

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 5, 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, Bowen, Chesbro, Cox, Ducheny, Dutton, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Perata, Romero, Runner, Scott, Torlakson, and Vincent—25.

Quorum present.

*(NOTE: Senators Battin, Denham, Escutia, Florez, Kehoe, Kuehl, Morrow, and Speier will be excused this day on legislative business, Senators Cedillo, Dunn, Ortiz, Poochigian, and Simitian will be excused this day on personal business, and Senator Soto will be excused this day due to illness.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Education

Senate Chamber, June 5, 2006

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

AB 751

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 751**—An act to add Chapter 18 (commencing with Section 9550) to Division 3 of the Business and Professions Code, relating to student financial aid, 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 Local Government**

Senate Chamber, June 5, 2006

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

AB 2011

AB 2346

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 2011**—An act to add Section 53601.8 to the Government Code, relating to local agency investments.

Bill read second time.

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

Bill read second time.

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

**Committee on Judiciary**

Senate Chamber, June 5, 2006

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

AB 2347

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 2347**—An act to amend Sections 16340, 16363, and 16364 of, to add Section 16374.5 to, and to repeal and add Section 16361 of, the Probate Code, relating to trusts.

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, June 5, 2006

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

AB 2129

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 2129**—An act to amend Section 527.9 of the Code of Civil Procedure, relating to restraining orders.

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, June 2, 2006

Mr. President: The Committee on Rules has examined:

SCR 111

SJR 15

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 2nd day of June, 2006, at 1:30 p.m.

PERATA, Chair

Senate Chamber, June 2, 2006

Mr. President: The Committee on Rules has examined:

SB 230

And reports that the same has been correctly enrolled, and presented to the Governor on the 2nd day of June, 2006, at 1 p.m.

PERATA, Chair

**Committee on Environmental Quality**

Senate Chamber, June 5, 2006

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

AB 1433

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 1433**—An act to amend Section 5922 of the Government Code, relating to public finance.

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, June 5, 2006

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

AB 1407

AB 2755

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 Sections 30914 and 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.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1407 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LIEBER

**Permission of Rules Committee**

Senate Chamber, June 5, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1407.

PERATA, Chair

**Assembly Bill 2755**—An act to add Sections 38504.1 and 38504.2 to the Vehicle Code, relating to all-terrain vehicles.

Bill read second time.

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

**Committee on Judiciary**

Senate Chamber, June 5, 2006

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

AB 733

AB 2618

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 733**—An act to amend Section 43.92 of the Civil Code, relating to personal rights.

Bill read second time.

**Assembly Bill 2618**—An act to amend Sections 52.2, 1369.520, and 1950.5 of the Civil Code, to amend Sections 116.360, 116.390, 116.540, and 116.610 of the Code of Civil Procedure, to amend Section 311.4 of the



Public Utilities Code, and to amend Section 742.16 of the Welfare and Institutions Code, relating to courts.

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, June 5, 2006

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

AB 2407

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 2407**—An act to amend Sections 1675 and 1676 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

#### **Committee on Business, Professions and Economic Development**

Senate Chamber, June 5, 2006

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

AB 1796

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 1796**—An act to amend Sections 2082, 2083, 2177, 2221, and 2442 of, and to add Section 2015.5 to, the Business and Professions Code, relating to physicians and surgeons.

Bill read second time.

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

#### **Committee on Banking, Finance and Insurance**

Senate Chamber, June 5, 2006

Mr. President: The Chair of the Committee on Banking, Finance and Insurance, to which were referred:

AB 618

AB 1946



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

SPEIER, Chair

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

**Assembly Bill 618**—An act to amend Section 7480 of the Government Code, relating to crime.

Bill read second time.

**Assembly Bill 1946**—An act to amend Sections 10102 and 10103 of the Insurance Code, relating to residential property insurance.

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, June 5, 2006

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

AB 2592

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

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, June 5, 2006

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

AB 839

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 839**—An act to add Article 17 (commencing with Section 19985) to Chapter 5 of Division 8 of the Business and Professions Code, relating to gambling.

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 ASSEMBLY BILLS**

**Assembly Bill 1749**—An act to amend Sections 22971 and 22980.1 of, to add Sections 22979.21, 22979.22, 22979.23, and 22979.24 to, and to repeal Chapter 7 (commencing with Section 22995) of Division 8.6 of, the Business and Professions Code, to amend Section 308.1 of, and to amend and repeal Section 830.11 of, the Penal Code, and to amend Sections 30019, 30435, 30473, 30474, 30474.1, and 30475 of, and to repeal Sections 30216 and 30359 of, the Revenue and Taxation Code, relating to cigarettes and tobacco products, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**MOTION TO RE-REFER TO COMMITTEE**

On motion of Senator Cox, and without objection, **AB 1749** was re-referred to the Committee on Rules.

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **AB 2038** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules;

**AB 263** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules; and

**AB 1965** was withdrawn from the Committees on Veterans Affairs and Banking, Finance and Insurance and re-referred to the Committees on Banking, Finance and Insurance and Veterans Affairs.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin, Denham, Escutia, Florez, Kehoe, Kuehl, Morrow, and Speier.

The following Senators were granted leaves of absence for the day due to personal business: Senators Cedillo, Dunn, Ortiz, Poochigian, and Simitian.

The following Senator was granted leave of absence for the day due to illness: Senator Soto.



**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, June 7, 2006.

PAULA K. ROSSETTO, Minute Clerk

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