

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

EIGHTY-SEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, June 9, 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, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent—36.

Quorum present.

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



**PRAYER**

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

Give us courage, O Lord, to stand up and be counted, to stand up for others who cannot stand for themselves. Let us fear nothing. Let us have no other God before Thee, whether nation or party or state or church. Let us seek no other peace but the peace which is Thine, and make us its instruments, opening our eyes and our ears and our hearts, so that we should know always what work of peace we should do for Thee.—AMEN.

(Alan Paton (1903–1988), South Africa, adapted)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
June 9, 2005

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Keven P. Star, former Deputy District Attorney, Sacramento District Attorney's Office, where he worked directly with workers' compensation litigation and insurance fraud; former Deputy District Attorney, Santa Clara County District Attorney's Office; and former Senior Trial Counsel, Judge Advocate General's Corps, United States Army. Appointed 06/06/05. Effective 06/06/05.

Court Administrator, Division of Workers' Compensation, Department of Industrial Relations, newly created, term ending five years from the Senate Confirmation date or 2nd commission.

Above appointment referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Senate Chamber, June 9, 2005

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

AB 279

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

MIGDEN, Chair

Above measure ordered to second reading.



**Committee on Banking, Finance and Insurance**

Senate Chamber, June 9, 2005

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

AB 1043

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

SPEIER, Chair

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

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

Bill read second time.

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

**Committee on Transportation and Housing**

Senate Chamber, June 9, 2005

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

AB 462

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

TORLAKSON, Chair

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

**Assembly Bill 462**—An act to amend Section 4454 of the Government Code, relating to disability access, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Date of Hearing, June 7, 2005

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

AB 1051

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

TORLAKSON, Chair

Above measure ordered to second reading.



**Committee on Natural Resources and Water**

Senate Chamber, June 9, 2005

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

AB 1356

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

KUEHL, Chair

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

**Assembly Bill 1356**—An act to amend Sections 4141, 4143, and 4144 of, and to add Section 4144.2 to, the Public Resources Code, relating to forestry and fire protection.

Bill read second time.

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

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

**Senate Constitutional Amendment 13**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of, and by adding Sections 8 and 9 to, Article XXXV thereof, relating to biomedical research.

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

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 99**—An act to amend Sections 6345 and 6361 of the Family Code, relating to protective orders.

Bill read second time and ordered to third reading.

**Assembly Bill 220**—An act to amend Sections 4801, 5075.5, and 13823.9 of the Penal Code, to amend Section 3030 of the Family Code, and to amend Section 340.3 of the Code of Civil Procedure, relating to domestic violence.

Bill read second time and ordered to third reading.

**Assembly Bill 378**—An act to amend Section 52 of the Civil Code, and to amend Section 338 of the Code of Civil Procedure, relating to protected classes.

Bill read second time and ordered to third reading.

**Assembly Bill 1342**—An act to amend Section 25360.2 of the Health and Safety Code relating to hazardous substance releases.

Bill read second time and ordered to third reading.



**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 and ordered to Consent Calendar.

**Assembly Bill 341**—An act to amend Section 7108.5 of the Business and Professions Code, to amend Sections 3260 and 3260.1 of the Civil Code, and to amend Sections 7107 and 10262.5 of the Public Contract Code, relating to works of improvement.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 496**—An act to amend Section 22350 of the Business and Professions Code, to amend Sections 412.10, 1985.3, and 1985.6 of the Code of Civil Procedure, and to amend Section 4013 of the Penal Code, relating to service of process.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 519**—An act to amend Sections 213.5 and 366.26 of the Welfare and Institutions Code, relating to children.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 1130**—An act to amend Section 4519.7 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time and ordered to Consent Calendar.

**Assembly Concurrent Resolution 16**—Relative to the CHP Sergeant Gary R. Wagers Memorial Interchange.

Resolution read second time.

The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Assembly Bill 1390**—An act to amend Section 33334.2 of, and to amend and repeal Section 33413 of, the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

**Assembly Bill 188**—An act to amend Section 21115.5 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 656**—An act to amend Section 48324 of the Education Code, relating to pupil attendance.

Bill read second time and ordered to Consent Calendar.



**Assembly Bill 796**—An act to amend Section 18339 of the Education Code, relating to library districts.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 835**—An act to amend Section 5019 of the Education Code, relating to school districts.

Bill read second time and ordered to Consent Calendar.

**Assembly Bill 882**—An act to amend Section 17316 of the Education Code, relating to school facilities.

Bill read second time and ordered to Consent Calendar.

**Assembly Concurrent Resolution 30**—Relative to the civic mission of schools.

Resolution read second time and ordered to Consent Calendar.

### THIRD READING OF SENATE BILLS

**Senate Bill 88**—An act to amend Section 30122 of the Revenue and Taxation Code, relating to fiscal affairs, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (2)—Senators Cox and McClintock.

#### 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, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (2)—Senators Cox and McClintock.

Bill ordered transmitted to the Assembly.

### CONSENT CALENDAR

#### Objection Raised

Objection was raised to **AB 496** being on the Consent Calendar.

The President ordered the above measure placed on the third reading file.



**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 9, 2005

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

SB 88

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered enrolled.

**LEAVES OF ABSENCE FOR THE DAY**

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

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

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

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

At 10:40 a.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 13, 2005.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 9, 2005

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

SCR 45

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolution ordered enrolled.

**REPORTS OF STANDING COMMITTEES****Committee on Judiciary**

Senate Chamber, June 9, 2005

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

AB 794

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 794**—An act to amend Section 6254 of the Government Code, relating to public records.

Bill read second time.

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

**Committee on Transportation and Housing**

Date of Hearing, June 7, 2005

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

AJR 16

Reports the same back with the recommendation: Be adopted as amended, and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, June 7, 2005

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

AJR 18

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

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Health**

Date of Hearing, June 8, 2005

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

ACR 22

Reports the same back with the recommendation: Be adopted.

ORTIZ, Chair

Above resolution ordered to third reading.

Date of Hearing, June 8, 2005

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

AB 467

AB 591

AB 1075

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

ORTIZ, Chair

Above measures ordered to second reading.

Date of Hearing, June 8, 2005

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

AB 354



Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Business, Professions and Economic Development.

ORTIZ, Chair

Above measure re-referred to the Committee on Business, Professions and Economic Development.

Date of Hearing, June 8, 2005

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

AB 258          AB 436          AB 530          AB 1376

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

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 8, 2005

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

AB 8                  AB 800                  AB 1349

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

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

#### **Committee on Revenue and Taxation**

Date of Hearing, June 8, 2005

Mr. President: The Committee on Revenue and Taxation, to which were referred:

AB 18                  AB 671

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

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 8, 2005

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

AB 1765

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

MACHADO, Chair

Above measure re-referred to the Committee on Appropriations.



Date of Hearing, June 8, 2005

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

AB 1630

Reports the same back with the recommendation: Do pass.

MACHADO, Chair

Above bill ordered to second reading.

Date of Hearing, June 8, 2005

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

AB 1628

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MACHADO, Chair

Above measure ordered to second reading.

### **Committee on Rules**

State Capitol, June 8, 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:

Arthur H. Rosenfeld, Member, State Energy Resources Conservation and Development Commission (5-0)

Mary Ann Warmerdam, Director, Pesticide Regulation (5-0)

Matthew L. Cate, Inspector General, of the Youth and Adult Correctional Agency (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, June 8, 2005

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

William W. Semmes, Director, California Conservation Corps (5-0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, June 8, 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:

Lenora S. Clark, Member, Boating and Waterways Commission (5-0)

Charles P. Johnson, Member, Boating and Waterways Commission (5-0)

Henry P. Purdon, Member, Boating and Waterways Commission (5-0)

Hedy L. Chang, Member, Medical Board of California, Division of Licensing (5-0)

Stephen R. Corday, M.D., Member, Medical Board of California, Division of Medical Quality (5-0)

Shelton J. Duruisseau, Ph.D., Member, Medical Board of California, Division of Medical Quality (5-0)

Martin R. Greenberg, Ph.D., Member, Medical Board of California, Division of Medical Quality (5-0)

Laurie C. Gregg, M.D., Member, Medical Board of California, Division of Licensing (5-0)

Mary L. Moran, M.D., Member, Medical Board of California, Division of Medical Quality (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, June 8, 2005

Mr. President: The Senate Rules Committee has increased the membership of the Select Committee on California's Horse Racing Industry from 14 to 15 members and appointed Senator Kehoe to fill the new vacancy.

PERATA, Chair

State Capitol, June 8, 2005

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

**Education and Health**—AB 569, AB 1385.

**Committee on Banking, Finance and Insurance**

Date of Hearing, June 8, 2005

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

AB 434

Reports the same back with the recommendation: Do pass.

SPEIER, Chair

Above bill ordered to second reading.



Date of Hearing, June 8, 2005

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

AB 837

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

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Governmental Organization**

Senate Chamber, June 9, 2005

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

AB 211

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 211**—An act to amend Section 8592.4 of the Government Code, relating to public safety.

Bill read second time.

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

**Committee on Education**

Senate Chamber, June 9, 2005

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

AB 443

AB 569

AB 927

AB 967

AB 970

AB 1095

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

SCOTT, Chair

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

**Assembly Bill 443**—An act to amend Section 48931 of the Education Code, relating to pupils.

Bill read second time.

**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.

Bill read second time.



**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.

Bill read second time.

**Assembly Bill 967**—An act to amend Sections 48800 and 76001 of, and to add Section 48800.6 to, the Education Code, relating to public schools.

Bill read second time.

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

Bill read second time.

**Assembly Bill 1095**—An act to add Section 8274 to the Education Code, relating to child care.

Bill read second time.

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

#### **Committee on Natural Resources and Water**

Senate Chamber, June 9, 2005

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

AJR 14

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

KUEHL, Chair

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

**Assembly Joint Resolution 14**—Relative to offshore oil drilling.

Resolution 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 9, 2005

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

AB 1683

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

Bill read second time.

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

**Committee on Banking, Finance and Insurance**

Senate Chamber, June 9, 2005

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

AB 1760

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

SPEIER, Chair

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

**Assembly Bill 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.

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 9, 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.

Date of Hearing, June 7, 2005

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

AB 641



Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUNN, Chair

Above measure ordered to second reading.

Date of Hearing, June 7, 2005

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

AB 118

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUNN, Chair

Above measure ordered to second reading.

### **Committee on Rules**

State Capitol, June 8, 2005

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

**Agriculture**—AB 1061, AB 1508.

**Appropriations**—AB 351.

**Banking, Finance and Insurance**—AB 210, AB 243, AB 306, AB 1183, AB 1374, AB 1640, AB 1661, AB 1760.

**Business, Professions and Economic Development**—AB 327, AB 481, AB 777, AB 1195, AB 1263.

**Education**—AB 23, AB 97, AB 162, AB 165, AB 196, AB 208, AB 224, AB 232, AB 315, AB 318, AB 358, AB 384, AB 388, AB 390, AB 401, AB 420, AB 430, AB 482, AB 491, AB 494, AB 539, AB 564, AB 680, AB 682, AB 689, AB 693, AB 723, AB 726, AB 740, AB 741, AB 897, AB 917, AB 950, AB 953, AB 956, AB 1053, AB 1057, AB 1088, AB 1097, AB 1107, AB 1136, AB 1137, AB 1177, AB 1228, AB 1241, AB 1246, AB 1270, AB 1280, AB 1358, AB 1416, AB 1496, AB 1570, AB 1609, AB 1610, AB 1642, AB 1662.

**Elections, Reapportionment and Constitutional Amendments**—SCA 3; AB 215, AB 216, AB 432, AB 739, AB 783.

**Energy, Utilities and Communications**—AB 67, AB 962, AB 993, AB 1010, AB 1182, AB 1348, AB 1362, AB 1380, AB 1383, AB 1388, AB 1547, AB 1576, AB 1632, AB 1735.

**Environmental Quality**—AB 371, AB 492, AB 721, AB 841, AB 1065, AB 1220, AB 1222, AB 1232, AB 1337, AB 1365, AB 1415, AB 1764.

**Government Modernization, Efficiency, and Accountability**—AB 47, AB 219, AB 239, AB 295, AB 409, AB 485, AB 518, AB 710, AB 1066.



**Governmental Organization**—AB 764, AB 1406, AB 1433, AB 1559, AB 1620, AB 1663, AB 1750, AB 1753.

**Health**—AB 10, AB 117, AB 119, AB 330, AB 360, AB 586, AB 599, AB 624, AB 631, AB 688, AB 772, AB 779, AB 813, AB 929, AB 1081, AB 1142, AB 1144, AB 1235, AB 1316, AB 1434, AB 1593, AB 1597, AB 1648, AB 1674, AB 1707.

**Human Services**—AB 363, AB 368, AB 379, AB 824, AB 899, AB 1285, AB 1298, AB 1378, AB 1535, AB 1633.

**Judiciary**—AB 12, AB 176, AB 195, AB 985, AB 1338, AB 1459, AB 1574, AB 1666, AB 1742.

**Labor and Industrial Relations**—AB 186, AB 391, AB 477, AB 521, AB 815, AB 871, AB 1012, AB 1172, AB 1184, AB 1339, AB 1577.

**Local Government**—AB 350, AB 1329.

**Natural Resources and Water**—AB 7, AB 287, AB 466, AB 647, AB 715, AB 856, AB 1039, AB 1200, AB 1204, AB 1245, AB 1296, AB 1466, AB 1471, AB 1487, AB 1524, AB 1665, AB 1705.

**Public Employment and Retirement**—AB 256, AB 276, AB 284, AB 884, AB 1186, AB 1369, AB 1643.

**Public Safety**—AB 64, AB 88, AB 217, AB 246, AB 281, AB 296, AB 313, AB 314, AB 373, AB 421, AB 437, AB 439, AB 454, AB 456, AB 550, AB 571, AB 632, AB 677, AB 698, AB 760, AB 916, AB 940, AB 1022, AB 1034, AB 1067, AB 1069, AB 1169, AB 1257, AB 1325, AB 1333, AB 1353, AB 1536, AB 1542, AB 1551, AB 1677, AB 1715, AB 1768.

**Revenue and Taxation**—AB 115, AB 168, AB 298, AB 1030, AB 1099, AB 1631, AB 1766.

**Rules**—AB 84, AB 675, AB 1210.

**Transportation and Housing**—AB 160, AB 377, AB 386, AB 453, AB 713, AB 857, AB 877, AB 913, AB 1157, AB 1189, AB 1233, AB 1238, AB 1623.

**Veterans Affairs**—AB 980, AB 1439.

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

**Agriculture and Education**—AB 826.

**Agriculture and Environmental Quality**—AB 1011.

**Agriculture and Health**—AB 460.

**Business, Professions and Economic Development and Judiciary**—AB 585, AB 634, AB 766.





**Business, Professions and Economic Development and Public Safety**—AB 283.

**Business, Professions and Economic Development and Rules**—AB 178.

**Education and Human Services**—AB 1565, AB 1601.

**Education and Judiciary**—AB 529, AB 708.

**Environmental Quality and Judiciary**—AB 263, AB 597, AB 1078.

**Environmental Quality and Rules**—AB 405.

**Environmental Quality and Transportation and Housing**—AB 679.

**Government Modernization, Efficiency, and Accountability and Judiciary**—AB 524.

**Governmental Organization and Revenue and Taxation**—AB 164.

**Governmental Organization and Transportation and Housing**—AB 1617.

**Health and Banking, Finance and Insurance**—AB 89, AB 1199, AB 1359, AB 1533, AB 1698.

**Health and Education**—AB 264, AB 1667.

**Health and Environmental Quality**—AB 1168.

**Health and Judiciary**—AB 78, AB 576, AB 1062, AB 1676.

**Health and Revenue and Taxation**—AB 1749.

**Human Services and Judiciary**—AB 1412.

**Judiciary and Banking, Finance and Insurance**—AB 535, AB 1664.

**Labor and Industrial Relations and Judiciary**—AB 1310.

**Local Government and Natural Resources and Water**—AB 797.

**Natural Resources and Water and Energy, Utilities and Communications**—AB 515.

**Natural Resources and Water and Judiciary**—AB 820.

**Public Safety and Health**—AB 1683.

**Public Safety and Judiciary**—AB 22, AB 424.

**Transportation and Housing and Environmental Quality**—AB 338.

**Transportation and Housing and Public Safety**—AB 1384.



**Transportation and Housing and Revenue and Taxation**—AB 475, AB 799, AB 1208, AB 1361.

The Committee on Rules has ordered the following bills re-referred to committee:

**Human Services**—ACR 58.

**Transportation and Housing**—ACR 23.

**Committee on Health**

Senate Chamber, June 9, 2005

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

AB 117                      AB 813

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 117**—An act to add Section 14133.06 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

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

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

Bill read second time.

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

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, June 13, 2005

AB 557                      AB 1305                      AB 1342

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

Without objection, **SB 34** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Banking, Finance and Insurance**

**AB 241**—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.



**AB 434—Do pass**

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

**AB 493—Do pass as amended and re-refer to Committee on Appropriations**

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

**AB 544—Do pass as amended and re-refer to Committee on Appropriations**

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

**AB 837—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

**AB 873—Do pass as amended**

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

**AB 1123—Do pass as amended and re-refer to Committee on Judiciary**

AYES (11)—Senators Cox, Denham, Figueroa, Hollingsworth, Lowenthal, Machado, Maldonado, Murray, Ortiz, Scott, and Speier.

NOES (0)—None.

Date of Hearing: 6/8/2005

Speier (Chair)

**Committee on Health****SJR 9—Do pass as amended, to Consent Calendar**

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 8—Do pass and re-refer to Committee on Appropriations**

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 258—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.



**AB 354**—Do pass and re-refer to Committee on Business, Professions and Economic Development

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 436**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 467**—Do pass, to Consent Calendar

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 530**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 591**—Do pass, to Consent Calendar

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 800**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alquist, Figueroa, Kuehl, Ortiz, Romero, and Vincent.

NOES (3)—Senators Aanestad, Maldonado, and Runner.

**AB 909**—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Aanestad, Alquist, Figueroa, Kuehl, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 1075**—Do pass, to Consent Calendar

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 1349**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.

**AB 1376**—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Aanestad, Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, Runner, and Vincent.

NOES (0)—None.



**ACR 22—Do pass**

AYES (7)—Senators Alquist, Figueroa, Kuehl, Maldonado, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Runner.

Date of Hearing: 6/8/2005

Ortiz (Chair)

**Committee on Revenue and Taxation****AB 18—Do pass and re-refer to Committee on Appropriations**

AYES (8)—Senators Alquist, Bowen, Cedillo, Dutton, Machado, Poochigian, Runner, and Scott.

NOES (0)—None.

**AB 343—Do pass**

AYES (3)—Senators Dutton, Poochigian, and Runner.

NOES (5)—Senators Alquist, Bowen, Cedillo, Machado, and Scott.

Failed Passage

**AB 343—Reconsideration granted**

AYES (8)—Senators Alquist, Bowen, Cedillo, Dutton, Machado, Poochigian, Runner, and Scott.

NOES (0)—None.

**AB 671—Do pass and re-refer to Committee on Appropriations**

AYES (5)—Senators Alquist, Bowen, Cedillo, Machado, and Scott.

NOES (3)—Senators Dutton, Poochigian, and Runner.

**AB 1628—Do pass as amended and re-refer to Committee on Appropriations**

AYES (5)—Senators Alquist, Bowen, Cedillo, Machado, and Scott.

NOES (3)—Senators Dutton, Poochigian, and Runner.

**AB 1630—Do pass**

AYES (5)—Senators Alquist, Bowen, Cedillo, Machado, and Scott.

NOES (3)—Senators Dutton, Poochigian, and Runner.

**AB 1765—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (8)—Senators Alquist, Bowen, Cedillo, Dutton, Machado, Poochigian, Runner, and Scott.

NOES (0)—None.

Date of Hearing: 6/8/2005

Machado (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Cox requested that when the Senate adjourns this day it do so in memory of 1st Sgt. Michael Scott Barnhill Sr., USMCR, of Citrus Heights.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Tony LaChance.

Senator Dutton requested that when the Senate adjourns this day it do so in memory of John Harrison Crow of Monrovia.



Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Lisann Emerian and John T. Wintmute of Fresno.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 12 p.m., Monday, June 13, 2005.

PAULA K. ROSSETTO, Minute Clerk

