

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Tuesday, May 16, 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, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—33.

Quorum present.

(NOTE: Senators Aanestad, Alarcón, Figueroa, Hollingsworth, and Romero will be excused this day on legislative business and Senator Speier will be excused this day on personal business.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 15, 2006

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

ACR 122

ACR 147

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 122—Relative to Guillain-Barre Syndrome.

Assembly Concurrent Resolution 147—Relative to Asian and Pacific Islander American Heritage Month.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, May 15, 2006

Mr. President: The Committee on Rules has examined:

SB 201 SB 611 SB 1121

And reports that the same have been correctly enrolled, and presented to the Governor on the 15th day of May, 2006, at 4:30 p.m.

PERATA, Chair

Committee on Appropriations

Senate Chamber, May 16, 2006

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

SB 1116	SB 1324	SB 1542	SB 1755
SB 1223	SB 1325	SB 1557	SB 1829
SB 1245	SB 1364	SB 1607	SB 1835
SB 1249	SB 1398	SB 1627	SB 1840
SB 1292	SB 1462	SB 1637	SB 1849
SB 1304	SB 1496	SB 1711	SB 1850
SB 1320	SB 1533	SB 1742	SB 1851

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 was referred:

SB 1846

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

MURRAY, Chair

Above measure ordered to second reading.

Committee on Health

Date of Hearing, May 10, 2006

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

SB 1405



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

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, May 16, 2006

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

ACR 56

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

Assembly Concurrent Resolution 56—Relative to hate crimes.

Resolution read second time.

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

Committee on Agriculture

Date of Hearing, May 16, 2006

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

AB 1834

Reports the same back with the recommendation: Do pass.

DENHAM, Chair

Above bill ordered to second reading.

Date of Hearing, May 16, 2006

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

SB 1426

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

DENHAM, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, May 16, 2006

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

AB 2648

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

DENHAM, Chair

Above measure re-referred to the Committee on Environmental Quality.



Date of Hearing, May 16, 2006

Mr. President: The Committee on Agriculture, to which was referred:
AJR 45

Reports the same back with the recommendation: Be adopted.

DENHAM, Chair

Above resolution ordered to third reading.

Committee on Appropriations

Date of Hearing, May 15, 2006

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

SB 1534

SB 1824

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

MURRAY, Chair

Above measures ordered to second reading.

Date of Hearing, May 15, 2006

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

SB 1182

SB 1350

SB 1476

SB 1622

SB 1244

SB 1427

SB 1513

SB 1675

SB 1301

SB 1448

SB 1525

SB 1688

SB 1335

SB 1468

SB 1529

SB 1766

SB 1340

SB 1472

SB 1532

Reports the same back with the recommendation: Do pass.

MURRAY, Chair

Above bills ordered to second reading.

Senate Chamber, May 16, 2006

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

SB 1458

SB 1556

SB 1752

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 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 1556—An act to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend



Section 99234 of the Public Utilities Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1752—An act to amend Sections 1540 and 1564 of, and to add Sections 1531.2 and 1531.5 to, the Code of Civil Procedure, relating to unclaimed property, and making an appropriation therefor.

Bill read second time.

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

Senate Chamber, May 16, 2006

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

SB 1323

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 1323—An act relating to mental health, 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 Environmental Quality

Senate Chamber, May 16, 2006

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

AB 1992

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

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.

Bill read second time.

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

Committee on Education

Date of Hearing, May 10, 2006

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

AB 49



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.

SCOTT, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, May 16, 2006

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

AB 1196

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

Assembly Bill 1196—An act to add Article 6 (commencing with Section 51460) to Chapter 3 of Part 28 of the Education Code, relating to instructional programs.

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

Senate Chamber, May 16, 2006

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

AB 525

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

MIGDEN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 525—An act to amend Sections 11165.6, 11165.9, 11166, 11167, 11167.5, and 11170 of the Penal Code, relating to child abuse reporting.

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 1798—An act to amend Section 21061.3 of the Public Resources Code, relating to the environment.

Bill read second time.

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

Senate Bill 1179—An act to amend Section 831.7 of the Government Code, and to repeal and add Section 115800 of the Health and Safety Code, relating to recreational activities.

Bill read second time.

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

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

Senate Bill 1311—An act relating to liability waivers.

Bill read second time.

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

Senate Bill 1481—An act to amend Sections 1101, 1103, 1201, 2103, 2104, 2202, 2310, 2323, 2401, 2503, 2505, 2506, 2509, 2605, 2705, 3103, 4104, 4210, 5103, 8102, 8103, 9102, 9203, 9207, 9208, 9301, 9310, 9312, 9313, 9314, 9317, 9338, 9601, 10103, 10501, 10514, 10518, 10519, 10526, 10527, 10528, 11105, 11106, and 11204 of, to amend and renumber Sections 1107, 1205, 1207, 1208, and 1209 of, to amend, renumber, and add Sections 1106, 1108, 1202, 1203, and 1204 of, to add Chapter 3 (commencing with Section 1301) to Division 1 of, to repeal Sections 1105, 1210, 2208, 10207, and 13104 of, to repeal and add Sections 1102 and 1206 of, and to repeal and add Division 7 (commencing with Section 7101) of, the Commercial Code, relating to commercial transactions.

Bill read second time.

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

Senate Bill 1524—An act to add Section 354.45 to the Code of Civil Procedure, relating to civil actions.

Bill read second time.

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



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

Bill read second time.

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

Senate Bill 1743—An act to amend Section 1277 of the Code of Civil Procedure, relating to change of names.

Bill read second time.

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

Senate Bill 1765—An act to add Section 354.9 to the Code of Civil Procedure, relating to victims of wrongful or coerced repatriation.

Bill read second time.

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

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.

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 1677—An act to amend Sections 17077.40 and 17077.42 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, engrossed, and to third reading.

Senate Bill 1652—An act to amend Sections 81378 and 81378.1 of 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, engrossed, and to Consent Calendar

Senate Bill 1234—An act to amend Section 8007 of, and to repeal Article 6 (commencing with Section 8100) of Chapter 1 of Part 6 of, the Education Code, relating to vocational education, and making an appropriation therefor.

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



SECOND READING OF ASSEMBLY BILLS

Assembly Bill 318—An act to amend Sections 41329.50 and 71093 of, to add Section 41329.58 to, and to add Article 5 (commencing with Section 74292) to Chapter 5 of Part 46 of, the Education Code, relating to community colleges, 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.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **SB 1234** and **SB 1554** was referred to the Committee on Appropriations.

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

Senate Bill 1212—An act to amend Sections 1771.7, 1777, 1788, and 1790 of the Health and Safety Code, relating to continuing care.

Bill read third time.

Amendments Adopted

Amendments to SB 1212 proposed by Senator Torlakson were read and adopted and the measure ordered printed, engrossed, and to second reading.

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

Bill read third time.

Amendments Adopted

Amendments to SB 1180 proposed by Senator Migden were read and adopted and the measure ordered printed, engrossed, and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1508** was withdrawn from the Committee on Agriculture and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS**Committee on Agriculture**

SB 1426—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Denham, Ducheny, Maldonado, and Vincent.

NOES (0)—None.



AB 1834—Do pass

AYES (4)—Senators Denham, Ducheny, Kuehl, and Vincent.

NOES (1)—Senator Maldonado.

AB 2648—Do pass and re-refer to Committee on Environmental Quality, with the recommendation: To Consent Calendar

AYES (5)—Senators Denham, Ducheny, Kuehl, Maldonado, and Vincent.

NOES (0)—None.

AJR 45—Be adopted

AYES (5)—Senators Denham, Ducheny, Kuehl, Maldonado, and Vincent.

NOES (0)—None.

Date of Hearing: 5/16/2006

Denham (Chair)

Committee on Appropriations**SB 1182—Do pass**

AYES (12)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Dutton, Escutia, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (0)—None.

SB 1244—Do pass

AYES (12)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Dutton, Escutia, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (0)—None.

SB 1301—Do pass

AYES (8)—Senators Aanestad, Alarcón, Alquist, Ashburn, Murray, Ortiz, Poochigian, and Romero.

NOES (1)—Senator Battin.

SB 1335—Do pass

AYES (8)—Senators Alarcón, Alquist, Battin, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (3)—Senators Aanestad, Ashburn, and Dutton.

SB 1340—Do pass

AYES (12)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Dutton, Escutia, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (0)—None.

SB 1350—Do pass

AYES (9)—Senators Aanestad, Alarcón, Alquist, Escutia, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (3)—Senators Ashburn, Battin, and Dutton.

SB 1427—Do pass

AYES (7)—Senators Aanestad, Alarcón, Alquist, Murray, Ortiz, Romero, and Torlakson.

NOES (1)—Senator Battin.



SB 1448—Do pass

AYES (8)—Senators Aanestad, Alarcón, Alquist, Ashburn, Dutton, Murray, Romero, and Torlakson.

NOES (0)—None.

SB 1468—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 1472—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 1476—Do pass

AYES (8)—Senators Aanestad, Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (2)—Senators Ashburn and Dutton.

SB 1513—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 1525—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Dutton.

SB 1529—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Dutton.

SB 1532—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 1534—Do pass as amended

AYES (12)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Dutton, Escutia, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (0)—None.

SB 1622—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.



SB 1675—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 1688—Do pass

AYES (8)—Senators Alarcón, Alquist, Ashburn, Battin, Murray, Ortiz, Romero, and Torlakson.

NOES (3)—Senators Aanestad, Dutton, and Poochigian.

SB 1766—Do pass

AYES (7)—Senators Alarcón, Alquist, Escutia, Murray, Ortiz, Romero, and Torlakson.

NOES (5)—Senators Aanestad, Ashburn, Battin, Dutton, and Poochigian.

SB 1824—Do pass as amended

AYES (9)—Senators Aanestad, Alarcón, Alquist, Battin, Dutton, Murray, Poochigian, Romero, and Torlakson.

NOES (0)—None.

Date of Hearing: 5/15/2006

Murray (Chair)

Committee on Environmental Quality

SB 1511—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Cox, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

SB 1814—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Cox, Kuehl, Lowenthal, Runner, and Simitian.

NOES (0)—None.

Date of Hearing: 5/15/2006

Simitian (Chair)

Committee on Transportation and Housing**SJR 31—Do pass**

AYES (8)—Senators Cedillo, Ducheny, Kehoe, Lowenthal, Machado, Simitian, Soto, and Torlakson.

NOES (4)—Senators Ashburn, Dutton, McClintock, and Runner.

AB 713—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Ashburn, Cedillo, Ducheny, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (1)—Senator Dutton.

AB 1469—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Kehoe, Lowenthal, Simitian, Soto, and Torlakson.

NOES (5)—Senators Ashburn, Dutton, Margett, McClintock, and Runner.

Failed passage



AB 1469—Reconsideration granted

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

ACR 97—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Cedillo, Ducheny, Dutton, Kehoe, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 5/16/2006

Lowenthal (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Alarcón, Figueroa, Hollingsworth, and Romero.

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Albano Paul Bresciani of Quincy and Vernon Gerwer of Placerville.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Violet Rommel of Wasco.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, May 17, 2006.

PAULA K. ROSSETTO, Minute Clerk



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