair

Committee on Energy, Utilities and Communications

Date of Hearing, May 2, 2006

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

SB 1840

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

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Local Government

Senate Chamber, May 8, 2006

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

AB 463

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

Assembly Bill 463—An act to amend Section 54957 of the Government Code, relating to local agencies.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 463 pursuant to Joint Rule 58.

ASSEMBLY MEMBER TRAN

Permission of Rules Committee

Senate Chamber, May 8, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 463.

PERATA, Chair

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

Committee on Agriculture

Senate Chamber, May 8, 2006

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

AB 1598

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

DENHAM, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1598—An act to amend Sections 24012, 52254, 52260, 52351, 52354, 52361, 52391, 52451, 52453, 52455, 52481, 52482, 52483, 52484, 52487, 52511, 56382.8, 78623, 78640, 78700, and 79040 of the Food and Agricultural Code, relating to agriculture omnibus, and making an appropriation therefor.

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

Senate Chamber, May 8, 2006

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

SCA 19

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 19—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 11 of Article IV thereof, relating to the Legislature.

Resolution read second time.

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

Committee on Local Government

Date of Hearing, May 3, 2006

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

SB 1127

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

KEHOE, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, May 8, 2006

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

SB 1543

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 1543—An act to add Section 66203.3 to the Education Code, relating to the high school curriculum.

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

Senate Chamber, May 8, 2006

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

AB 1407

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

Assembly Bill 1407—An act to amend Section 30914.5 of the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, relating to transportation.

Bill read second time.

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

Committee on Health

Date of Hearing, May 3, 2006

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

SJR 21

Reports the same back with the recommendation: Be adopted as amended.

ORTIZ, Chair

Above measure ordered to second reading.

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

Assembly Bill 813—An act to add Section 138.7 to the Health and Safety Code, relating to health.

Bill read second time and ordered to third reading.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 813—An act to add Section 138.7 to the Health and Safety Code, relating to health.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 813 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BACA

Permission of Rules Committee

Senate Chamber, May 8, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 813.

PERATA, Chair

Amendments Adopted

Amendments to AB 813 proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

MOTION TO RE-REFER TO COMMITTEE

On motion of Senator Romero, and without objection, **AB 813** was re-referred to the Committee on Health.



JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing AB 813 to be heard in the Committee on Health without four days notice in the Daily File.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SB 1183** and **SB 1560** were withdrawn from Committee and placed on second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn, Kehoe, Speier, and Vincent.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Tuesday, May 9, 2006.

PAULA K. ROSSETTO, Minute Clerk

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