

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDREDTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Tuesday, May 23, 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, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—35.

Quorum present.

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

May 23, 2006

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and



consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Marisela Montes, former Deputy Director for Administration, California Department of Transportation; and former Chief of Correctional Planning and Research, Department of Corrections. Appointed 05/05/06. Effective 05/11/06.

Chief Deputy Secretary, Adult Programs, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.

David L. Runnels, former Acting Chief Deputy Secretary, Division of Adult Operations, Department of Corrections and Rehabilitation; and former Warden, High Desert State Prison. Appointed 05/05/06. Effective 05/08/06.

Chief Deputy Secretary, Adult Operations, Department of Corrections and Rehabilitation vice Joseph L. McGrath, retired, term ending at the Pleasure of the Governor.

Edward C. Williams, former Member, Gambling Control Commission; former Member, Board of Prison Terms; and former Sheriff of San Luis Obispo County. Appointed 04/26/06. Effective 05/01/06.

Commissioner, Board of Parole Hearings vice George Saldamando, resigned, term ending 07/01/08.

Andrew A. Adelman, General Manager, Department of Building and Safety, City of Los Angeles; and former Chief Building Official, City of San Jose. Appointed 04/30/06. Effective 05/17/06.

Member of the Seismic Safety Commission vice Andrew A. Adelman, withdrawn from the Senate, term ending 05/15/09.

James R. Wattenburger, Mendocino County Supervisor, 2nd District; and former Member, Ukiah City Council. Appointed 04/30/06. Effective 05/17/06.

Member of the Seismic Safety Commission vice James T. Beall, resigned, term ending 05/15/09.

Alice D. Perez, Vice President and Director, Multicultural Markets, U.S. Bank; and former Retail Market Manager, U.S. Bank. Appointed 05/10/06. Effective 05/19/06.

Member, Student Aid Commission vice C. Michael Cooney, withdrawn from Senate, term ending 10/30/07.

Above appointments referred to the Committee on Rules.



Governor's Office, State Capitol
May 23, 2006

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective May 19, 2006, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Joseph L. McGrath Chief Deputy Secretary, Adult Operations,
Department of Corrections and
Rehabilitation

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
May 23, 2006

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective May 22, 2006, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Linda S. Adams Member, California Regional Water
Quality Control Board,
Central Valley Region

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 22, 2006

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

ACR 153

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 153—Relative to the 30th anniversary of the Paris Wine Tasting of 1976.



REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, May 22, 2006

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

SB 1360	SB 1374	SB 1394	SB 1508
SB 1578	SB 1773	SB 1804	SB 1848

Reports the same back with the recommendation: Do pass.

MURRAY, Chair

Above bills ordered to second reading.

Date of Hearing, May 22, 2006

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

SB 1719

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

MURRAY, Chair

Above measure ordered to second reading.

Senate Chamber, May 22, 2006

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

SB 1405	SB 1548	SB 1613	SB 1696
SB 1423	SB 1577	SB 1638	SB 1745
SB 1475	SB 1591	SB 1650	SB 1830

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.

Senate Chamber, May 22, 2006

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

SB 1592 SB 1655

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 Public Safety

Senate Chamber, May 23, 2006

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

AB 814

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 814—An act to amend Sections 12027, 12027.1, and 12031 of, and to add Section 12027.2 to, the Penal Code, relating to firearms.

Bill read second time.

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

Committee on Education

Senate Chamber, May 23, 2006

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

AB 1943

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

Assembly Bill 1943—An act to amend Sections 70901 and 70902 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.

Committee on Appropriations

Date of Hearing, May 22, 2006

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

SB 1298

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

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, May 22, 2006

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

SB 1555

AB 1921

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

MURRAY, Chair

Above measures ordered to second reading.



Committee on Health

Senate Chamber, May 23, 2006

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

AB 1476

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 1476—An act to amend Section 103885 of the Health and Safety Code, relating to cancer registry.

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 23, 2006

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

AB 1207

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

Assembly Bill 1207—An act to amend Section 20440 of the Elections Code, relating to elections.

Bill 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 23, 2006

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

SB 1770

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

FLOREZ, Chair

Above measure ordered filed with the Secretary of the Senate.



Senate Chamber, May 23, 2006

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

AB 1355

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

Assembly Bill 1355—An act to amend Section 19605.73 of the Business and Professions Code, relating to horse racing.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1355 pursuant to Joint Rule 58.

ASSEMBLY MEMBER COGDILL

Permission of Rules Committee

Senate Chamber, May 23, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1355.

PERATA, Chair

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

Committee on Judiciary

Senate Chamber, May 23, 2006

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

AB 768

AB 2369

AB 2712

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

Assembly Bill 768—An act to add Section 54.9 to the Civil Code, relating to touch-screen devices.

Bill read second time.

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.

Bill read second time.



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

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

Senate Chamber, May 23, 2006

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

SB 1800

AB 1112

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

Senate Bill 1800—An act to amend Sections 65300, 65302, 65582, 65583, 65583.2, 65584, 65584.01, 65584.02, 65584.04, and 65584.07 of, to add Sections 16318, 16319, 16319.5, and 65300.1 to, to add Article 9 (commencing with Section 65470) to Chapter 3 of Division 1 of Title 7 of, and to repeal and add Section 65588 of, the Government Code, relating to housing.

Bill read second time.

Assembly Bill 1112—An act to amend Section 22511.5 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 Rules

Senate Chamber, May 23, 2006

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

SCR 118

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 118—Relative to Mexico's immigration policies.

Resolution read second time.

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



Committee on Education

Senate Chamber, May 23, 2006

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

AB 1177

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

Assembly Bill 1177—An act to amend Section 52055.57 of, and to add Article 4.3 (commencing with Section 52060) to Chapter 6.1 of Part 28 of, the Education Code, relating to public schools, 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 Local Government

Senate Chamber, May 23, 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 4216.4 of the Government Code, relating to subsurface installations, 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.

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

Senate Bill 1449—An act to add Section 6597 to the Revenue and Taxation Code, relating to taxation.

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

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

Senate Bill 1511—An act to add Section 43013.4 to the Health and Safety Code, relating to vehicular air pollution, and declaring the urgency thereof, to take effect immediately.

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 Concurrent Resolution 99—Relative to honoring the Sisters of Mercy.

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

Senate Bill 1593—An act to amend Section 22658 of the Vehicle Code, relating to vehicles.

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

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Appropriations to hear and report bills without four days notice in the Daily File.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 1801** was withdrawn from Committee and placed on second reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issues raised by the Assembly amendments to **SB 1154** and **SB 230** were referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill 1198—An act to amend Sections 19960 and 19961 of the Business and Professions Code, relating to gambling.

Bill read third time.

Amendments Adopted

Amendments to SB 1198 proposed by Senator Florez were read and adopted and the measure ordered printed, engrossed, and to second reading.



SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 1208—Do pass as amended**

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

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

SB 1298—Do pass as amended

AYES (11)—Senators Aanestad, Alarcón, Alquist, Ashburn, Dutton, Florez, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (0)—None.

SB 1360—Do pass

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

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

SB 1374—Do pass

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

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

SB 1394—Do pass

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

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

SB 1453—Do pass as amended

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

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

SB 1508—Do pass

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

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

SB 1555—Do pass as amended

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

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

SB 1578—Do pass

AYES (7)—Senators Alarcón, Alquist, Dutton, Florez, Ortiz, Romero, and Torlakson.

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

SB 1719—Do pass as amended

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

NOES (0)—None.



SB 1773—Do pass

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

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

SB 1804—Do pass

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

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

SB 1848—Do pass

AYES (11)—Senators Aanestad, Alarcón, Alquist, Battin, Dutton, Florez, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (1)—Senator Ashburn.

AB 1921—Do pass as amended

AYES (11)—Senators Aanestad, Alarcón, Alquist, Ashburn, Dutton, Florez, Murray, Ortiz, Poochigian, Romero, and Torlakson.

NOES (0)—None.

Date of Hearing: 5/22/2006

Murray (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, and Machado.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, May 24, 2006.

PAULA K. ROSSETTO, Minute Clerk

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