

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

NINETIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, June 15, 2005

The Senate met at 5 p.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.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, June 15, 2005

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

Banking, Finance and Insurance—AB 1419.

Business, Professions and Economic Development—AB 31, AB 734, AB 889.

Education—AB 15, AB 172, AB 473, AB 751, AB 952, AB 1110, AB 1297, AB 1451, AB 1531.

Elections, Reapportionment and Constitutional Amendments—AB 821, AB 938.

Environmental Quality—AB 672, AB 888, AB 1007, AB 1125, AB 1407, AB 1681.

Government Modernization, Efficiency, and Accountability—AB 1395.

Governmental Organization—AB 566, AB 669, AB 1180.

Health—AB 71, AB 74, AB 75, AB 121, AB 702, AB 717, AB 761, AB 920, AB 1045, AB 1046, AB 1058.

Human Services—AB 696, AB 855.

Judiciary—AB 667, AB 758, AB 775, AB 1435, AB 1622.

Labor and Industrial Relations—AB 48, AB 596, AB 805, AB 1368.

Local Government—AB 109.

Natural Resources and Water—AB 749, AB 771, AB 1328.

Public Employment and Retirement—AB 55, AB 271, AB 719, AB 1373, AB 1567, AB 1771.

Public Safety—AB 336, AB 352, AB 561, AB 795, AB 1132, AB 1446, AB 1505.

Revenue and Taxation—AB 964, AB 1717.

Rules—AB 457, AB 458.

Transportation and Housing—AB 267, AB 383, AB 748, AB 1512, AB 1699, AB 1728.

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

Health—AB 327, AB 1736.

Judiciary—ACR 69.



Labor and Industrial Relations—AB 1737.

Local Government—AB 1747.

Revenue and Taxation—AB 675, AB 970.

Rules—AB 1126.

Veterans Affairs—SB 997.

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

Education and Government Modernization, Efficiency, and Accountability—AB 593.

Education and Judiciary—AB 706, AB 1452.

Education and Local Government—AB 1690.

Health and Business, Professions and Economic Development—AB 21, AB 73.

Health and Government Modernization, Efficiency, and Accountability—AB 76.

Health and Judiciary—AB 774.

Public Safety and Banking, Finance and Insurance—AB 502.

Public Safety and Judiciary—AB 862.

Committee on Public Safety

Senate Chamber, June 15, 2005

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

AB 1517

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 1517—An act to amend Section 11105 of the Penal Code, relating to crimes.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, June 14, 2005

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

AB 446



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

DUNN, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Transportation and Housing

Senate Chamber, June 15, 2005

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

AB 1361

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

Bill read second time.

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

Committee on Revenue and Taxation

Senate Chamber, June 15, 2005

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

SB 923

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

MACHADO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 923—An act to add Section 2087 to the Health and Safety Code, and to add Sections 17207.7 and 24347.7 to the Revenue and Taxation Code, relating to West Nile virus, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, June 14, 2005

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

AB 238

AB 248

AB 333



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

DUNN, Chair

Above measures ordered to second reading.

Date of Hearing, June 14, 2005

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

AB 459 AB 1739 AB 1741

Reports the same back with the recommendation: Do pass.

DUNN, Chair

Above bills ordered to second reading.

Senate Chamber, June 15, 2005

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

AB 664 AB 1742

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 664—An act to amend Section 1161.2 of the Code of Civil Procedure, relating to unlawful detainer.

Bill read second time.

Assembly Bill 1742—An act to amend Section 43.55 of the Civil Code, to amend Sections 116.330, 116.340, 116.780, 128.7, 396b, 415.21, 425.115, and 998 of, and to repeal and add Section 116.725 of, the Code of Civil Procedure, to amend Sections 811.9, 905, 910.4, and 69926.5 of, and to add Section 905.7 to, the Government Code, and to amend Section 123.6 of the Labor Code, relating to courts.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1742 pursuant to Joint Rule 58.

ASSEMBLY MEMBER JONES

Permission of Rules Committee

Senate Chamber, June 15, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1742.

PERATA, Chair

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



Committee on Governmental Organization

Senate Chamber, June 15, 2005

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

AB 635

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 635—An act to amend Section 19961 of, and to add Section 19961.05 to, the Business and Professions Code, relating to gambling.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, June 15, 2005

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

AB 556

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

Bill read second time.

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

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing, June 15, 2005

Mr. President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which were referred:

AB 866

AB 1054

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

BOWEN, Chair

Above measures re-referred to the Committee on Appropriations.



Date of Hearing, June 15, 2005

Mr. President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which were referred:

AB 1096 AB 1756 AB 1758

Reports the same back with the recommendation: Do pass.

BOWEN, Chair

Above bills ordered to second reading.

Date of Hearing, June 15, 2005

Mr. President: The Committee on Elections, Reapportionment and Constitutional Amendments, to which were referred:

SCA 8 AJR 19

Reports the same back with the recommendation: Be adopted.

BOWEN, Chair

Above bill ordered to second reading.

Above resolution ordered to third reading.

Committee on Public Safety

Senate Chamber, June 15, 2005

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

AB 996

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 996—An act to add Section 12317 to the Penal Code, relating to ammunition.

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 15, 2005

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

AB 473 AB 491 AB 569

AB 1480 AB 1601

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 473—An act to amend Sections 76300 and 76370 of the Education Code, relating to community colleges.

Bill read second time.

Assembly Bill 491—An act to amend Section 17071.75 of the Education Code, relating to school facilities.

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 1480—An act to add Article 1.3 (commencing with Section 78017) to Chapter 1 of Part 48 of the Education Code, relating to agricultural education.

Bill read second time.

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.

Bill read second time.

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

Committee on Local Government

Date of Hearing, June 15, 2005

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

AB 11	AB 365	AB 665	AB 691
AB 1003	AB 1230	AB 1448	

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bills ordered to second reading.

Date of Hearing, June 15, 2005

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

AB 818

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

KEHOE, Chair

Above measure ordered to second reading.



Date of Hearing, June 15, 2005

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

AJR 7

Reports the same back with the recommendation: Be adopted.

KEHOE, Chair

Above resolution ordered to third reading.

Committee on Education

Date of Hearing, June 15, 2005

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

AB 1261

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

SCOTT, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 15, 2005

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

AB 110

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.

SCOTT, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Health

Senate Chamber, June 15, 2005

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

SCR 49

AB 21

AB 89

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

Senate Concurrent Resolution 49—Relative to medication errors.

Resolution read second time.

Assembly Bill 21—An act to add Section 4069 to the Business and Professions Code, relating to pharmacy.

Bill read second time.

Assembly Bill 89—An act to add Division 1.7 (commencing with Section 1190) to the Health and Safety Code, and to add Chapter 17



(commencing with Section 12694) to Part 6.2 of Division 2 of the Insurance Code, relating to health care coverage.

Bill read second time.

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

Committee on Education

Date of Hearing, June 15, 2005

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

AB 1136

AB 1162

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

SCOTT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, June 15, 2005

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

AB 97

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

SCOTT, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, June 15, 2005

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

AB 532

Reports the same back with the recommendation: Do pass.

SCOTT, Chair

Above bill ordered to second reading.

Date of Hearing, June 8, 2005

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

AB 455

Reports the same back with the recommendation: Do pass as amended.

SCOTT, Chair

Above measure ordered to second reading.

Committee on Agriculture

Senate Chamber, June 15, 2005

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

AB 85

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

DENHAM, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 85—An act to amend Sections 48000, 48001, and 48002 of, and to repeal and add Section 48002.5 of, the Food and Agricultural Code, relating to citrus fruit crops, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Rules

Senate Chamber, June 15, 2005

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

AB 651

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

Assembly Bill 651—An act to add Chapter 3.95 (commencing with Section 7195) to Part 1 of Division 7 of the Health and Safety Code, relating to death.

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 15, 2005

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

AB 1533

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

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 15, 2005

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

AB 1168



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

ORTIZ, Chair

Above measure re-referred to the Committee on Environmental Quality.

Date of Hearing, June 15, 2005

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

AB 819

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

ORTIZ, Chair

Above measure re-referred to the Committee on Revenue and Taxation.

Date of Hearing, June 15, 2005

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

AB 1676

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

ORTIZ, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 15, 2005

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

AB 1667

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

ORTIZ, Chair

Above measure re-referred to the Committee on Education.

Date of Hearing, June 15, 2005

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

AB 1278

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

ORTIZ, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, June 15, 2005

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

AB 522



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

ORTIZ, Chair

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

Date of Hearing, June 15, 2005

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

AB 599	AB 631	AB 779	AB 813
AB 1593	AB 1597	AB 1707	

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 Natural Resources and Water

Senate Chamber, June 15, 2005

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

AB 1356	AB 1431
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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.

Assembly Bill 1431—An act to amend Sections 8494, 8495, and 8841 of the Fish and Game Code, relating to fishing.

Bill read second time.

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

Committee on Education

Senate Chamber, June 15, 2005

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

AB 196

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 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.

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 15, 2005

Mr. President: The Committee on Rules has examined:

SB 130

And reports that the same has been correctly enrolled, and presented to the Governor on the 15th day of June, 2005, at 4:45 p.m.

PERATA, Chair

Committee on Health

Senate Chamber, June 15, 2005

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

AB 1199

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 1199—An act to add Section 1365.1 to the Health and Safety Code, relating to health care service plans.

Bill read second time.

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Resolution 16: By Senator Alarcón—Relative to federal legislation imposing a six-month moratorium on terminations of certain pension plans.

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

Assembly Bill 299—An act to amend Section 11166 of the Penal Code, relating to mandatory child abuse reporting.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.



Assembly Bill 627—An act to amend Section 5009 of the Penal Code, relating to parolees.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 86—An act to amend Section 11108 of the Penal Code, relating to firearms.

Bill read second time.

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

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

Bill read second time and ordered to third reading.

Assembly Bill 767—An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

Assembly Bill 981—An act to add Section 6536 to the Government Code, relating to joint powers authority.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 164—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.92, 195.93, and 195.94 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Revenue and Taxation.

Assembly Bill 52—An act to amend Section 19577 of the Business and Professions Code, relating to horse racing.

Bill read second time.

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

Assembly Bill 873—An act to amend Section 2071 of, and to add Section 2084 to, the Insurance Code, relating to homeowners' insurance.

Bill read second time.

The amendments proposed by the Committee on Banking, Finance and Insurance were read and adopted and the measure ordered printed and to third reading.



MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 609** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules;

AB 1507 was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Judiciary; and

AB 502 was withdrawn from the Committee on Public Safety and re-referred to the Committee on Banking, Finance and Insurance.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 1492** was referred to the Committee on Appropriations.

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

Senate Bill 1075—An act to repeal and add Article 3.6 (commencing with Section 177) of Chapter 1 of Division 1 of Title 1 of the Government Code, relating to emergencies, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to SB 1075 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senator Speier Presiding**CONFERENCE COMMITTEE REPORTS**

Senate Bill 77—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

The Report of the Committee on Conference was presented by Senator Perata.

Urgency Clause

Urgency clause read and it and the Report of the Committee on Conference refused adoption 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 (13)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, and Runner.

(NOTE: Reconsideration granted later this day)



CONSENT CALENDAR

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

(NOTE: See Consent Calendar Roll Call)

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)



Assembly Joint Resolution 16—Relative to fair and equitable treatment for truck and bus drivers.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 467—An act to add Section 5775.5 to the Welfare and Institutions Code, relating to Medi-Cal.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 591—An act to add Section 6535 to the Government Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1075—An act to amend Sections 101680, 101685, 101750, 101755, and 101765 of, and to repeal Section 101785 of, the Health and Safety Code, relating to health care.

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 (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, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

MOTION TO RECONSIDER (SB 77)

Senator Perata moved to reconsider the vote whereby the Conference Report on SB 77 was refused adoption.

Roll Call

The roll was called and reconsideration was granted 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, McClintock, Migden,



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

NOES (0)—None.

Measure ordered returned to third reading.

SENATE COMMITTEE ROLL CALLS

Committee on Education

AB 97—Do pass and re-refer to Committee on Rules

AYES (10)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Romero, Scott, Simitian, Speier, and Torlakson.

NOES (0)—None.

AB 110—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 322—Do pass as amended and re-refer to Committee on Judiciary

AYES (11)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (1)—Senator Morrow.

AB 532—Do pass

AYES (8)—Senators Alquist, Lowenthal, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (4)—Senators Denham, Dutton, Maldonado, and Morrow.

AB 605—Do pass as amended

AYES (12)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 927—Do pass as amended and re-refer to Committee on Human Services

AYES (10)—Senators Alquist, Denham, Lowenthal, Maldonado, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (1)—Senator Morrow.

AB 1136—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Romero, Scott, Simitian, Speier, and Torlakson.

NOES (0)—None.

AB 1162—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alquist, Lowenthal, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (4)—Senators Denham, Dutton, Maldonado, and Morrow.



AB 1261—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (12)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 1366—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 1646—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 6/15/2005

Scott (Chair)

Committee on Elections, Reapportionment and Constitutional Amendments

SCA 8—Be adopted

AYES (4)—Senators Bowen, Dunn, Murray, and Romero.

NOES (1)—Senator Poochigian.

AB 866—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Bowen, Dunn, Murray, and Romero.

NOES (1)—Senator Poochigian.

AB 1054—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Battin, Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.

AB 1096—Do pass

AYES (4)—Senators Bowen, Dunn, Murray, and Romero.

NOES (1)—Senator Poochigian.

AB 1755—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.

AB 1756—Do pass

AYES (5)—Senators Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.

AB 1757—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.



AB 1758—Do pass

AYES (5)—Senators Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.

AJR 19—Be adopted

AYES (5)—Senators Bowen, Dunn, Murray, Poochigian, and Romero.

NOES (0)—None.

Date of Hearing: 6/15/2005

Bowen (Chair)

Committee on Health

AB 522—Do pass and re-refer to Committee on Business, Professions and Economic Development, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

AB 599—Do pass and re-refer to Committee on Appropriations

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

NOES (1)—Senator Aanestad.

AB 631—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

AB 779—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

AB 813—Do pass and re-refer to Committee on Appropriations

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

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

AB 819—Do pass and re-refer to Committee on Revenue and Taxation

AYES (8)—Senators Aanestad, Alquist, Chesbro, Figueroa, Kuehl, Maldonado, Ortiz, and Vincent.

NOES (2)—Senators Cox and Runner.

AB 1142—Do pass as amended and re-refer to Committee on Appropriations

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

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



AB 1168—Do pass and re-refer to Committee on Environmental Quality

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

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

AB 1278—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

AB 1593—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

AB 1597—Do pass and re-refer to Committee on Appropriations

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

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

AB 1667—Do pass and re-refer to Committee on Education

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

AB 1674—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (2)—Senators Alquist and Chesbro.

AB 1676—Do pass and re-refer to Committee on Judiciary

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

AB 1707—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Maldonado, Ortiz, Runner, and Vincent.

NOES (0)—None.

Date of Hearing: 6/15/2005

Ortiz (Chair)

Committee on Judiciary

AB 68—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, and Kuehl.

NOES (1)—Senator Morrow.



AB 204—Do pass as amended, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

AB 238—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

AB 248—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

AB 275—Do pass as amended and re-refer to Committee on Public Safety, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

AB 333—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

AB 429—Do pass as amended and re-refer to Committee on Public Safety, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

AB 446—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Dunn, Escutia, Figueroa, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

AB 459—Do pass

AYES (6)—Senators Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (1)—Senator Ackerman.

AB 794—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Dunn, Escutia, Figueroa, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

AB 853—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Dunn, Escutia, Figueroa, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.



AB 987—Do pass as amended, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Dunn, Escutia, Figueroa, Kuehl, and Morrow.

NOES (0)—None.

AB 1739—Do pass

AYES (5)—Senators Cedillo, Dunn, Escutia, Figueroa, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

AB 1741—Do pass

AYES (5)—Senators Cedillo, Dunn, Escutia, Figueroa, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

Date of Hearing: 6/14/2005

Dunn (Chair)

Committee on Local Government**AB 11—Do pass**

AYES (7)—Senators Ackerman, Cox, Kehoe, Kuehl, Machado, Soto, and Torlakson.

NOES (0)—None.

AB 286—Do pass

AYES (3)—Senators Ackerman, Cox, and Perata.

NOES (6)—Senators Kehoe, Kuehl, Machado, McClintock, Soto, and Torlakson.

Failed passage

AB 286—Reconsideration granted

AYES (9)—Senators Ackerman, Cox, Kehoe, Kuehl, Machado, McClintock, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 365—Do pass

AYES (8)—Senators Ackerman, Cox, Kehoe, Kuehl, McClintock, Perata, Soto, and Torlakson.

NOES (1)—Senator Machado.

AB 648—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Kehoe, Kuehl, Machado, Perata, and Torlakson.

NOES (3)—Senators Ackerman, Cox, and McClintock.

AB 665—Do pass

AYES (8)—Senators Ackerman, Cox, Kehoe, Kuehl, Machado, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 691—Do pass

AYES (6)—Senators Kehoe, Kuehl, Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Cox, and McClintock.



AB 818—Do pass, to Consent Calendar

AYES (8)—Senators Ackerman, Cox, Kehoe, Kuehl, Machado, McClintock, Soto, and Torlakson.

NOES (0)—None.

AB 1003—Do pass

AYES (6)—Senators Kehoe, Kuehl, Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Cox, and McClintock.

AB 1131—Do pass as amended

AYES (8)—Senators Ackerman, Cox, Kehoe, Kuehl, Machado, McClintock, Soto, and Torlakson.

NOES (0)—None.

AB 1230—Do pass

AYES (6)—Senators Kehoe, Kuehl, Machado, McClintock, Soto, and Torlakson.

NOES (2)—Senators Ackerman and Cox.

AB 1234—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Ackerman, Cox, Kehoe, Kuehl, Machado, McClintock, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 1438—Do pass as amended

AYES (6)—Senators Kehoe, Kuehl, Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Cox, and McClintock.

AB 1448—Do pass

AYES (6)—Senators Kehoe, Kuehl, Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Cox, and McClintock.

AJR 7—Be adopted

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

NOES (0)—None.

Date of Hearing: 6/15/2005

Kehoe (Chair)

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

At 5:30 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 6 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 6 p.m., the Senate will adjourn until Thursday, June 16, 2005.

Motion carried.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Glenn Graydon Snider of Turlock.

Senators Alarcón and Scott requested that when the Senate adjourns this day it do so in memory of Truoung The Nguyen of Burbank.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Marion Gjerde of Fort Bragg.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Kimberly Creek Felix of Hacienda Heights.

Senator Runner requested that when the Senate adjourns this day it do so in memory of John “Jack” Hart of Lancaster.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Mary Ellen Duro of San Bernardino.

ADJOURNMENT

At 6 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Thursday, June 16, 2005.

PAULA K. ROSSETTO, Minute Clerk



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