

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, June 7, 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, Denham, Ducheny, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Torlakson, and Vincent—32.

Quorum present.

(NOTE: Senators Alarcón, Dunn, Murray, and Simitian will be excused this day on legislative business, Senator Speier will be excused this day on personal business, and Senators Escutia and Soto will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Local Government

Senate Chamber, June 7, 2006

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

AB 802

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 802—An act to amend Section 65302 of the Government Code, relating to local planning.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, June 7, 2006

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

AB 2369

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 2369—An act to amend Sections 491.160, 709.170, and 1993 of the Code of Civil Procedure, and to amend Section 26744 of the Government Code, relating to civil warrants.

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, June 7, 2006

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

AB 1717

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

MACHADO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1717—An act to amend Sections 19087 and 19254 of the Revenue and Taxation Code, relating to taxation.

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 7, 2006

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

AB 1022



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 1022—An act to amend Section 273ab of the Penal Code, relating to murder.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, June 7, 2006

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

AB 1665

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1665—An act to amend Section 8521 of, to amend the heading of Part 4 (commencing with Section 8520) of Division 5 of, to add Sections 8327, 8523, and 8524 to, to add Article 8 (commencing with Section 8725) to Chapter 3 of, and to add Chapter 9 (commencing with Section 9110) and Chapter 10 (commencing with Section 9150) to, Part 4 of Division 5 of, the Water Code, relating to flood control, 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 Health

Senate Chamber, June 7, 2006

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

AB 71

AB 2357

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 71—An act to add Article 7 (commencing with Section 111657) to Chapter 6 of Part 5 of Division 104 of the Health and Safety Code, relating to pharmaceuticals.

Bill read second time.



Assembly Bill 2357—An act to amend Section 5349.5 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

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

Committee on Human Services

Senate Chamber, June 7, 2006

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

AB 1601

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 1601—An act to amend Sections 1596.66 and 1596.67 of, and to add Sections 1596.675 and 1596.8745 to, the Health and Safety Code, relating to child care.

Bill read second time.

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

Committee on Labor and Industrial Relations

Senate Chamber, June 7, 2006

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

AB 3058

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

ALARCÓN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 3058—An act to amend Section 65054.3 of the Government Code, and to amend and repeal Section 6354.7 of the Labor Code, relating to business disaster preparedness, 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 Public Safety

Senate Chamber, June 7, 2006

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

AB 2694



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 2694—An act to amend Section 11594 of the Health and Safety Code, relating to controlled substances.

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, June 7, 2006

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

AB 2198

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 2198—An act to amend Sections 725, 2241, 2242, and 2242.1 of, and to repeal and add Section 2241.5 of, the Business and Professions Code, and to amend Section 11156 of the Health and Safety Code, relating to healing arts.

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, June 7, 2006

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

AB 1570

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 1570—An act to add Section 44253.75 to the Education Code, relating to teacher credentialing.

Bill read second time.

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



Committee on Natural Resources and Water

Senate Chamber, June 7, 2006

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

AB 874

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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 874—An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife, making an appropriation therefor, 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

Senate Chamber, June 7, 2006

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

AB 578	AB 1324	AB 1550	AB 1679
AB 1858	AB 1879	AB 2736	

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 578—An act to amend Sections 44010.5, 44014.4, 44014.5, 44014.7, 44015, and 44020 of, and to add Section 44014.3 to, the Health and Safety Code, relating to vehicular air pollution.

Bill read second time.

Assembly Bill 1324—An act to amend Section 45452 of the Education Code, and to amend Section 42011 of the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 1550—An act to amend Section 14504 of the Government Code, relating to transportation.

Bill read second time.

Assembly Bill 1679—An act to add Section 13200.1 to the Water Code, relating to water.

Bill read second time.



Assembly Bill 1858—An act to amend Sections 358, 478, and 504 of the Streets and Highways Code, relating to highways.

Bill read second time.

Assembly Bill 1879—An act to amend Section 21655.9 of the Vehicle Code, relating to vehicles, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 2736—An act to amend Section 1651.5 of, to repeal Section 4601.5 of, and to add Article 5 (commencing with Section 8100) to Chapter 4 of Division 3 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 Public Safety

Senate Chamber, June 7, 2006

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

AB 312

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 312—An act to amend Section 1326 of the Penal Code, relating to subpoenas.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, June 7, 2006

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

AB 1612

AB 2301

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 1612—An act to add Section 6068.1 to the Business and Professions Code, relating to attorneys.

Bill read second time.



Assembly Bill 2301—An act to add Section 6033 to the Business and Professions Code, relating to attorneys.

Bill read second time.

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

Committee on Public Employment and Retirement

Senate Chamber, June 7, 2006

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

SB 1443

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 1443—An act to amend Sections 21362, 21362.2, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, 21369.1, and 21370 of the Government Code, relating to public employees' retirement and declaring the urgency therefor, 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 Banking, Finance and Insurance

Senate Chamber, June 7, 2006

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

AB 2043

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 2043—An act to amend Section 1788.2 of the Civil Code, relating to debt collection.

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

Date of Hearing, June 7, 2006

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

AB 1893

AB 2091

AB 2236

AB 2764

AB 3074



Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

KEHOE, Chair

Above measures ordered to second reading.

Committee on Judiciary

Senate Chamber, June 7, 2006

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

AB 1363

AB 2568

AJR 41

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 1363—An act to amend Sections 1610, 1822, 1826, 1829, 1830, 1850, 1851, 2215, 2250, 2253, 2320, 2321, 2340, 2342, 2343, 2401, 2610, 2620, 2620.2, 2623, 2640, 2640.1, 2641, 2653, 2701, 2850, 2851, 2852, 2853, 2854, 2855, and 2920 of, to add Sections 1456, 1457, 1458, 2113, 2250.1, 2250.2, 2250.5, and 2410 to, and to repeal Sections 2342.5 and 2344 of, the Probate Code, and to add Division 8.7 (commencing with Section 9800) to the Welfare and Institutions Code, relating to conservatorship and guardianship.

Bill read second time.

Assembly Bill 2568—An act to add Section 6132 to the Probate Code, relating to probate matters.

Bill read second time.

Assembly Joint Resolution 41—Relative to immigrant children.

Resolution read second time.

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

Committee on Local Government

Date of Hearing, June 7, 2006

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

AB 2650

AB 2652

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

KEHOE, Chair

Above measures re-referred to the Committee on Appropriations.



Date of Hearing, June 7, 2006

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

AB 463

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

KEHOE, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 7, 2006

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

AB 2882

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bill ordered to second reading.

Date of Hearing, June 7, 2006

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

AB 2991

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

KEHOE, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Education

Senate Chamber, June 7, 2006

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

AB 307

AB 1483

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 307—An act to amend Section 51871.5 of the Education Code, relating to education technology.

Bill read second time.

Assembly Bill 1483—An act to amend Section 60810 of the Education Code, relating to pupil testing.

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 7, 2006

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

AB 457

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 457**—An act 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 Revenue and Taxation

Senate Chamber, June 7, 2006

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

AB 2441

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

MACHADO, Chair

Second Reading of Bills—Author's Amendments**Assembly Bill 2441**—An act to add Section 6485.2 to the Revenue and Taxation Code, relating to taxation.

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 7, 2006

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

SJR 28

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**Senate Joint Resolution 28**—Relative to international trade agreements and public health services.

Resolution 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 Concurrent Resolution 122: By Senator Denham—Relative to David Grant USAF Medical Center.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1433** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules; and

AB 2701 was withdrawn from the Committee on Natural Resources and Water and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS**Committee on Local Government**

AB 463—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 1893—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 1966—Do pass

AYES (2)—Senators Ackerman and Cox.

NOES (3)—Senators Kehoe, Machado, and Torlakson.

Failed Passage

AB 1966—Reconsideration granted

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 2011—Do pass as amended and re-refer to Banking, Finance and Insurance

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 2091—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 2236—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 2650—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.



AB 2652—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 2764—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 2882—Do pass

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 2991—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

AB 3074—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Cox, Kehoe, Machado, and Torlakson.

NOES (0)—None.

Date of Hearing: 6/7/2006

Kehoe (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Dunn, Murray, and Simitian.

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

The following Senators were granted leaves of absence for the day due to illness: Senators Escutia and Soto.

REQUEST TO ADJOURN IN MEMORIAM

Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Dr. Fritz Klein of San Diego.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, June 8, 2006.

PAULA K. ROSSETTO, Minute Clerk

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