

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED NINETY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, May 17, 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, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, 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, Torlakson, and Vincent—37.

Quorum present.

*(NOTE: Senators Alarcón and Denham will be excused this day on legislative business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Transportation and Housing

Date of Hearing, May 16, 2006

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

SJR 31

Reports the same back with the recommendation: Be adopted.

LOWENTHAL, Chair

Above resolution ordered to third reading.



Date of Hearing, May 16, 2006

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

ACR 97

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

LOWENTHAL, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, May 17, 2006

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

SB 1309

SB 1374

SB 1589

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 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 6.3 (commencing with Section 69439.3) to Chapter 1.7 of Part 42 of, to add Article 3.51 (commencing with Section 78260) and Article 3.52 (commencing with Section 78261) to Chapter 2 of Part 48 of, and to add Article 7.7 (commencing with Section 89267) to Chapter 2 of Part 55 of, to add and repeal Article 10 (commencing with Section 33430) of Chapter 3 of Part 20 of, and to add and repeal Article 3.53 (commencing with Section 78262) of Chapter 2 of Part 48 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.

Bill read second time.

**Senate Bill 1374**—An act to amend Section 19551.1 of the Revenue and Taxation Code, relating to tax administration.

Bill read second time.

**Senate Bill 1589**—An act to add Section 1756.5 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 measures ordered printed and re-referred to the committee.



**Committee on Transportation and Housing**

Date of Hearing, May 16, 2006

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

AB 713

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

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Human Services**

Senate Chamber, May 17, 2006

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

AB 1478

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 1478**—An act to add Section 4435 to the Welfare and Institutions Code, relating to developmental services.

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, May 15, 2006

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

SB 1814

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.

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

Date of Hearing, May 17, 2006

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

SCA 28



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

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, May 17, 2006

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

AJR 37

Reports the same back with the recommendation: Be adopted.

BOWEN, Chair

Above resolution ordered to third reading.

#### **Committee on Health**

Senate Chamber, May 17, 2006

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

AB 586

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 586**—An act to add Section 1797.153 to the Health and Safety Code, relating to emergency medical services.

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 17, 2006

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

SB 1772

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

Bill read second time.

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



Senate Chamber, May 17, 2006

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

SB 1544

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 1544**—An act to add Section 806 to the Evidence Code and to add Sections 686.3 and 13519.10 to the Penal Code, relating to criminal investigations.

Bill read second time.

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

**Committee on Public Employment and Retirement**

Senate Chamber, May 17, 2006

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

SB 1721

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

SOTO, Chair

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

**Senate Bill 1721**—An act relating to state employees.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 1721 pursuant to Joint Rule 58.

SENATOR DUNN

**Permission of Rules Committee**

Senate Chamber, May 17, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1721.

PERATA, Chair

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

**Committee on Appropriations**

Senate Chamber, May 17, 2006

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

SB 1338

SB 1360



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 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 1360**—An act to amend Section 27255 of the Government Code, and to add Article 3 (commencing with Section 5096.520) to Chapter 1.695 of Division 5 of the Public Resources Code, relating to resource conservation.

Bill read second time.

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

Senate Chamber, May 17, 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 to add Chapter 9 (commencing with Section 6830) to Part 2 of Division 6 of the Welfare and Institution Code, 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 Rules**

State Capitol, May 17, 2006

Mr. President: The Senate Rules Committee has created a Select Committee on National Guard Direction and Deployment and appointed Senator Machado to serve as Chair. The Committee also appointed Senators Dunn and Morrow to serve on the select committee.

PERATA, Chair

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**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, ordered engrossed, and to third reading.



**Senate Bill 1223**—An act to add Section 1367.195 to the Health and Safety Code, and to add Section 10123.75 to the Insurance Code, relating to health care coverage.

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

**Senate Bill 1245**—An act to amend Section 1367.66 of the Health and Safety Code, and to amend Section 10123.18 of the Insurance Code, relating to health care coverage.

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

**Senate Bill 1249**—An act to amend Section 18724 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

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

**Senate Bill 1292**—An act to amend Section 442256 of, and to add Section 44253.11 to, the Education Code, relating to teaching credentials.

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

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

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

**Senate Bill 1320**—An act to add and repeal Section 1203.077 of the Penal Code, relating to probation.

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

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

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

**Senate Bill 1325**—An act to amend Sections 7620, 7630, 7633, 7825, and 8700, of, and to add Sections 7606 and 8613.5 to, the Family Code, relating to adoption.

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

**Senate Bill 1364**—An act to add Section 351.5 to the Family Code, relating to marriage licenses.

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

**Senate Bill 1398**—An act relating to Medi-Cal.

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

**Senate Bill 1462**—An act to amend Sections 791.15 and 791.16 of the Insurance Code, relating to insurance.

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

**Senate Bill 1496**—An act to add Section 739.1.5 to the Public Utilities Code, relating to public utilities.

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



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

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

**Senate Bill 1542**—An act to add Section 9954 to the Vehicle Code, relating to vehicles.

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

**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, ordered engrossed, and to third reading.

**Senate Bill 1607**—An act to amend Sections 69.5, 214, 214.8, 218, 254.5, 254.6, and 1840 of, and to add Section 218.05 to, the Revenue and Taxation Code, and to amend Section 2 of Chapter 48 of the Statutes of 1987, relating to taxation.

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

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

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

**Senate Bill 1637**—An act to amend Sections 75.21, 276.1, 276.2, 277, and 408 of the Revenue and Taxation Code, relating to taxation.

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

**Senate Bill 1711**—An act to amend Section 104900 of the Health and Safety Code, relating to flu vaccinations.

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

**Senate Bill 1742**—An act to amend Section 736 of the Welfare and Institutions Code, relating to juveniles.

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

**Senate Bill 1755**—An act to add Sections 14550.5 and 14550.6 to, and to repeal and add Section 14525 of, the Welfare and Institutions Code, relating to Medi-Cal.

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

**Senate Bill 1829**—An act to add Section 39619.8 to, and repeal Section 40720 of, the Health and Safety Code, relating to air pollution.

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

**Senate Bill 1835**—An act to add Section 44013 to the Public Resources Code, relating to solid waste, and declaring the urgency thereof, to take effect immediately.

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

**Senate Bill 1840**—An act to amend Section 53115.1 of the Government Code, to amend Sections 7300, 7300.1, and 7300.2 of the





Labor Code, and to amend Sections 1031, 1032, 1032.1, 5353, and 5374 of, and to repeal Section 5375.1 of, the Public Utilities Code, relating to public safety.

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

**Senate Bill 1849**—An act to amend Sections 8726, 8771, 22351.5, and 22355 of the Business and Professions Code, relating to professions and vocations.

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

**Senate Bill 1850**—An act to amend Sections 127931, 128125, 128135, 128198, 128200, 128260, 128385, 128485, 128737, 128765, 128770, and 128775 of, to amend the heading of Chapter 4 (commencing with Section 128200) of, to amend the heading of Article 1 (commencing with Section 128200) of Chapter 4 of, Part 3 of Division 107 of the Health and Safety Code, relating to health care.

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

**Senate Bill 1851**—An act to amend Sections 109275, 109277, and 109280 of the Health and Safety Code, relating to public health.

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

**Senate Bill 1846**—An act to amend Sections 6309, 6313, and 6314 of the Public Resources Code, relating to public resources.

Bill read second time.

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

**Senate Bill 1405**—An act to add Section 14122.5 to the Welfare and Institutions Code, relating to health care.

Bill read second time.

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

**Senate Bill 1534**—An act to add Division 8.5 (commencing with Section 9850) to the Welfare and Institutions Code, relating to low-income assistance.

Bill read second time.

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



**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 Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1182**—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

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

**Senate Bill 1244**—An act to add Section 328 to the Military and Veterans Code, relating to the National Guard.

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

**Senate Bill 1301**—An act to amend Sections 1266 and 1280.1 of, to add Sections 1279.1, 1279.2, and 1279.3 to, and to repeal and add Section 1279 of, the Health and Safety Code, relating to health facilities.

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

**Senate Bill 1335**—An act to amend Section 1534 of the Health and Safety Code, relating to community care facilities.

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

**Senate Bill 1340**—An act to amend Sections 17213.5, 17406, and 17600 of the Financial Code, relating to escrow agents.

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

**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, ordered engrossed, and to third reading.

**Senate Bill 1427**—An act to add Section 14132.103 to the Welfare and Institutions Code, relating to Medi-Cal.

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

**Senate Bill 1448**—An act to amend Section 14166.21 of, and to add and repeal Part 3.5 (commencing with Section 15900) of Division 9 of, the Welfare and Institutions Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

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

**Senate Bill 1468**—An act to amend Section 2067 of, and to add Chapter 5 (commencing with Section 2068) to Part 8.5 of Division 2 of, the Labor Code, relating to car washes.

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

**Senate Bill 1472**—An act to amend Sections 101, 205, 1601.1, 1616.5, 1621, 1670.1, 1680, 1721, 1725, 1741, 1742, 1770, 1771, 4999.2,



and 4999.7 of, to add Article 9 (commencing with Section 1900) to Chapter 4 of Division 2 of, and to repeal Sections 1760, 1760.5, 1761, 1762, 1763, 1764, 1765, 1766, 1768, 1769, 1772, 1774, and 1775 of, the Business and Professions Code, to amend Section 44876 of the Education Code, to amend Sections 1348.8 and 128160 of the Health and Safety Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to healing arts, and making an appropriation therefor.

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

**Senate Bill 1476**—An act to amend Sections 1742, 2460, 2570.4, 2570.19, 2602, 2668, 2701, 2708, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3516.1, 3685, 3710, 3716, 4001, 4003, 4034, 4163, 4169, 4800, 4804.5, 4928, 4934, 4990.1, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7200, 7215.6, 7810, 7815.5, and 8000 of, to add Section 2660.5 to, and to repeal Section 4163.5 of, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

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

**Senate Bill 1513**—An act to amend Section 13997 of the Government Code, relating to trade and investment.

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

**Senate Bill 1525**—An act to amend Section 13997 of, and to add and repeal Section 13997.2 of, the Government Code, relating to international trade and investment.

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

**Senate Bill 1529**—An act to amend Section 13997 of, and to add and repeal Section 13997.7 of, the Government Code, relating to international trade and investment.

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

**Senate Bill 1532**—An act to amend, repeal, and add Section 108680 of the Health and Safety Code, relating to public health.

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

**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, ordered engrossed, and to third reading.

**Senate Bill 1675**—An act to add Section 43836 to, the Health and Safety Code, relating to vehicular air pollution.

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



**Senate Bill 1688**—An act to add and repeal Chapter 1.5 (commencing with Section 16040) of Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

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

**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, ordered engrossed, and to third reading.

**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 second time, ordered engrossed, and to third reading.

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

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

#### **SECOND READING OF ASSEMBLY BILLS**

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

Bill read second time and ordered to third reading.

**Assembly Bill 49**—An act to repeal Section 44625.7 of, and to repeal and add Sections 44265.8 and 44265.9 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 18, 2006:

SB 1116	SB 1462	SB 1850	SB 1415
SB 1292	SB 1533	SB 1846	SB 1807
SB 1304	SB 1607	SB 1824	SB 1179
SB 1320	SB 1637	SB 1244	SB 1524
SB 1325	SB 1840	SB 1340	SB 1743
SB 1364	SB 1849	SB 1448	

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

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

**Senate Bill 1688**—An act to add and repeal Chapter 1.5 (commencing with Section 16040) of Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

Bill read third time.



**Amendments Adopted**

Amendments to SB 1688 proposed by Senator Bowen were read and adopted and the measure ordered printed, engrossed, and to second reading.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón and Denham.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Machado requested that when the Senate adjourns this day it do so in memory of Theresa Linda Morodomi and Frank Salvetti of Stockton and Christopher John Serpa of Lodi.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, May 18, 2006.

PAULA K. ROSSETTO, Minute Clerk

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