

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 9, 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:

Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—32.

Quorum present.

(NOTE: Senators Aanestad, Denham, Florez, Kehoe, Murray, Romero, and Speier will be excused this day on legislative business.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 4, 2006

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

ACR 123 ACR 143 AJR 48

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:

Assembly Concurrent Resolution 123—Relative to Historic U.S. Highway Route 80.



Assembly Concurrent Resolution 143—Relative to Dale Earnhardt.

Assembly Joint Resolution 48—Relative to the Veterans Remembered Flag.

REPORTS OF STANDING COMMITTEES

Committee on Business, Professions and Economic Development

Date of Hearing, May 8, 2006

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

SB 1848

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

FIGUEROA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, May 8, 2006

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

SB 1808

AB 1793

Reports the same back with the recommendation: Do pass.

FIGUEROA, Chair

Above bills ordered to second reading.

Date of Hearing, May 8, 2006

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

SJR 25

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

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Health

Date of Hearing, May 3, 2006

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

SB 1448

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

ORTIZ, Chair

Above measure ordered to second reading.



Committee on Appropriations

Senate Chamber, May 9, 2006

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

SB 1188	SB 1380	SB 1604	SB 1762
SB 1212	SB 1390	SB 1610	SB 1795
SB 1229	SB 1396	SB 1676	SB 1802
SB 1258	SB 1438	SB 1687	SB 1806
SB 1276	SB 1441	SB 1692	SB 1809
SB 1283	SB 1464	SB 1724	SB 1810
SB 1284	SB 1474	SB 1726	SB 1825
SB 1348	SB 1523	SB 1729	SB 1833
SB 1359	SB 1539	SB 1733	SB 1843
SB 1362	SB 1582	SB 1737	SB 1845
SB 1363	SB 1583	SB 1747	SB 1847
SB 1376	SB 1586	SB 1760	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

MURRAY, Chair

Above measures ordered to second reading.

Date of Hearing, May 8, 2006

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

SB 1230	SB 1344	SB 1574	SB 1720
SB 1242	SB 1373	SB 1611	SB 1753
SB 1277	SB 1436	SB 1661	SB 1822
SB 1312	SB 1509	SB 1686	
SB 1337	SB 1541	SB 1704	

Reports the same back with the recommendation: Do pass.

MURRAY, Chair

Above bills ordered to second reading.

Senate Chamber, May 9, 2006

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

SB 1422	SB 1488	SB 1805
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Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

MURRAY, Chair

Above measures ordered to second reading.



Committee on Rules

Senate Chamber, May 9, 2006

Mr. President: The Committee on Rules has examined:

SB 1266

SB 1689

And reports that the same have been correctly enrolled, and presented to the Governor on the 9th day of May, 2006, at 11:30 a.m.

PERATA, Chair

Committee on Appropriations

Senate Chamber, May 9, 2006

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

SB 1119

SB 1338

SB 1469

SB 1766

SB 1206

SB 1424

SB 1536

SB 1208

SB 1452

SB 1627

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 1119—An act to amend Sections 68665 and 68666 of, and to add Section 68667 to, the Government Code, and to amend Sections 4801, 4802, 4803, and 5075.1 of, the Penal Code, relating to reprieves, pardons and commutations of sentence.

Bill read second time.

Senate Bill 1206—An act to amend Sections 33030, 33031, 33320.1, 33378, 33445, 33485, 33486, 33500, and 33501 of, and to add Sections 33501.1, 33501.2, 33501.3, 33501.7, and 33601.5 to, the Health and Safety Code, relating to redevelopment.

Bill read second time.

Senate Bill 1208—An act to repeal and add Section 22963 of the Business and Professions Code, to amend Section 308.1 of the Penal Code, and to repeal Section 30101.7 of the Revenue and Taxation Code, relating to tobacco products.

Bill read second time.

Senate Bill 1338—An act to add Part 4 (commencing with Section 1000) to Division 1 of the Health and Safety Code, relating to health care.

Bill read second time.

Senate Bill 1424—An act to amend Section 10529 of the Unemployment Insurance Code, relating to economic development.

Bill read second time.

Senate Bill 1452—An act to amend Sections 1236, 1237, and 8546.5 of, to add Section 8546.2 to, to add Article 4 (commencing with Section

8548.7) to Chapter 6.5 of Division 1 of Title 2 of, and to add Part 3.5 (commencing with Section 13885) to Division 3 of Title 2 of, the Government Code, and to amend Sections 11751.5 and 11873 of the Insurance Code, relating to state audits.

Bill read second time.

Senate Bill 1469—An act to add Section 14029.5 to the Welfare and Institutions Code, relating to Medi-Cal eligibility.

Bill read second time.

Senate Bill 1536—An act relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Bill read second time.

Senate Bill 1766—An act to add Article 4.6 (commencing with Section 14146) to Chapter 7 of Part 3 of Division 9 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 Rules

Senate Chamber, May 9, 2006

Mr. President: The Committee on Rules has examined:

SCA 7

SCR 55

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 9th day of May, 2006, at 1:30 p.m.

PERATA, Chair

Senate Chamber, May 9, 2006

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

SCR 99

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 99—Relative to honoring the Sisters of Mercy.

Resolution 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, May 9, 2006

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

SB 1548

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 1548**—An act 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 Appropriations

Senate Chamber, May 9, 2006

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

SB 1849

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 1849—An act to amend Sections 6403, 8726, 8771, 22351, 22351.5, 22355, and 22452 of the Business and Professions Code, and to amend Sections 1815, 12070, and 12073 of the Insurance Code, relating to professions and vocations.

Bill read second time.

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

Committee on Health

Senate Chamber, May 9, 2006

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

AB 813

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 813—An act to add Section 14133.24 to the Welfare and Institutions Code, relating to Medi-Cal, 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 Transportation and Housing

Date of Hearing, May 2, 2006

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

SB 1237

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

LOWENTHAL, Chair

Above measure ordered to second reading.

Senate Chamber, May 9, 2006

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

AB 1012

AB 1679

AB 1910

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 1012—An act to add Article 7 (commencing with Section 43870) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to vehicular air pollution control.

Bill read second time.

Assembly Bill 1679—An act to add Section 118.8 to the Streets and Highways Code, relating to state highway property.

Bill read second time.

Assembly Bill 1910—An act to amend Sections 5007 and 22511.55 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 Business, Professions and Economic Development

Senate Chamber, May 9, 2006

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

AB 425



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

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 425—An act relating to crime.

Bill read second time.

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

Committee on Human Services

Senate Chamber, May 9, 2006

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

AB 1795

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

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

Bill read second time.

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Constitutional Amendment 32: By Senator Maldonado—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of Article XVI thereof, relating to public funds.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 1600—An act to add Sections 8203.1, 8203.2, and 8273 to, and to add Article 16.25 (commencing with Section 8375) and Article 19.5 (commencing with Section 8430) to Chapter 2 of Part 6 of, the Education Code, relating to child care.

Bill read second time.

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

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, and 1797.191 of, and to add Chapter 2.6



(commencing with Section 1499) to Division 2 of, the Health and Safety Code, and to amend Section 5405 of the Welfare and Institutions Code, relating to health and care 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 1127—An act to amend Section 37 of the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to harbor districts.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Joint Resolution 21—Relative to sudden child cardiac arrhythmia syndrome.

Resolution read second time.

The amendments proposed by the Committee on Health were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 1183—An act to amend Sections 191 and 710 of the Corporations Code, relating to corporations.

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

Senate Bill 1560—An act to amend Section 1363.03 of the Civil Code, relating to common interest developments, and declaring the urgency thereof, to take effect immediately.

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

THIRD READING OF SENATE BILLS

Senate Bill 1601—An act to add Section 40724.8 to the Health and Safety Code, relating to air pollution.

Bill read third time.

Amendments Adopted

Amendments to SB 1601 proposed by Senator Lowenthal were read and adopted and the measure ordered printed, engrossed, and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Business, Professions and Economic Development

SB 1808—Do pass

AYES (3)—Senators Aanestad, Morrow, and Simitian.

NOES (0)—None.



SB 1848—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Aanestad, Figueroa, Florez, Morrow, and Simitian.

NOES (0)—None.

SJR 25—Do pass as amended

AYES (3)—Senators Figueroa, Florez, and Simitian.

NOES (2)—Senators Aanestad and Morrow.

AB 1793—Do pass

AYES (5)—Senators Aanestad, Figueroa, Florez, Morrow, and Simitian.

NOES (0)—None.

Date of Hearing: 5/8/2006

Figueroa (Chair)

Committee on Health**SB 409**—That the Assembly amendments be concurred in

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

NOES (0)—None.

SB 1448—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.

SJR 21—Do pass as amended

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

NOES (0)—None.

SJR 22—Do pass

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

NOES (0)—None.

SJR 25—Do pass and re-refer to Committee on Business, Professions and Economic Development

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

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

SJR 28—Do pass and re-refer to Committee on Business, Professions and Economic Development

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

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

Date of Hearing: 5/3/2006

Ortiz (Chair)

Committee on Natural Resources and Water**SB 1485**—Do pass as amended

AYES (4)—Senators Lowenthal, Machado, Margett, and Migden.

NOES (1)—Senator Kuehl.

Date of Hearing: 5/9/2006

Kuehl (Chair)



LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Denham, Florez, Kehoe, Murray, Romero, and Speier.

REQUEST TO ADJOURN IN MEMORIAM

Senator Machado requested that when the Senate adjourns this day it do so in memory of Frank Salvetti of Stockton.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, May 10, 2006.

PAULA K. ROSSETTO, Minute Clerk

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