

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, June 2, 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:

God of all Grace, we give thanks today for the work you have given us to do. Give us the strength to be patient, the courage to listen and the wisdom that we need to complete the tasks before us. Help us to do what we can do, and to live with what we cannot, and at the end of the day, grant us nourishment, rest and joy in Your Holy presence—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 1, 2005

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

AB 178	AB 1142	AB 1667	AB 1633
AB 680	AB 1168	AB 1676	AB 1643
AB 688	AB 1189	AB 1677	AB 799
AB 698	AB 1210	AB 1698	AB 820
AB 726	AB 1222	AB 1715	AB 1623
AB 740	AB 78	AB 1764	AB 88
AB 741	AB 115	AB 1768	AB 239
AB 772	AB 216	AB 23	AB 263
AB 779	AB 243	AB 569	AB 437
AB 826	AB 264	AB 1232	AB 460
AB 856	AB 338	AB 1241	AB 632
AB 857	AB 409	AB 1246	AB 723
AB 877	AB 677	AB 1296	AB 764
AB 884	AB 815	AB 1338	AB 766
AB 929	AB 1208	AB 1362	AB 940
AB 950	AB 1263	AB 1383	AB 1078
AB 993	AB 1310	AB 1388	AB 1172
AB 1011	AB 1316	AB 1406	AB 1200
AB 1057	AB 1359	AB 1412	AB 1220
AB 1061	AB 1547	AB 1471	AB 1233
AB 1066	AB 1559	AB 1535	AB 1374
AB 1067	AB 1601	AB 1565	AB 1466
AB 1088	AB 1648	AB 1617	AB 1487
AB 1097	AB 1662	AB 1620	AB 1524
AB 1107	AB 1663	AB 1632	AB 1576



AB 1597	AB 330	AB 571	AB 1183
AB 1665	AB 350	AB 624	AB 1270
AB 1707	AB 391	AB 708	AB 1361
AB 196	AB 401	AB 721	AB 1369
AB 210	AB 439	AB 777	AB 1459
AB 215	AB 475	AB 813	AB 1735
AB 217	AB 485	AB 841	
AB 232	AB 492	AB 1010	
AB 314	AB 524	AB 1012	

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 178**—An act to add Part 8 (commencing with Section 14950) to Division 12 of the Health and Safety Code, relating to cigarettes.

**Assembly Bill 680**—An act to amend Section 48985 of the Education Code, relating to pupils.

**Assembly Bill 688**—An act to amend Section 1324.2 of the Health and Safety Code, relating to health facilities.

**Assembly Bill 698**—An act to add Section 5015 to the Penal Code, relating to media access to prisons.

**Assembly Bill 726**—An act to add Sections 60642.7 and 60642.8 to the Education Code, relating to pupil assessment.

**Assembly Bill 740**—An act to add Sections 47634.2, 47634.25, 47634.3, and 47634.4 to, to repeal Section 47634.5 of, and to repeal and add Section 47634 of, the Education Code, relating to charter schools.

**Assembly Bill 741**—An act to add Section 51207 to the Education Code, relating to courses of study.

**Assembly Bill 772**—An act to amend Section 49557.2 of the Education Code, to amend Section 123290 of the Health and Safety Code, to amend Sections 12693.98 and 12693.981 of, to add Sections 12693.22, 12693.415, 12693.444, 12693.445, 12693.702, 12693.703, 12693.704, and 12693.983 to, and to add Chapter 17 (commencing with Section 12693.99) to Part 6.2 of Division 2 of, the Insurance Code, and to amend Sections 14005.23, 14005.41, and 18925 of, and to add Sections 14005.43, 14005.71, and 14011.65 to, the Welfare and Institutions Code, relating to health care coverage.

**Assembly Bill 779**—An act to add Section 14018.15 to the Welfare and Institutions Code, relating to Medi-Cal.

**Assembly Bill 826**—An act to add Article 3 (commencing with Section 9100) to Chapter 10 of Part 6 of the Education Code, and to add



Chapter 5 (commencing with Section 43600) to Division 17 of the Food and Agricultural Code, relating to child nutrition.

**Assembly Bill 856**—An act to amend Sections 32556, 32557, and 32560 of, and to repeal Section 32562 of, the Public Resources Code, relating to land conservation.

**Assembly Bill 857**—An act to amend Section 9250.19 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

**Assembly Bill 877**—An act to amend, repeal, and add Section 22651 of the Vehicle Code, relating to vehicles.

**Assembly Bill 884**—An act to add Section 19135 to the Government Code, relating to state employees.

**Assembly Bill 929**—An act to add Article 5 (commencing with Section 114897) to Chapter 6 of Part 9 of Division 104 of the Health and Safety Code, relating to radiation technology.

**Assembly Bill 950**—An act relating to teachers.

**Assembly Bill 993**—An act to add Section 25303.5 to the Public Resources Code, relating to energy resources.

**Assembly Bill 1011**—An act to amend Sections 12400, 12401, and 12406 of, and to repeal Section 12404 of the Food and Agricultural Code, relating to pesticides.

**Assembly Bill 1057**—An act to amend Section 60850 of the Education Code, relating to adult education.

**Assembly Bill 1061**—An act to amend Section 54444 of, and to add Section 40535 to, the Food and Agricultural Code, relating to agriculture omnibus.

**Assembly Bill 1066**—An act to amend Sections 19130 and 19131 of the Government Code, relating to public employment.

**Assembly Bill 1067**—An act to amend Sections 369b and 1463.12 of, and to add Section 218.1 to, the Penal Code, to amend Section 2454 of the Streets and Highways Code, and to amend Sections 22526, 42001.1, and 42001.16 of the Vehicle Code, relating to railroads.

**Assembly Bill 1088**—An act to add Section 67385.7 to the Education Code, relating to public postsecondary education.

**Assembly Bill 1097**—An act to add Section 46300.8 to the Education Code, relating to pupils.

**Assembly Bill 1107**—An act to amend Section 42291 of the Education Code, relating to school transportation.



**Assembly Bill 1142**—An act to add Chapter 13.7 (commencing with Section 121290) to Part 4 of Division 105 of the Health and Safety Code, relating to HIV.

**Assembly Bill 1168**—An act to add Section 116294 to the Health and Safety Code, relating to public water systems.

**Assembly Bill 1189**—An act to amend Section 2932 of the Vehicle Code, relating to vehicles.

**Assembly Bill 1210**—An act to add Chapter 4.1 (commencing with Section 6310) to Division 7 of Title 1 of the Government Code, relating to a Holocaust memorial.

**Assembly Bill 1222**—An act to add Chapter 8 (commencing with Section 39940) to Part 2 of Division 26 of the Health and Safety Code, relating to air pollution.

**Assembly Bill 78**—An act to add Division 113 (commencing with Section 150000) to the Health and Safety Code, relating to pharmacy benefits management.

**Assembly Bill 115**—An act to amend Sections 17024.5, 17052.6, 17072, 17077, 17085, 17131, 17132.5, 17140, 17140.3, 17144, 17152, 17220, 17250, 17250.5, 17255, 17256, 17279.4, 17501, 17551, 17731, 18571, 18572, 18633, 19008, 19041.5, 19116, 19184, 19559, 23051.5, 23701s, 23701w, 23703.5, 23705, 23711, 23712, 24306, 24349, 24369.4, 24407, 24601, 24654, 24661.5, 24872, 24949.1, and 24949.3 of, to add Sections 17131.6, to amend and repeal Section 17204 of, 17139.6, 17201.4, 17201.5, 17201.6, 17204.7, 17681.6, 17760, 18035.6, 18036.6, 19136.7, 24355.3, 24406.6, 24661.6, 24694, and 24831.6 to, to add and repeal Sections 17053.62, 17255.5, 23662, and 24356.4 of, and to repeal Sections 17131.8, 17137, 17144.5, 17160.5, 17202.5, 17205, 19559, and 24356.5 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Assembly Bill 216**—An act to amend Section 12241 of the Elections Code, relating to elections.

**Assembly Bill 243**—An act to amend Section 10113.2 of the Insurance Code, relating to life insurance.

**Assembly Bill 264**—An act to add Sections 49413.5 and 49416 to the Education Code, relating to pupil health.

**Assembly Bill 338**—An act to add Section 42703 to the Public Resources Code, relating to recycling.

**Assembly Bill 409**—An act to amend Section 14838 of the Government Code, relating to state contracts.

**Assembly Bill 677**—An act to amend Sections 667.1, 1170.125, and 1192.7 of the Penal Code, relating to sentencing.



**Assembly Bill 815**—An act to amend Sections 142.3, 144.6, 147, 147.1, and 147.2 of the Labor Code, relating to occupational safety and health.

**Assembly Bill 1208**—An act to add Section 9250.20 to the Vehicle Code, relating to vehicles.

**Assembly Bill 1263**—An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.

**Assembly Bill 1310**—An act to add Section 2929.5 to the Labor Code, relating to employment termination agreements.

**Assembly Bill 1316**—An act to add Section 129772 to, and to add and repeal Section 129771 of, the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1359**—An act to add Section 1350 to the Health and Safety Code, and to add Section 10112.6 to the Insurance Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1547**—An act to amend Section 25744 of, to add Section 25402.10 to, and to add Division 16.7 (commencing with Section 26421) to, the Public Resources Code, and to amend Sections 399.6, 399.8, 2827, 3345, and 3370 of, to add Sections 385.1 and 760 to, and to add Chapter 8 (commencing with Section 2830) to Part 2 of Division 1 of, the Public Utilities Code, relating to solar energy.

**Assembly Bill 1559**—An act to add Chapter 7.2 (commencing with Section 8669) to Division 1 of Title 2 of the Government Code, relating to statewide communications, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1601**—An act to amend Sections 1596.66 and 1596.67 of, and to add Section 1596.675 and 1596.8745 to, the Health and Safety Code, relating to child care, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1648**—An act to add Chapter 5.5 (commencing with Section 104307) to Part 1 of Division 103 of the Health and Safety Code, relating to health.

**Assembly Bill 1662**—An act to amend Sections 33590, 56001, 56028, 56028.5, 56138, 56171, 56172, 56173, 56175, 56176, 56177, 56205, 56301, 56304, 56320, 56321, 56325, 56329, 56341, 56341.1, 56341.5, 56345.1, 56363, 56380, 56381, 56385, 56500.3, 56500.4, 56502, 56505, 56506, 56507, 56515, 56838, and 56841 of, to add Sections 56040.5, 56302.1, 56321.1, 56380.1, 56501.5, 56509, 56843, and 56844 to, to add Article 3.9 (commencing with Section 56058) to Chapter 1 of Part 30 of, and to repeal and add Sections 56337, 56345, 56346, 56837, and 56842 of, the Education Code, and to amend Section 7579.5 of, and to add



Section 7579.6 to, the Government Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 1663**—An act to amend Section 8169.6 of the Government Code, relating to state building construction.

**Assembly Bill 1667**—An act to amend Section 49423.5 of the Education Code, relating to pupil health.

**Assembly Bill 1676**—An act to add Section 4806 to the Probate Code, relating to death.

**Assembly Bill 1677**—An act to add Section 5012 to the Penal Code, relating to inmates.

**Assembly Bill 1698**—An act to amend Section 1373 of the Health and Safety Code, and to amend Section 10277 of the Insurance Code, relating to health care.

**Assembly Bill 1715**—An act to amend Section 1202a of the Penal Code, relating to death penalty prisoners.

**Assembly Bill 1764**—An act to amend Section 14581 of the Public Resources Code, relating to beverage containers, making an appropriation therefor.

**Assembly Bill 1768**—An act to add Chapter 6 (commencing with Section 13974.5) to Part 4 of Division 3 of Title 2 of the Government Code, relating to victims of crime, and making an appropriation therefor, to take effect immediately.

**Assembly Bill 23**—An act to amend and repeal Sections 84750 and 84751 of, and to add Article 1 (commencing with Section 84700) to Chapter 5 of Part 50 of, the Education Code, relating to community college finance.

**Assembly Bill 569**—An act to amend Section 48931 of, to add Section 49437 to, and to add Article 12.5 (commencing with Section 49575) to Chapter 9 of Part 27 of, the Education Code, relating to pupil nutrition.

**Assembly Bill 1232**—An act to amend Section 25205.6 of the Health and Safety Code, relating to hazardous substances.

**Assembly Bill 1241**—An act to amend Section 66432.7 of, and to add Section 69432.6 to, the Education Code, relating to student financial aid.

**Assembly Bill 1246**—An act to add Sections 8237.5 and 8237.6 to the Education Code, relating to preschool programs.

**Assembly Bill 1296**—An act to add Chapter 7 (commencing with Section 66690) to Title 7.2 of the Government Code, relating to resource conservation.



**Assembly Bill 1338**—An act to amend Sections 317, 366.26, and 634 of the Welfare and Institutions Code, relating to immigrant children.

**Assembly Bill 1362**—An act to amend Section 25740 of the Public Resources Code, to amend Sections 399.11, 399.12, 399.13, 399.14, 399.15, and 399.16 of, and to add Section 399.17 to, the Public Utilities Code, relating to renewable energy.

**Assembly Bill 1383**—An act to amend Section 25401.6 of the Public Resources Code, relating to energy.

**Assembly Bill 1388**—An act to amend Section 280 of, and to add and repeal Section 280.1 of, the Public Utilities Code, relating to telecommunications.

**Assembly Bill 1406**—An act to add Section 1750 to the Harbors and Navigation Code, relating to ports and harbors.

**Assembly Bill 1412**—An act to amend Sections 366, 366.1, 366.21, 366.22, 366.26, 366.3, 16001.9, 16500.1, and 16501.1 of, and to add Section 366.35 to, the Welfare and Institutions Code, relating to dependent children.

**Assembly Bill 1471**—An act to add Article 4.3 (commencing with Section 3260) to Chapter 1 of Division 3 of the Public Resources Code, relating to oil and gas.

**Assembly Bill 1535**—An act to add Section 4637.6 to the Welfare and Institutions Code, relating to developmental services.

**Assembly Bill 1565**—An act to add Section 130152 to the Health and Safety Code, relating to child care.

**Assembly Bill 1617**—An act to amend Sections 54235, 54326, 54327, and 54238.5 of, and to add Sections 54237.1 and 54327.2 to, the Government Code, relating to surplus residential property.

**Assembly Bill 1620**—An act to amend Section 19951 of the Business and Professions Code, relating to gambling.

**Assembly Bill 1632**—An act to amend Section 25303 of the Public Resources Code, relating to energy.

**Assembly Bill 1633**—An act to amend Section 11403 of, to add Section 11401.6 to, and to add Chapter 6.2 (commencing with Section 13750) to Part 3 of Division 9 of, the Welfare and Institutions Code, relating to foster children.

**Assembly Bill 1643**—An act relating to public employee benefits.

**Assembly Bill 799**—An act to add Part 5.6 (commencing with Section 11160) to Division 2 of the Revenue and Taxation Code, relating to local government finance.





**Assembly Bill 820**—An act to amend Sections 2117, 2125, 2150, 2150.4, and 2150.5 of, and to add Sections 2157, 2193, and 2195 to, the Fish and Game Code, relating to captive wild animals.

**Assembly Bill 1623**—An act to add Chapter 2.66 (commencing with Section 65089.20) to Division 1 of Title 7 of the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to transportation.

**Assembly Bill 88**—An act to amend Section 12280 of the Penal Code, relating to assault weapons.

**Assembly Bill 239**—An act to add Section 12025 to the Government Code, relating to the Governor's Budget.

**Assembly Bill 263**—An act to add Section 108921.5 to the Health and Safety Code, relating to toxic chemicals.

**Assembly Bill 437**—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

**Assembly Bill 460**—An act to amend Section 481 of the Food and Agricultural Code, relating to contagious diseases.

**Assembly Bill 632**—An act to add and repeal Chapter 3 (commencing with Section 9000) to Title 9 of Part 3 of the Penal Code, relating to sex offenders.

**Assembly Bill 723**—An act to add Section 60605.4 to the Education Code, relating to public school curriculum.

**Assembly Bill 764**—An act to amend Section 25660 of the Business and Professions Code, relating to alcoholic beverages.

**Assembly Bill 766**—An act to add Chapter 34 (commencing with Section 22949) to Division 8 of the Business and Professions Code, relating to the Internet.

**Assembly Bill 940**—An act to amend Section 14251 of the Penal Code, relating to missing persons.

**Assembly Bill 1078**—An act to add Chapter 6.9.1 (commencing with Section 25400.10) to Division 20 of the Health and Safety Code, relating to contaminated property.

**Assembly Bill 1172**—An act to add Section 221.5 to the Labor Code, relating to employment.

**Assembly Bill 1200**—An act to add Sections 139, 139.2, and 139.4 to the Water Code, relating to water.

**Assembly Bill 1220**—An act to amend Sections 41752 and 41755 of, and to add Section 41756 to, the Health and Safety Code, relating to air pollution.



**Assembly Bill 1233**—An act to amend Sections 65583.2 and 65584 of the Government Code, relating to local planning.

**Assembly Bill 1374**—An act to amend Section 12975.9 of the Insurance Code, relating to seismic safety.

**Assembly Bill 1466**—An act to add Part 11 (commencing with Section 12999) to Division 6 of the Water Code, relating to water.

**Assembly Bill 1487**—An act to add and repeal Section 5090.33 to the Public Resources Code, relating to off-highway motor vehicle recreation, and making an appropriation therefor.

**Assembly Bill 1524**—An act to amend Section 11005 of the Government Code, and to amend Section 31402.2 of the Public Resources Code, relating to coastal resources.

**Assembly Bill 1576**—An act to add Section 454.6 to the Public Utilities Code, relating to public utilities.

**Assembly Bill 1597**—An act to add Chapter 1.5 (commencing with Section 120780) to Part 4 of Division 105 of the Health and Safety Code, relating to drug paraphernalia.

**Assembly Bill 1665**—An act to amend Section 8521 of the Water Code, relating to flood control.

**Assembly Bill 1707**—An act to amend Section 16531.1 of the Government Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

**Assembly Bill 196**—An act to add Sections 99183, 99184, and 99185 to, to repeal and add Sections 99180, 99181, and 99182 of, and to repeal Sections 69563 and 99155 of, the Education Code, relating to postsecondary education.

**Assembly Bill 210**—An act to amend Section 12962 of the Insurance Code, relating to the Insurance Commissioner.

**Assembly Bill 215**—An act to amend Section 20400 of, and to add Section 9093.5 to, the Elections Code, relating to elections.

**Assembly Bill 217**—An act to add Article 6.5 (commencing with Section 1312) to Chapter 2 of Division 2 of the Health and Safety Code, relating to sex offenders.

**Assembly Bill 232**—An act to amend Sections 66055 and 66055.5 of the Education Code, relating to registered nursing programs.

**Assembly Bill 314**—An act to add Sections 1768.01, 1768.02, 1768.03, 1768.04, 1768.05, 1768.07, and 1768.08 to the Welfare and Institutions Code, relating to the Department of the Youth Authority.



**Assembly Bill 330**—An act to amend Section 1265 of, and to add Sections 1265.3 and 1265.4 to, the Health and Safety Code, relating to health facilities.

**Assembly Bill 350**—An act to add Chapter 2.6 (commencing with Section 53369) to Part 1 of Division 2 of Title 5 of the Government Code, relating to jobs-housing opportunity zones.

**Assembly Bill 391**—An act to amend Section 1262 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

**Assembly Bill 401**—An act to add Section 60049 to the Education Code, relating to instructional materials.

**Assembly Bill 439**—An act to amend Sections 290 and 1203.4 of, and to repeal Section 290.1 of, the Penal Code, relating to sex offenders.

**Assembly Bill 475**—An act to amend Sections 7106, 7107, 7110, and 7110.5 of the Government Code, relating to military base closure.

**Assembly Bill 485**—An act relating to economic development.

**Assembly Bill 492**—An act to amend Section 25504.1 of to the Health and Safety Code, relating to hazardous waste.

**Assembly Bill 524**—An act to add and repeal Section 10170 of the Public Contract Code, relating to public contracts.

**Assembly Bill 571**—An act to amend Section 23578 of the Vehicle Code, relating to vehicles.

**Assembly Bill 624**—An act to add Sections 12693.415 and 12693.701 to the Insurance Code, and to add Sections 14005.42, 14011.85, and 14011.86 to the Welfare and Institutions Code, relating to child health.

**Assembly Bill 708**—An act to amend Section 8547.12 of the Government Code, relating to the California State University.

**Assembly Bill 721**—An act to add and repeal Chapter 2 (commencing with Section 42100) of Part 3 of Division 30 of the Public Resources Code, relating to metal plating facilities .

**Assembly Bill 777**—An act to relating to economic development.

**Assembly Bill 813**—An act to add Section 138.7 to the Health and Safety Code, relating to health.

**Assembly Bill 841**—An act to amend Section 39619.5 of the Health and Safety Code, relating to air quality.

**Assembly Bill 1010**—An act to amend Section 99152 of, to add Section 99152.1 to, and to repeal Section 778 of, the Public Utilities Code, relating to transportation.



**Assembly Bill 1012**—An act to amend Section 515.5 of the Labor Code, relating to overtime.

**Assembly Bill 1183**—An act to amend Sections 1872, 1872.1, 1872.3, 1872.4, 1872.7, 1872.8, 1872.81, 1872.83, 1872.85, 1872.9, 1872.95, 1872.96, 1873.4, 1874.8, 1875.20, 1877.3, 1879.4, and 12964 of the Insurance Code, relating to insurance fraud.

**Assembly Bill 1270**—An act relating to school facilities.

**Assembly Bill 1361**—An act to amend Section 7073 of the Government Code, relating to economic development.

**Assembly Bill 1369**—An act relating to state employees.

**Assembly Bill 1459**—An act to amend Sections 116.240 and 116.940 of, and to add Sections 116.221, 116.222, and 116.232 to, the Code of Civil Procedure, relating to small claims court.

**Assembly Bill 1735**—An act to amend Section 2881 of the Public Utilities Code, relating to telecommunications.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Energy, Utilities and Communications**

Senate Chamber, June 2, 2005

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 746

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

ESCUTIA, Chair

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

**Assembly Bill 746**—An act to amend Section 1748.1 of the Civil Code, and to add Section 755 to the Public Utilities Code, relating to public utilities.

Bill read second time.

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

#### **RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 34** was referred to the Committees on Public Safety and Appropriations.

#### **CONSIDERATION OF DAILY FILE**

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

**Assembly Bill 831**—An act to amend Sections 1240, 17592.70, 35186, 41500, 41501, 41572, 44225.6, 44253.10, 44258.9, 48642, 49436, 52055.640, 52295.35, 56836.165, and 60119 of, and to repeal Section



32228.6 of the Education Code, to amend Item 6110–197–0890 of Section 2.00 of Chapter 208 of the Statutes of 2004 (the Budget Act of 2004), to amend Section 8 of Chapter 493 of the Statutes of 2004, and to amend Sections 22 and 23 of Chapter 900 of the Statutes of 2004, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Amendments proposed by the Committee on Appropriations were read and adopted, bill ordered printed, and to third reading.

### THIRD READING OF SENATE BILLS

**Senate Bill 36**—An act to add Section 85310.7 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Florez.

### Urgency Clause

Urgency clause read.

The roll was called.

### CALL OF THE SENATE

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

Motion carried.

### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 562**—An act to amend Sections 33352, 33353, 33354, and 35179 of the Education Code, relating to physical education.

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 (31)—Senators Ackerman, Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Aanestad and McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 172**—An act to amend Sections 188.5, 30912, 30950.2, 30952, 30953, 30961, and 31010 of, and to add Sections 188.6, 30886, 30952.1, 30952.2, and 30954 to, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

Bill read third time and presented by Senator Torlakson.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 35**—An act to amend Sections 130140 and 130150 of, and to add Section 130151 to, the Health and Safety Code, relating to child development.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, 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, Torlakson, and Vincent.

NOES (1)—Senator Chesbro.

Bill ordered transmitted to the Assembly.

**Consideration of Senate Bill 750**

**Senate Bill 750**—An act to add Section 14066.5 to, and to add Article 2.93 (commencing with Section 14091.25) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time.

**Motion to Amend**

Senator Soto moved the adoption of amendments to SB 750.

Amendments read and adopted.

**Consideration of Senate Bill 750 as Amended**

**Senate Bill 750**—An act to add Section 14066.5 to, and to add Article 2.93 (commencing with Section 14091.25) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal.

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 (24)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, 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 861**—An act to amend Section 14105.7 of the Welfare and Institutions Code, relating to Medi-Cal.

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

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

Bill ordered transmitted to the Assembly.

**Senate Bill 688**—An act to add Section 51211 to the Education Code, relating to pupil health.

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 (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, 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.

Bill ordered transmitted to the Assembly.

**Consideration of Senate Bill 33**

**Senate Bill 33**—An act to amend Section 288.1 of the Penal Code, relating to sexual abuse.

Bill read third time.

**Motion to Amend**

Senator Battin moved the adoption of amendments to SB 33.

Amendments read and adopted.

**Consideration of Senate Bill 33 as Amended**

**Senate Bill 33**—An act to amend Sections 285, 288.1, 1000.12, and 1203.066 of, and to repeal Section 1000.13 of, the Penal Code, relating to sexual abuse.

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 (34)—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, Ortiz, Perata, Poochigian, Runner, Simitian, Soto, Speier, and Torlakson.

NOES (1)—Senator Migden.

Bill ordered transmitted to the Assembly.

**Senate Bill 357**—An act to amend Section 11106 of, and to add Sections 12313, 12314, 12315, 12315.1, 12315.2, and 12315.3 to, the Penal Code, relating to ammunition.

Bill read third time and presented by Senator Dunn.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

#### Consideration of Senate Bill 568

**Senate Bill 568**—An act to amend Sections 97.2, 97.3, and 97.73 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### Motion to Amend

Senator Kehoe moved the adoption of amendments to SB 568.

Amendments read and adopted.

#### Consideration of Senate Bill 568 as Amended

**Senate Bill 568**—An act to amend Sections 97.2, 97.3, and 97.73 of the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Kehoe.

#### Urgency Clause

The names of the absentees were called and the urgency clause to SB 568 was adopted by the following vote:

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

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

NOES (1)—Senator Hollingsworth.

#### Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn,





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

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 357)**

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

**Roll Call**

The names of the absentees were called and SB 357 was passed by the following vote:

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

NOES (18)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Chesbro, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered transmitted to the Assembly.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 672**—An act to amend Section 84810.5 of the Education Code, and to amend Section 10340 of the Public Contract Code, relating to community colleges.

Bill read third time and presented by Senator Cox.

**Roll Call**

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

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

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

**Senate Bill 485**—An act relating to career technical education.

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 (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 (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**Senate Bill 697**—An act to amend Section 1877.1 of, and to add Section 1877.35 to, the Insurance Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to insurance fraud.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, 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.

Bill ordered transmitted to the Assembly.

**Senate Bill 1023**—An act to add Section 5800.1 to the Labor Code, relating to workers' compensation.

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 (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, Murray, Ortiz, Perata, Romero, 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 60**—An act to amend Section 12801.5 of, to add Sections 1653.6 and 12801.1 to, and to repeal Section 14610.7 of, the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Cedillo.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.



**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 488**—An act to amend Sections 7028 and 7125.4 of the Business and Professions Code, relating to contractors.

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

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Dutton, Hollingsworth, McClintock, and Runner.

Bill ordered transmitted to the Assembly.

**Senate Bill 191**—An act to add Chapter 4.3 (commencing with Section 66230) to Part 40 of the Education Code, relating to voter registration.

Bill read third time and presented by Senator Cedillo.

**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 223**—An act to add Chapter 4.1 (commencing with Section 50560) to Part 2 of Division 31 of the Health and Safety 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 (24)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, 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 1087**—An act to amend Section 65589.7 of the Government Code, relating to housing.

Bill read third time and presented by Senator Florez.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

#### THIRD READING OF SENATE BILLS (RESUMED)

**Senate Bill 1037**—An act to repeal Section 399.4 of, and to add Sections 454.55, 454.56, 1002.3, and 9615 to, the Public Utilities Code, relating to public utilities.

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 (26)—Senators Alarcón, Alquist, Battin, 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, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

**Senate Bill 517**—An act to add Sections 60851.1, 60852.7, 60852.8, and 60852.9 to the Education Code, relating to pupil assessment, and making an appropriation therefor.

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

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

Bill ordered transmitted to the Assembly.

**Senate Bill 739**—An act to add Sections 1279.1, 128752, and 128753 to, the Health and Safety Code, relating to health facilities.

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** (24)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, 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 806**—An act to amend Sections 12509, 12810, and 12814.6 of, and to add Sections 12814.9 and 12814.10 to, the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Speier.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**Consideration of Senate Bill 469**

**Senate Bill 469**—An act to amend Section 101 of, and to add Sections 336.7, 357.3, and 9011.5 to, the Elections Code, relating to petitions, and declaring the urgency thereof, to take effect immediately .

Bill read third time and presented by Senator Bowen.

**Motion to Amend**

Senator Bowen moved the adoption of amendments to SB 469.

Amendments read and adopted.

**Consideration of Senate Bill 469 as Amended**

**Senate Bill 469**—An act to amend Section 101 of, and to add Sections 336.7, 357.3, and 9011.5 to, the Elections Code, relating to petitions.

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

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

Bill ordered transmitted to the Assembly.



**THIRD READING OF SENATE BILLS (RESUMED)****Consideration of Senate Bill 11**

**Senate Bill 11**—An act to add Sections 12154 and 85303.5 to the Government Code, relating to elective office.

Bill read third time.

**Motion to Amend**

Senator Bowen moved the adoption of amendments to SB 11.

Amendments read and adopted.

**Consideration of Senate Bill 11 as Amended**

**Senate Bill 11**—An act to add Sections 12154 and 85303.5 to the Government Code, relating to elective office.

Bill read third time and presented by Senator Bowen.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 569**—An act to add and repeal Article 5 (commencing with Section 89090) of Chapter 1 of Part 55 of, and to add and repeal Article 4 (commencing with Section 92630) of Chapter 6 of Part 57 of, the Education Code, relating to public postsecondary education.

Bill read third time and presented by Senator Torlakson.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Concurrent Resolution 17**—Relative to the flag of the former Republic of Vietnam.

Resolution read third time and presented by Senator Ducheny.

**Roll Call**

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

AYES (22)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Maldonado, McClintock, Migden, Morrow, Perata, Poochigian, Runner, and Soto.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



**Consideration of Senate Bill 153**

**Senate Bill 153**—An act to add Chapter 1.698 (commencing with Section 5096.700) to Division 5 of the Public Resources Code, relating to public resources.

Bill read third time.

**Motion to Amend**

Senator Chesbro moved the adoption of amendments to SB 153.

Amendments read and adopted.

**Consideration of Senate Bill 153 as Amended**

**Senate Bill 153**—An act to add Chapter 1.698 (commencing with Section 5096.700) to Division 5 of the Public Resources Code, relating to public resources.

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

**NOES** (12)—Senators Aanestad, Ashburn, Battin, Campbell, Cox, Denham, Hollingsworth, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

**Consideration of Senate Bill 1035**

**Senate Bill 1035**—An act to amend Section 17070.75 of the Education Code, relating to school finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Motion to Amend**

Senator Hollingsworth moved the adoption of amendments to SB 1035.

Amendments read and adopted.

**Consideration of Senate Bill 1035 as Amended**

**Senate Bill 1035**—An act to amend Section 17070.75 of the Education Code, relating to school finance.

Bill read third time and presented by Senator Hollingsworth.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 36)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 36 was refused adoption by the following vote:

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

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

**Motion to Reconsider**

Senator Florez moved to reconsider the vote whereby the urgency clause to SB 36 was refused adoption.

**Roll Call**

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, 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 returned to the third reading file.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 172)**

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

**Roll Call**

The names of the absentees were called and SB 172 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.





**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 60)**

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

**Roll Call**

The names of the absentees were called and SB 60 was passed by the following vote:

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, 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.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 1087)**

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

**Roll Call**

The names of the absentees were called and SB 1087 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 806)**

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

**Roll Call**

The names of the absentees were called and SB 806 was passed by the following vote:

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



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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 11)**

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

**Roll Call**

The names of the absentees were called and SB 11 was passed by the following vote:

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

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

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 569)**

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

**Roll Call**

The names of the absentees were called and SB 569 was passed by the following vote:

AYES (36)—Senators Ackerman, Alarcón, Alquist, Battin, 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, Torlakson, and Vincent.

NOES (4)—Senators Aanestad, Ashburn, Bowen, and Speier.

Above bill ordered transmitted to the Assembly.

**SPECIAL CONSENT CALENDAR**

**Senate Bill 188**—An act to add Section 11008.21 to the Welfare and Institutions Code, relating to aid and medical assistance, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*



**Senate Bill 1077**—An act to add Section 42238.47 to the Education Code, relating to education finance.

Bill read third time, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar 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.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 1035)**

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

#### **Roll Call**

The names of the absentees were called and SB 1035 was refused passage by the following vote:

**AYES** (19)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Campbell, Chesbro, Cox, Denham, Ducheny, Dutton, Hollingsworth, Maldonado, Margett, Morrow, Poochigian, Runner, Scott, and Simitian.

**NOES** (18)—Senators Alarcón, Bowen, Cedillo, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, McClintock, Migden, Murray, Ortiz, Perata, Romero, Soto, Speier, and Torlakson.

#### **MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Runner moved that **SB 939** be placed on the inactive file.

Senator Soto moved that **SB 699** be placed on the inactive file.

Senator Escutia moved that **SB728** and **SB17** be placed on the inactive file.

Senator Hollingsworth moved that **SB1075** be placed on the inactive file.

Senator Lowenthal moved that **SB 727** be placed on the inactive file.

Motions carried.

#### **REQUEST TO BE ADDED TO ROLL CALL**

June 2, 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 861—No

SB 357—No

SB 485—Aye

SB 697—Aye

SB 488—No

SB 191—No



SB 223—No  
SCR 17—Aye

SB 1037—No

SB 739—No

DICK ACKERMAN, Minority Floor Leader

June 2, 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 35—No	SB 750—Aye	SB 861—Aye
SB 688—Aye	SB 33—Aye	SB 357—No
SB 568—Aye	SB 672—Aye	SB 485—Aye
SB 697—Aye	SB 1023—Aye	SB 488—Aye
SB 191—Aye	SB 223—Aye	SB 1037—Aye
SB 517—Aye	SB 739—Aye	SB 469—Aye

SENATOR WESLEY CHESBRO

June 2, 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 36—Aye	SB 35—Aye	SB 750—Aye
SB 861—Aye	SB 688—Aye	SB 33—Aye
SB 357—No	SB 568—Aye	SB 672—Aye
SB 485—Aye	SB 697—Aye	SB 1023—Aye
SB 488—Aye	SB 191—Aye	SB 223—Aye
SB 1037—Aye	SB 517—Aye	SB 739—Aye
SB 469—Aye	SB 153—Aye	

SENATOR DENISE MORENO DUCHENY

June 2, 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 750—No	SB 861—Aye	SB 688—No
SB 33—Aye	SB 357—No	SB 568—No
SB 672—No	SB 485—Aye	SB 697—Aye
SB 1023—No	SB 488—No	SB 191—No
SB 223—No	SB 1037—No	SB 517—No
SB 739—No	SB 469—No	

SENATOR DENNIS HOLLINGSWORTH

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

At 12:30 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 Monday, June 6, 2005.

Motion carried.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Rules**

State Capitol, June 1, 2005

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

**Agriculture**—AB 520, AB 924.

**Appropriations**—AB 346.

**Banking, Finance and Insurance**—AB 901, AB 1043.

**Business, Professions and Economic Development**—AB 488, AB 657, AB 881, AB 1382.

**Education**—AB 532, AB 605, AB 707, AB 756, AB 970, AB 1095, AB 1162, AB 1548.

**Elections, Reapportionment and Constitutional Amendments**—AB 709, AB 738.

**Energy, Utilities and Communications**—AB 610, AB 728, AB 736, AB 1458, AB 1585.

**Environmental Quality**—AB 362, AB 399, AB 403, AB 495, AB 574, AB 575, AB 1128, AB 1221, AB 1693.

**Government Modernization, Efficiency, and Accountability**—AB 302, AB 499, AB 910, AB 1202, AB 1357, AB 1660.

**Governmental Organization**—AB 52, AB 54, AB 1126, AB 1194, AB 1655.

**Health**—AB 1075.

**Human Services**—AB 880.

**Judiciary**—AB 459, AB 695, AB 853, AB 879.

**Labor and Industrial Relations**—AB 51, AB 57, AB 427, AB 755.

**Local Government**—AB 245, AB 259, AB 648, AB 1712.

**Natural Resources and Water**—AB 1356, AB 1421, AB 1431.

**Public Employment and Retirement**—AB 310, AB 804, AB 1206, AB 1772.

**Public Safety**—AB 312, AB 554, AB 570, AB 646, AB 944, AB 971, AB 992, AB 996, AB 1060, AB 1323, AB 1517, AB 1540.



**Revenue and Taxation**—AB 357, AB 1037, AB 1424, AB 1614, AB 1628, AB 1767.

**Rules**—AB 817.

**Transportation and Housing**—AB 304, AB 556, AB 765, AB 948, AB 963, AB 1031, AB 1086, AB 1098, AB 1118, AB 1461, AB 1518.

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

**Judiciary**—AB 339, SB 415.

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

**Banking, Finance and Insurance and Health**—AB 356.

**Banking, Finance and Insurance and Judiciary**—AB 729.

**Business, Professions and Economic Development and Judiciary**—AB 180, AB 582, AB 843.

**Education and Judiciary**—AB 1261.

**Education and Human Services**—AB 927.

**Education and Judiciary**—AB 322.

**Education and Rules**—AB 443.

**Education and Transportation and Housing**—AB 846.

**Education and Health**—AB 1392.

**Education and Judiciary**—AB 416.

**Environmental Quality and Energy, Utilities and Communications**—AB 1165.

**Environmental Quality and Judiciary**—AB 816.

**Government Modernization, Efficiency, and Accountability and Public Safety**—AB 1625.

**Judiciary and Public Safety**—AB 1595.

**Labor and Industrial Relations and Rules**—AB 581.

**Labor and Industrial Relations and Judiciary**—AB 169.

**Natural Resources and Water and Business, Professions and Economic Development**—AB 87.

**Public Safety and Judiciary**—AB 754.

**Transportation and Housing and Public Safety**—AB 452.



**Transportation and Housing and Environmental Quality**—AB 1001, AB 1229.

**Committee on Public Safety**

Senate Chamber, June 2, 2005

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

AB 998

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 998**—An act to add Section 11160.1 to the Penal Code, relating to reporting.

Bill read second time.

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

**Committee on Governmental Organization**

Senate Chamber, June 2, 2005

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

AB 428

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

FLOREZ, Chair

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

**Assembly Bill 428**—An act to amend Section 25761 of the Business and Professions Code, relating to alcoholic beverages.

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 2, 2005

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

AB 800

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 800**—An act to add Section 123147 to the Health and Safety Code, relating to health care.

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 2, 2005

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

AB 174

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 174**—An act to amend Section 507 of the Pajaro Valley Water Management Agency Act (Chapter 257 of the Statutes of 1984), relating to the Pajaro Valley Water Management Agency.

Bill read second time.

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

Senate Chamber, June 2, 2005

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

SB 997

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**

**Senate Bill 997**—An act to amend Section 7262 of the Government Code, relating to relocation assistance.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 997 pursuant to Joint Rule 58.

SENATOR SOTO





**Permission of Rules Committee**

Senate Chamber, June 2, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 997.

PERATA, Chair

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

**Committee on Local Government**

Senate Chamber, June 2, 2005

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

AB 159

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 159**—An act to amend Section 21100 of the Water Code, relating to water.

Bill read second time.

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

**Committee on Public Employment and Retirement**

Senate Chamber, June 2, 2005

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

AB 1044

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**

**Assembly Bill 1044**—An act to add Section 1243 to the Government Code, relating to elected public officers.

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 2, 2005

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

AB 1738



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 1738**—An act to amend Section 27395 of the Government Code, relating to local government.

Bill read second time.

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

**Committee on Rules**

Senate Chamber, June 2, 2005

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

SB 88

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

PERATA, Chair

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

**Senate Bill 88**—An act relating to the Budget Act of 2005.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 88 pursuant to Joint Rule 58.

SENATOR DUCHENY

**Permission of Rules Committee**

Senate Chamber, June 2, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 88.

PERATA, Chair

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

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 556**—An act to amend Section 11999.6 of the Health and Safety Code, and to amend Sections 1210, 1210.1, and 3063.1 of the Penal Code, relating to drug treatment.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 556 pursuant to Joint Rule 58.

SENATOR MIGDEN



**Permission of Rules Committee**

Senate Chamber, June 2, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 556.

PERATA, Chair

**Motion to Amend**

Senator Migden moved the adoption of amendments to SB 556.

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

**Senate Bill 929**—An act to amend Sections 82002, 82039, and 86300 of the Government Code, and to amend Section 30325 of the Public Resources Code, relating to coastal resources.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 929 pursuant to Joint Rule 58.

SENATOR KEHOE

**Permission of Rules Committee**

Senate Chamber, June 2, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 929.

PERATA, Chair

**Motion to Amend**

Senator Kehoe moved the adoption of amendments to SB 929.

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

**Senate Bill 91**—An act to make an appropriation in augmentation of the Budget Act of 2004, relating to contingencies and emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read third time.

**Motion to Amend**

Senator Chesbro moved the adoption of amendments to SB 91.

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



**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Alquist requested that when the Senate adjourns this day it do so in memory of Claire Buchser of Santa Clara.

Senator Cox requested that when the Senate adjourns this day it do so in memory of Phillip Joe Smith of South Lake Tahoe.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Walter Uriah and Mary Nell Woolley of Wasco.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, June 6, 2005.

PAULA K. ROSSETTO, Minute Clerk

