

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, May 26, 2005

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.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.
The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

The roll was called and the following Senators answered to their names:

Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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—40.

Quorum present.



PRAYER

Prayer was offered by the Chaplain, Rev. Canon James Richardson:

Almighty God, As we begin this Memorial Day weekend, we commend to Your gracious care and keeping all of the men and women of our armed forces at home and abroad. Defend them day by day with Your heavenly grace; strengthen them in their trials and temptations; give them the courage to face the perils which beset them; and grant them a sense of Your abiding presence wherever they may be. Today we remember especially all of those who have given the last full measure of their devotion to our country. May we always, in our life and service, be worthy of their example. This we pray.—AMEN.

(from *Book of Common Prayer*; adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Simitian led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 26, 2005

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 77

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, May 26, 2005

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

AB 87	AB 970	AB 846	AB 963
AB 310	AB 1086	AB 879	AB 1031
AB 356	AB 1128	AB 1060	AB 1043
AB 399	AB 1221	AB 1098	AB 1165
AB 427	AB 1358	AB 1533	AB 1235
AB 452	AB 1380	AB 1536	AB 1238
AB 556	AB 1384	AB 1574	AB 1348
AB 575	AB 1496	AB 1664	AB 1353
AB 646	AB 1593	AB 245	AB 1434
AB 709	AB 1753	AB 312	AB 1508
AB 729	AB 1760	AB 362	AB 1570
AB 736	AB 51	AB 403	AB 1610
AB 804	AB 259	AB 416	AB 1631
AB 853	AB 346	AB 495	AB 1640
AB 901	AB 648	AB 520	AB 1661
AB 924	AB 754	AB 574	AB 1683
AB 927	AB 756	AB 728	AB 1705
AB 944	AB 765	AB 881	AB 1749

Assembly Chamber, May 26, 2005

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

ACR 58

ACR 66

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 for assignment:

Assembly Bill 87—An act to amend Sections 8564, 8565, and 8565.5 of the Business and Professions Code, and to amend Section 4005 of the Fish and Game Code, and to amend Sections 11702, 12203, and 14153 of the Food and Agricultural Code, relating to trapping licenses.

Assembly Bill 310—An act to add Chapter 11 (commencing with Section 19999.8) to Part 2.6 of Division 5 of Title 2 of the Government Code, relating to investments.

Assembly Bill 356—An act to add Sections 1389.25 and 1389.3 to the Health and Safety Code, and to add Sections 10113.9 and 10113.95 to the Insurance Code, relating to health care coverage.

Assembly Bill 399—An act to amend Sections 41821 and 41850 of, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, the Public Resources Code, relating to recycling.

Assembly Bill 427—An act to add Section 4453.1 to the Labor Code, relating to workers' compensation.

Assembly Bill 452—An act to add Section 97 to, and to add and repeal Section 97.2 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to vehicles.

Assembly Bill 556—An act to add Article 6 (commencing with Section 21691) to Chapter 4 of Part 1 of Division 9 of the Public Utilities Code, relating to aeronautics.

Assembly Bill 575—An act to amend Sections 42463, 42464, and 42464.2 of, and to add Section 42464.8 to, the Public Resources Code, relating to electronic waste, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 646—An act to amend Section 19.8 of, and to add Section 652 to, the Penal Code, relating to body piercing.

Assembly Bill 709—An act to amend Section 18680 of the Elections Code, and to amend Section 83124 of, and to add Section 85301.5 to, the Government Code, relating to the Political Reform Act of 1974.

Assembly Bill 729—An act to amend Sections 510, 1647.5, 1720, 1746, 1748, 1775.2, 1775.4, 1775.5, 12921.1, 12921.15, and 12921.3 of,



and to add Sections 1681.5, 1736.5, and 1746.1 to, the Insurance Code, and to amend Section 12636.5 of, and to repeal Section 12253.5 of, the Revenue and Taxation Code, relating to insurance production agencies.

Assembly Bill 736—An act to amend Sections 851 and 853 of the Public Utilities Code, relating to the regulation of public utilities.

Assembly Bill 804—An act to add Section 21431 to the Government Code, to amend Sections 3762 and 4658.6 of the Labor Code, and to amend Section 1543 of the Penal Code, relating to the California Highway Patrol.

Assembly Bill 853—An act to amend Section 706.074 of the Code of Civil Procedure, relating to tax liens.

Assembly Bill 901—An act to amend Section 4970 of, and to add Section 4974.1 to, the Financial Code, and to amend Section 27388 of the Government Code, relating to loans.

Assembly Bill 924—An act to amend Sections 14502, 14504, 14581, 14583, 14585, 14586, 14591, 14601, 14611, 14612, 14613, 14621, 14622, 14623, 14631, 14641, 14642, 14643, 14644, 14645, 14646, 14647, 14648, 14651, 14653, 14654, 14655, 14656, 14657, 14658, 14659, 14660, and 14672 of, and to add Sections 14502.1, 14512.5, 14559.5, and 14612.5 to, the Food and Agricultural Code, relating to fertilizer.

Assembly Bill 927—An act to amend Sections 8208, 8235, 8236, 8237, and 8263 of, to amend the heading of Article 7 (commencing with Section 8235) of Chapter 2 of Part 6 of, and to add Article 7.5 (commencing with Section 8237.1) to Chapter 2 of Part 6 of, the Education Code, relating to early education, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 944—An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 12001, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12084, 12086, and 12804 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, and to repeal and add Section 12071 of, the Penal Code, relating to firearms.

Assembly Bill 970—An act to amend Section 17317 of the Education Code, relating to school facilities.

Assembly Bill 1086—An act to add Section 38301.3 to the Vehicle Code, relating to vehicles.

Assembly Bill 1128—An act to amend Section 13207 of the Water Code, relating to water.

Assembly Bill 1221—An act to amend Section 39510 of the Health and Safety Code, relating to air pollution.



Assembly Bill 1358—An act to amend Section 17215 of the Education Code, relating to school facilities.

Assembly Bill 1380—An act to add Section 7945 to the Public Utilities Code, relating to telecommunications.

Assembly Bill 1384—An act to amend Section 97.1 of, and to add Section 97 to, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to transportation.

Assembly Bill 1496—An act to add Section 33318.5 to the Education Code, relating to pupils.

Assembly Bill 1593—An act to add Section 123326 to the Health and Safety Code, relating to child nutrition.

Assembly Bill 1753—An act to amend Section 19854 of the Business and Professions Code, and to amend Sections 330.9, 332, 337a, 337d, 337j, and 337z of the Penal Code, relating to gambling.

Assembly Bill 1760—An act to amend Sections 10234.6, 10089.79, 11691, 11692, 11692.5, 11693, and 11694 of, to add Section 11694.5 to, and to repeal Section 1660 of the Insurance Code, relating to insurance.

Assembly Bill 51—An act to amend Section 8152 of the Education Code, relating to apprenticeships.

Assembly Bill 259—An act to add Section 25847 to the Government Code, relating to solid waste collection liens.

Assembly Bill 346—An act to amend Sections 905.2, 910.8, 911, and 911.2 of the Government Code, relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 648—An act to amend Section 65940 of the Government Code, relating to development projects.

Assembly Bill 754—An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 12001, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12084, and 12086 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, and to repeal and add Sections 12071 and 12083 of, the Penal Code, relating to firearms.

Assembly Bill 756—An act to add Section 60050 to the Education Code, relating to instructional materials.

Assembly Bill 765—An act to amend Section 14035.55 of the Government Code, relating to transportation.

Assembly Bill 846—An act to repeal and add Section 51220.6 of the Education Code, relating to driver education.



Assembly Bill 879—An act to amend Sections 98, 98.2, and 2673.1 of the Labor Code, relating to employment.

Assembly Bill 1060—An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 11108, 11108.3, 12001, 12021, 12021.3, 12026.2, 12028.5, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12086, 12131, 12132, and 12305 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, to repeal Section 12084 of, and to repeal and add Section 12071 of, the Penal Code, and to amend Section 26 of Chapter 23 of the Statutes of 1994, relating to firearms.

Assembly Bill 1098—An act to amend Section 1365.2 of the Civil Code, relating to common interest developments.

Assembly Bill 1533—An act to amend Sections 1357 and 1357.50 of the Health and Safety Code, and to amend Sections 10198.6 and 10700 of the Insurance Code, relating to health care coverage.

Assembly Bill 1536—An act to amend Section 830.7 of the Penal Code, relating to peace officer powers.

Assembly Bill 1574—An act to add and repeal Section 12994 of the Government Code, relating to housing discrimination.

Assembly Bill 1664—An act to add Sections 23 and 24 to the Financial Code, and to amend Section 7480 of the Government Code, relating to elder abuse reporting.

Assembly Bill 245—An act to add and repeal Section 20133.5 of the Public Contract Code, relating to public contracts.

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

Assembly Bill 362—An act to amend Section 13292 of the Water Code, relating to water quality control agencies.

Assembly Bill 403—An act to amend Section 25503.5 of the Health and Safety Code, relating to hazardous materials.

Assembly Bill 416—An act to amend Sections 38131, 38133, and 38134 of the Education Code, relating to schools.

Assembly Bill 495—An act to amend Section 13385.1 of the Water Code, relating to water.

Assembly Bill 520—An act to amend Section 43003 of, and to add Section 885 to, the Food and Agricultural Code, relating to civil administrative penalties.

Assembly Bill 574—An act to add Division 12.3 (commencing with Section 16000) to the Public Resources Code, relating to recycled concrete.



Assembly Bill 728—An act to amend Section 2827.9 of the Public Utilities Code, relating to electricity.

Assembly Bill 881—An act to amend, repeal, and add Section 7125 of the Business and Professions Code, and to add and repeal Section 11665 of the Insurance Code, relating to workers' compensation.

Assembly Bill 963—An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

Assembly Bill 1031—An act to amend Section 7232 of the Revenue and Taxation Code, relating to vehicles.

Assembly Bill 1043—An act to amend Section 481.5 of, and to repeal Section 393 of, the Insurance Code, relating to insurance premiums.

Assembly Bill 1165—An act to amend Section 25519 of the Public Resources Code, relating to energy resources.

Assembly Bill 1235—An act to amend Section 1337.6 of the Health and Safety Code, relating to health facilities.

Assembly Bill 1238—An act to amend Sections 125000, 125001, 125002, 125050, 125052, 125105, 125200, 125201, 125202, 125220, 125222, 125226, 125227, 125240, 125241, 125260, 125350, 125351, 125352, 125400, 125522, 125524, 125525, 125526, 125527, 125540, 125541, 125550, 125551, 125552, 125560, 125561, 125600, 125700, 125701, 125702, 125703, 125705, 125707, 125708, 125709, 125710, 125711, 125712, 125713, 125714, 125715, and 125716 of, and to amend the heading of Division 11.5 (commencing with Section 125000) of, to add Sections 125450, and 125500 to, and to repeal Sections 125300 and 125301 of, the Public Utilities Code, relating to transportation.

Assembly Bill 1348—An act to add and repeal Section 379.7 of the Public Utilities Code, relating to electricity.

Assembly Bill 1353—An act to amend Section 11837 of the Health and Safety Code, and to amend Sections 23538 and 23556 of the Vehicle Code, relating to driving under the influence.

Assembly Bill 1434—An act to amend Sections 1725 and 1726 of the Health and Safety Code, relating to home health agencies.

Assembly Bill 1508—An act to amend Sections 52254, 52260, 52351, 52354, 52361, 52391, 52451, 52453, 52455, 52481, 52482, 52483, 52484, 52487, and 52511 of the Food and Agricultural Code, relating to agriculture.

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



Assembly Bill 1610—An act to amend Sections 47605 and 47612.5 of, and to add Section 47612.6 to, the Education Code, relating to charter schools.

Assembly Bill 1631—An act to amend Sections 19136 and 19142 of, to add Section 19136.12 to, and to repeal Sections 19136.3, 19136.4, 19136.6, 19136.8, and 19136.11 of, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1640—An act to add Section 791.28 to the Insurance Code, relating to insurance claims information.

Assembly Bill 1661—An act to amend Sections 12100, 12106, 12108, 12110, 12111, 12112, 12114, 12115, 12116, 12119, and 12121 of the Insurance Code, relating to financial guaranty insurance.

Assembly Bill 1683—An act to add Section 6608.7 to the Welfare and Institutions Code, relating to sex offenders.

Assembly Bill 1705—An act to amend Section 4526 of the Public Resources Code, relating to forestry.

Assembly Bill 1749—An act to amend Sections 22978.4, 22978.7, 22979.2, and 22979.7 of the Business and Professions Code, and to add Section 30361.5 to the Revenue and Taxation Code, relating to cigarettes and tobacco products.

Assembly Concurrent Resolution 58—Relative to foster youth.

Assembly Concurrent Resolution 66—Relative to California Wetlands Month.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, May 25, 2005

The Committee on Rules has referred the following measures to committee:

Agriculture—AB 393, AB 621.

Banking, Finance and Insurance—AB 778, AB 1120, AB 1304, AB 1687, AB 1761.

Business, Professions and Economic Development—AB 497, AB 512, AB 1041, AB 1113, AB 1114, AB 1116, AB 1143, AB 1386, AB 1437.

Education—AB 36, AB 110, AB 490, AB 720, AB 835, AB 967, AB 1070, AB 1071, AB 1196, AB 1366, AB 1480, AB 1646, AB 1721.



Elections, Reapportionment and Constitutional Amendments—AB 1054, AB 1096, AB 1129, AB 1309, AB 1636, AB 1755, AB 1756, AB 1757, AB 1758, AB 1759.

Energy, Utilities and Communications—AB 380, AB 1723.

Environmental Quality—AB 17, AB 1249, AB 1317.

Government Modernization, Efficiency, and Accountability—AB 402, AB 1762.

Governmental Organization—AB 203, AB 211, AB 273, AB 417, AB 449, AB 584, AB 767, AB 852, AB 937, AB 1752.

Health—AB 77, AB 258, AB 467, AB 800, AB 847, AB 1349, AB 1711, AB 1745.

Human Services—AB 179, AB 300.

Judiciary—AB 333, AB 361, AB 415, AB 733, AB 794, AB 878, AB 1351, AB 1529, AB 1739, AB 1741.

Labor and Industrial Relations—AB 551, AB 875, AB 1093, AB 1311, AB 1584.

Local Government—AB 159, AB 818, AB 1131, AB 1155, AB 1448, AB 1511, AB 1602, AB 1746.

Natural Resources and Water—AB 193, AB 601, AB 1457.

Public Employment and Retirement—AB 538, AB 1044, AB 1166, AB 1405.

Public Safety—AB 102, AB 478, AB 979, AB 998, AB 999, AB 1127, AB 1288.

Revenue and Taxation—AB 671, AB 892, AB 911, AB 1765.

Rules—AB 1442, AB 1737.

Transportation and Housing—AB 462, AB 578, AB 637, AB 801, AB 1064, AB 1149, AB 1252, AB 1462, AB 1499, AB 1563, AB 1748, AB 1754.

The Committee on Rules has re-referred the following measures to committees:

Education—ACR 30.

Energy, Utilities and Communications—SJR 13.

Environmental Quality—AB 1340, AB 1341.

Government Modernization, Efficiency, and Accountability—ACR 24.

Health—SCR 49.



Transportation and Housing—SCR 48; ACR 46, ACR 52; AJR 21.

The Committee on Rules has referred the following measures to two committees:

Banking, Finance and Insurance and Judiciary—AB 1123, AB 1586, AB 1634, AB 1729.

Business, Professions and Economic Development and Judiciary—AB 602, AB 1507.

Business, Professions and Economic Development and Revenue and Taxation—AB 1027.

Health and Banking, Finance and Insurance—AB 228.

Health and Business, Professions and Economic Development—AB 354, AB 522.

Health and Judiciary—AB 1278.

Health and Rules—AB 909.

Judiciary and Public Safety—AB 1035.

Local Government and Judiciary—AB 27.

Public Safety and Judiciary—AB 1738.

Public Safety and Rules—AB 112.

Transportation and Housing and Revenue and Taxation—AB 1497.

State Capitol, May 25, 2005

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Suzanne M. Ambrose, Director, Fair Employment and Housing (5–0)

Ronald Joseph, Director, Department of General Services (5–0)

Richard H. Ross, Chief, Bureau of Automotive Repair (5–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, May 25, 2005

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that they be confirmed:

Vernon Chong, M.D., Member, California Veterans Board (5–0)

James C. Crump, Jr., Member, California Veterans Board (5–0)

William D. Jackson, Member, California Veterans Board (5–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.



State Capitol, May 25, 2005

Mr. President: The Senate Rules Committee has adopted Senate Rules Committee Resolution #10 outlining the jurisdiction of the Select Committee on Emerging Technologies and Economic Competitiveness and appointed the following members to serve on the select committee: Senators Bowen, Kehoe, Maldonado, Perata, Simitian, Torlakson and one vacancy. Senator Alquist serves as Chair.

PERATA, Chair

Date of Hearing, May 18, 2005

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

ACR 33

Reports the same back with the recommendation: Be adopted as amended.

PERATA, Chair

Above measure ordered to second reading.

Date of Hearing, May 25, 2005

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

AJR 6

Reports the same back with the recommendation: Be adopted.

PERATA, Chair

Above resolution ordered to third reading.

Committee on Judiciary

Senate Chamber, May 26, 2005

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

AB 68

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 68—An act to amend Sections 2981 and 2982 of, and to add Sections 2982.2 and 2982.10 to, the Civil Code, to add Section 6012.3 to the Revenue and Taxation Code, and to add Sections 11713.18, 11713.19, 11713.20, and 11713.21 to the Vehicle Code, relating to consumers.

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 25, 2005

Mr. President: The Senate Rules Committee has appointed Senators Alarcón and Romero as members of the Senate Appropriations Committee to replace Senators Bowen and Speier.

PERATA, Chair

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

Senate Bill 989—An act to amend Sections 25395.84 and 25395.85 of, to add Sections 25395.79.3, 25395.79.4, 25395.79.5, and 25395.81.1 to, to add Article 7 (commencing with Section 25395.102) and Article 8 (commencing with Section 25395.109) to Chapter 6.82 of Division 20 of, and to repeal Article 7 (commencing with Section 25395.105) of Chapter 6.82 of Division 20 of, the Health and Safety Code, relating to hazardous materials.

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 112—An act to amend Section 13276 of the Welfare and Institutions Code, relating to public social services.

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

THIRD READING OF SENATE BILLS

Senate Bill 185—An act to amend Section 10 of Chapter 974 of the Statutes of 2002, relating to state property.

Bill read third time and presented by Senator Battin.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Simitian, Soto, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 187—An act to add Section 116365.3 to the Health and Safety Code, relating to drinking water.

Bill read third time and presented by Senator Soto.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Machado, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 441—An act to add Section 739.11 to the Public Utilities Code, relating to electricity.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, Denham, Dutton, Hollingsworth, Machado, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 490—An act to add and repeal Section 59018 of the Health and Safety Code, relating to toxic substances.

Bill read third time and presented by Senator Lowenthal.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alquist, Bowen, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 734—An act to amend Sections 11159.2, 11161, 11161.5, 11162.1, 11165, and 11190 of the Health and Safety Code, relating to controlled substances.

Bill read third time and presented by Senator Torlakson.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Cox, Dutton, Hollingsworth, McClintock, Morrow, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 772—An act to amend Section 42885.5 of the Public Resources Code, relating to the environment.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Aanestad, Ackerman, Cox, Hollingsworth, McClintock, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 797—An act to amend Section 11357 of the Health and Safety Code, and to amend Section 23222 of the Vehicle Code, relating to crime.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Figueroa, Kehoe, Kuehl, Lowenthal, McClintock, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 837—An act to amend Sections 6611, 12125, 12126, and 12128 of, and to repeal Sections 12129 and 12130 of, the Public Contract Code, relating to public contracts.

Bill read third time and presented by Senator Dutton.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Aanestad, Dunn, Florez, Hollingsworth, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

Senate Bill 851—An act to add Article 22.5 (commencing with Section 20369.2) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, and to amend Sections 130051.7 and 130243 of the Public Utilities Code, relating to the Los Angeles County Metropolitan Transportation Authority.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 857—An act to amend Section 5901 of the Fish and Game Code, and to add Article 3.5 (commencing with Section 156) to Chapter 1 of Division 1 of, the Streets and Highways Code, relating to fish passages.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, Denham, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

JOINT RULE 62(a) SUSPENDED

Senator Ashburn moved that the Senate suspend Joint Rule 62(a) for the purpose of allowing several measures to be heard in the Appropriations Committee without notice in the Daily File.



Roll Call

The roll was called and the motion carried by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Motion carried

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

Senate Bill 905—An act to repeal and add Section 54697 of the Education Code, relating to partnership academies.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators McClintock and Morrow.

Bill ordered transmitted to the Assembly.

Senate Bill 950—An act to amend Sections 65863.11 and 65863.13 of the Government Code, to amend Sections 33760 and 34312 of the Health and Safety Code, and to amend Sections 12206, 17058, and 23610.5 of the Revenue and Taxation Code, relating to housing.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Dutton, Hollingsworth, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 975—An act to add and repeal Article 6 (commencing with Section 43860) of Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to air pollution.

Bill read third time and presented by Senator Ashburn.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 1018—An act to amend Sections 15634 and 15655.5 of, and to add Section 15630.1 to, the Welfare and Institutions Code, relating to elder and dependent adult abuse.

Bill read third time and presented by Senator Simitian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 1021—An act to amend Sections 12810 and 42001 of, and to add Sections 21070 and 42001.19 to, the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Ashburn and Hollingsworth.

Bill ordered transmitted to the Assembly.

Senate Bill 1061—An act to amend Section 14670 of the Government Code, relating to state property.

Bill read third time and presented by Senator Dutton.

The roll was called.



CALL OF THE SENATE

Pending the announcement of the vote, Senator Dutton moved a call of the Senate.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 695—An act to add Section 10265 to the Public Resources Code, relating to resource conservation.

Bill read third time and presented by Senator Kehoe.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Bowen, Chesbro, Ducheny, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 13—An act to amend Section 1798.24 of the Civil Code, and Section 10850 of the Welfare and Institutions Code, relating to personal information.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Ackerman, Cox, Hollingsworth, and Margett.

Bill ordered transmitted to the Assembly.

Senate Bill 218—An act to amend Section 366.26 of the Welfare and Institutions Code, relating to termination of parental rights.

Bill read third time and presented by Senator Scott.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 255—An act to amend Sections 9853, 9860, 9861, and 9863 of the Vehicle Code, relating to vessels.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 607—An act to amend Section 6006.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 1061)

On motion of Senator Dutton, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SB 1061 was passed by the following vote:

AYES (21)—Senators Ackerman, Ashburn, Battin, Campbell, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Hollingsworth, Maldonado,

Margett, Morrow, Murray, Perata, Romero, Runner, Soto, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Alarcón, Alquist, Bowen, Dunn, Florez, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Migden, Ortiz, Poochigian, Scott, and Simitian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 651—An act to amend Section 5060 of, and to add Section 5060.5 to, the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alquist, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Ashburn, Bowen, Ducheny, Dunn, McClintock, and Murray.

Bill ordered transmitted to the Assembly.

Senate Bill 44—An act to amend Section 65302.1 of the Government Code, relating to general plans.

Bill read third time and presented by Senator Kehoe.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Ducheny, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Concurrent Resolution 40—Relative to preservation of state authority over siting of liquefied natural gas facilities.

Resolution read third time and presented by Senator Lowenthal.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado,



Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner.

Resolution ordered transmitted to the Assembly.

Senate Bill 198—An act to add Section 18871.1 to, to add Article 2.1 (commencing with Section 18615) to, and to repeal the heading of Article 2.5 of, Chapter 5 of Part 2.1 of Division 13 of, the Health and Safety Code, relating to manufactured homes, and making an appropriation therefor.

Bill read third time and presented by Senator Lowenthal.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 455—An act to amend Sections 42889 and 42961.5 of the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Escutia.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Hollingsworth and McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 1081—An act to add Sections 79569 and 79569.5 to the Water Code, relating to habitat restoration.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl,



Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 245—An act to add Section 14682 to the Government Code, relating to state property.

Bill read third time and presented by Senator Battin.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Perata, Poochigian, Romero, Runner, Soto, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 852—An act to amend Sections 1798.29 and 1798.82 of the Civil Code, relating to identity theft.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alquist, Ashburn, Bowen, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Ackerman, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 355—An act to add Chapter 33 (commencing with Section 22948) to Division 8 of the Business and Professions Code, relating to the Internet.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz,



Perata, Poochigian, Romero, Runner, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Ackerman and Hollingsworth.

Bill ordered transmitted to the Assembly.

Senate Bill 110—An act to amend Sections 142051, 142105, 142260, and 142263 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Florez.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Denham, Dutton, Hollingsworth, Margett, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

Senate Bill 314—An act to amend Section 10214.5 of the Unemployment Insurance Code, relating to employment training.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Dutton, Hollingsworth, Margett, McClintock, Morrow, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 567—An act to add Section 49535 to the Education Code, relating to pupil wellness.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.



REQUEST FOR UNANIMOUS CONSENT (SB 77)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 77 at this time, without reference to file.

Consideration of Senate Bill 77**Consideration of Assembly Amendments**

Senate Bill 77—An act relating to the Budget Act of 2005.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 77?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (1)—Senator Ducheny.

NOES (25)—Senators Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Cox, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 536—An act to amend Sections 6066 and 6226 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 212—An act to repeal Section 103900 of the Health and Safety Code, and to add Article 6 (commencing with Section 13010) to Chapter 1 of Division 6 of the Vehicle Code, relating to public health.

Bill read third time and presented by Senator Lowenthal.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Campbell, Cedillo, Cox, Ducheny, Dunn, Dutton, Escutia, Figueroa,



Kehoe, Lowenthal, Maldonado, Margett, Migden, Murray, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (5)—Senators Aanestad, Hollingsworth, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 293—An act to add Chapter 2 (commencing with Section 14005), to add Chapter 3 (commencing with Section 14010), to add Chapter 4 (commencing with Section 14200), to add Chapter 5 (commencing with Section 14500), and to add Chapter 6 (commencing with Section 14600) to Division 7 of, to repeal Division 8 (commencing with Section 15000) of, and to repeal and add Section 14000 of, the Unemployment Insurance Code, relating to job training.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alquist, Bowen, Campbell, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 292—An act to amend Sections 138.7 and 5307.1 of the Labor Code, relating to workers' compensation.

Bill read third time and presented by Senator Speier.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 518—An act to amend Sections 2051.5, 10089.82, 10106, 14028, 14029, 14035, 14062, 15011, 15027, 15027.1, 15033, 15036, 15040, 15056, and 15059 of, and to add Sections 395, 14028.5, 14061.5, 15018.5, 15027.5, 15028.7, and 15039.5 to, and repeal Section 15014 of, the Insurance Code, relating to homeowners' insurance.

Bill read third time and presented by Senator Kehoe.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Bowen, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 615—An act to amend Section 104200 of the Health and Safety Code, relating to cancer.

Bill read third time and presented by Senator Figueroa.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Alarcón, Alquist, Battin, Bowen, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 626—An act to amend Sections 56240, 56241 and 56836.23 of the Education Code, relating to special education.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 663—An act to amend and add Section 25110 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Migden.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 703—An act to add Section 2610.65 to the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Campbell, Cedillo, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 708—An act to add Part 5.7 (commencing with Section 17800) to Division 9 of the Welfare and Institutions Code, relating to health care.

Bill read third time and presented by Senator Speier.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 743—An act to amend Sections 42301 and 42310 of the Public Resources Code, relating to recycling.

Bill read third time and presented by Senator Chesbro.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 769—An act to amend and repeal Section 399.4 of, and to add Section 382.5 to, the Public Utilities Code, relating to energy resources.

Bill read third time and presented by Senator Simitian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (3)—Senators Campbell, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 777—An act to amend Sections 31452.5, 31486.3, 31490.5, 31494.3, and 31781.2 of the Government Code, relating to retirement.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (3)—Senators Campbell, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 813—An act to add Section 17075.20 to the Education Code, relating to school facilities.

Bill read third time and presented by Senator Denham.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 847—An act relating to teachers.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Campbell, Cox, Denham, Hollingsworth, Margett, McClintock, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 973—An act to add Section 24300.3 to the Education Code, and to add Sections 21451.5 and 31760.7 to the Government Code, relating to domestic partners, and making an appropriation therefor.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Florez, Hollingsworth, Maldonado, Margett, McClintock, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 1006—An act to add Section 33126.4 to the Education Code, relating to schools.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny,



Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Campbell and Hollingsworth.

Bill ordered transmitted to the Assembly.

Senate Bill 113—An act to amend Sections 79402, 79423, and 79509.6, of, and to add Section 79403 to, the Water Code, relating to water.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (17)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 644—An act to add Section 733 to the Business and Professions Code, relating to healing arts.

Bill read third time and presented by Senator Ortiz.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 401—An act to amend Section 56.05 of the Civil Code, relating to medical information.

Bill read third time and presented by Senator Ortiz.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Aanestad, Alarcón, Alquist, Battin, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado,



Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Cox, Denham, Ducheny, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 706—An act to amend Sections 1871.7, 1879.3, and 12921.8 of the Insurance Code, relating to the Insurance Commissioner.

Bill read third time and presented by Senator Ortiz.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 670—An act relating to Mexican repatriation.

Bill read third time and presented by Senator Dunn.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (5)—Senators Ackerman, Ashburn, Cox, Hollingsworth, and Morrow.

Bill ordered transmitted to the Assembly.

Senate Bill 912—An act to amend Section 33000 of the Education Code, relating to the State Board of Education.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal,



Migden, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Hollingsworth, Machado, Maldonado, Margett, McClintock, Morrow, Poochigian, Runner, and Simitian.

Bill ordered transmitted to the Assembly.

Senate Bill 137—An act to amend Sections 1365.1 and 1367.1 of, to add Sections 1367.4 and 1367.5 to, and to repeal Section 1366.3 of, the Civil Code, and to amend Section 116.540 of, and to add Section 729.035 to, the Code of Civil Procedure, relating to common interest developments.

Bill read third time and presented by Senator Ducheny.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Ackerman and Cox.

Bill ordered transmitted to the Assembly.

Senate Bill 580—An act to amend Section 382.1 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read third time and presented by Senator Escutia.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Hollingsworth, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SR 13)

Senator Escutia asked for, and was granted, unanimous consent that SR 13 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Resolution 13

Senate Resolution 13—Relative to Educational Options Month.

Resolution read third time and presented by Senator Escutia.



Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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.

NOES (0)—None.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 848—An act to add Chapter 7.8 (commencing with Section 1129) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read third time and presented by Senator Dunn.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 225—An act to amend Section 44283 of the Health and Safety Code, relating to air quality.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Alarcón, Alquist, Ashburn, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Aanestad, Ackerman, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 10—An act to amend Section 798.73 of the Civil Code, relating to mobilehomes.

Bill read third time and presented by Senator Dunn.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 1009—An act to amend Section 41027 of, and to repeal and add Section 41026 of, the Water Code, relating to water.

Bill read third time and presented by Senator Florez.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Machado and McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 399—An act to amend Section 23004.1 of the Government Code, and to repeal and add Section 14124.791 of the Welfare and Institutions Code, relating to health services.

Bill read third time and presented by Senator Escutia.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Senate Bill 634—An act to add Section 511.4 to the Business and Professions Code, and to amend Section 10123.12 of, and to add Section 10133.66 to, the Insurance Code, relating to health insurance.

Bill read third time and presented by Senator Speier.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Hollingsworth and McClintock.

Bill ordered transmitted to the Assembly.

UNANIMOUS CONSENT TO READ BILLS SECOND TIME

Without objection, all Senate measures reported from the Committee on Appropriations will be given their second reading upon being reported.

MOTION TO SUSPEND SENATE RULES

Senator Perata moved that Senate Rule 44 be suspended so that members of the Budget Conference Committee may be added to the roll calls.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Motion carried.

Senator Speier Presiding**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****Consideration of Governor's Appointments**

Senator Perata placed the following Governor's appointments before the Senate:

Steve Alexander, Member, Medical Board of California, Division of Medical Quality.

Ronald H. Wender, M.D., Member, Medical Board of California, Division of Medical Quality.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"



Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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.

NOES (0)—None.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 18** and **SCR 22** were withdrawn from Committee and placed on today's Special Consent Calendar.

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 18—Relative to California Indian Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(Note: See Special Consent Calendar Roll Call)

Senate Concurrent Resolution 22—Relative to California Hispanic Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(Note: See Special Consent Calendar Roll Call)

Special Consent Roll Call

The roll was called and the resolutions were adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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.

NOES (0)—None.

Resolutions ordered transmitted to the Assembly.

APPOINTMENT OF COMMITTEE ON CONFERENCE

Madam President: The Committee on Rules announces the appointment of Senators Chesbro, Ducheny, and Hollingsworth as a Senate Committee on Conference concerning SB 77 to meet a like committee of the Assembly.

PERATA, Chair

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Florez moved that **SB 995** be placed on the inactive file.

Senator Torlakson moved that **SB 522** be placed on the inactive file.

Senator Escutia moved that **SCR 32** and **SB 155** be placed on the inactive file.

Motions carried.

REQUEST TO BE ADDED TO ROLL CALL

May 26, 2005

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 185—Aye	SB 905—Aye	SB 950—No
SB 1021—Aye	SB 13—No	SB 651—Aye
SB 110—No	SB 314—No	SB 212—Aye

DICK ACKERMAN, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 2:22 p.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Perata moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Friday, May 27, 2005.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
May 26, 2005

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

Archie Joe Biggers, former Executive Director, Greater San Diego Inner-City Games; former Lieutenant Colonel (Retired) serving for 24 years, United States Marine Corps; former Operations Director, San Diego Police Athletic League; and former Executive Director of Sports Training, Academic & Recreation. He is active in many community organizations including San Diego Unified School



Interscholastic Athletics Council and the San Diego Chargers Community Center. Appointed 05/23/05. Effective 05/23/05.

Member, Youth Authority Board, Department of the Youth Authority vice Gilbert J. Sandoval, term expired, term ending 03/15/08.

Colleen Marie Jordan, consultant and member of Hewins Financial Advisors, LLC; and former Redwood City Council member. Appointed 05/05/05. Effective 05/25/05.

Member, San Francisco Bay Conservation and Development Commission vice Audrey R. Oliver, resigned, term ending at the Pleasure of the Governor.

Raymond S. Randolph, Ph.D., President and Chief Executive Officer, Bay Area Economic Forum; former Director of International Trade, State of California; and former Co-Leader, Bay Area Water Transit Initiative. Appointed 05/05/05. Effective 05/25/05.

Member, San Francisco Bay Conservation and Development Commission vice Barbara Kaufman, resigned, term ending at the Pleasure of the Governor.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 26, 2005

Madam President: I am directed to inform your honorable body that the Assembly appointed the following Members of the Assembly as a Committee on Conference concerning SB 77: Laird, Keene, and Chu.

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Business, Professions and Economic Development

Senate Chamber, May 26, 2005

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

AB 595

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 595—An act to amend Section 4051 of, to add Section 4019.5 to, to repeal Section 4033 of, and to repeal and add Section 4123 of, the Business and Professions Code, relating to pharmacy.

Bill read second time.

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



MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 446** was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Judiciary.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Tuesday, May 31.

SB 475	SB 864	SB 277	SB 430
SB 460	SCR 42	AB 65	

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

Senate Bill 914—An act to add Section 597z to the Penal Code, relating to animals.

Bill read third time.

Amendments Adopted

Amendments to SB 914 proposed by Senator Kehoe were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 163—An act to add Section 10295.2 to the Public Contract Code, relating to public contracts.

Bill read third time.

Amendments Adopted

Amendments to SB 163 proposed by Senator Scott were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 929—An act to amend Sections 82002 and 82039 of the Government Code, and to amend Section 30325 of the Public Resources Code, relating to coastal resources.

Bill read third time.

Amendments Adopted

Amendments to SB 929 proposed by Senator Kehoe were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 239—An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

Bill read third time.

Amendments Adopted

Amendments to SB 239 proposed by Senator Romero were read and adopted and the measure ordered printed, engrossed, and to second reading.



SENATE COMMITTEE ROLL CALLS**Committee on Rules****SCR 17**—Be adopted as amended

AYES (5)—Senators Ashburn, Battin, Bowen, Cedillo, and Perata.

NOES (0)—None.

AJR 6—Be adopted

AYES (4)—Senators Battin, Bowen, Cedillo, and Perata.

NOES (1)—Senator Ashburn.

Date of Hearing: 5/25/2005

Perata (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Margett requested that when the Senate adjourns this day it do so in memory of Irene Hayman of Arcadia.

Senators Murray and Cox requested that when the Senate adjourns this day it do so in memory of Jim Neff of Palm Springs.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Edward Hawkins of Pasadena.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, May 27, 2005.

PAULA K. ROSSETTO, Minute Clerk

