

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, July 7, 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, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—38.

Quorum present.

(NOTE: Senator Hollingsworth will be excused this day due to a family illness and Senator Escutia will be excused this day due to illness.)



PRAYER

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

Holy and Gracious God, Grant us the vision to see Your vision for our people. Lift us beyond the chances and confusions that confront us, and give us the clarity of mind and heart we need to do our work. Guide us always to be faithful stewards of all the gifts with which we have been entrusted, and keep us always in Your care. In Your Holy Name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 7, 2005

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Roderick Q. Hickman, Secretary of the Youth and Adult Correctional Agency since 2003; with over 25 years of experience in the field of corrections; former Chief Deputy Director for Field Operations, Department of Corrections; former Assistant Deputy Director, Department of Corrections; former Regional Administrator, Department of Corrections; former Warden, Mule Creek State Prison; and former Correctional Administrator, California Medical Facility. He has numerous law enforcement and correctional training credentials. Appointed 07/01/05. Effective 07/01/05.

Secretary, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.

Jeanne S. Woodford, Director of the Department of Corrections since 2004; former Warden, San Quentin State Prison for five years; served at San Quentin for 26 years as Associate Warden, Chief Deputy Warden, Correctional Counselor and Program Administrator; member of several law enforcement and community organizations including the Association of Black Correctional Workers, the Sonoma State Alumni Association, and the California Public Safety Leadership and Ethics Program. Appointed 07/05/05. Effective 07/05/05.

Undersecretary, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.



John D. Dovey, Chief Deputy Director of Field Operations, Department of Corrections since 2004; former Association Warden, California Rehabilitation Center; and former Warden, Institute for Women in Corona. Appointed 07/01/05. Effective 07/01/05.

Director, Division of Adult Institutions, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.

James A. L'Etoile, has served as Deputy Director, Parole and Community Services Division, Department of Corrections; former Assistant Director for Substance Abuse and Chief of the Joint Venture Program, Department of Corrections; started his 29 year career as a Probation Officer. Appointed 07/01/05. Effective 07/01/05.

Director, Division of Adult Parole Operations, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.

Joseph L. McGrath, Assistant Director for Litigation Management and Compliance, Department of Corrections since 2004; former Warden, Correctional Administrator, and Chief Deputy Warden, Pelican Bay State Prison; has held a variety of positions within the Department of Corrections expanding over a 26-year career. Appointed 07/01/05. Effective 07/01/05.

Chief Deputy Secretary, Adult Operations, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.

Delphine Lenora Sayles-Owen, Deputy Director, Office of Criminal Justice Collaboration, Department of Alcoholic Drug Programs since 2001; former Branch Chief, Children's Service Branch; Branch Chief, Aid to Families with Dependent Children, Department of Social Services. Appointed 07/01/05. Effective 07/01/05.

Director, Division of Community Partnerships, Department of Corrections and Rehabilitation, newly created, term ending at the Pleasure of the Governor.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 7, 2005

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

SB 62	SB 63	SB 64
SB 68	SB 71	SB 76
SB 78	SB 80	

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.



REPORTS OF STANDING COMMITTEES**Committee on Banking, Finance and Insurance**

Date of Hearing, June 29, 2005

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

AB 404

AB 1640

AB 1760

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

SPEIER, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, July 6, 2005

Mr. President: The Committee on Rules has examined:

SCR 41

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 6th day of July, 2005, at 2:30 p.m.

PERATA, Chair

Committee on Government Modernization, Efficiency, and Accountability

Date of Hearing, June 29, 2005

Mr. President: The Committee on Government Modernization, Efficiency, and Accountability, to which was referred:

AB 1660

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

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Health

Date of Hearing, June 29, 2005

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

AB 356

AB 547

AB 1346

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

ORTIZ, Chair

Above measures ordered to second reading.

Committee on Public Safety

Date of Hearing, June 28, 2005

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

AB 776



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

ALQUIST, Chair

Above measure ordered to second reading.

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

Assembly Bill 336—An act to amend Section 11366.8 of the Health and Safety Code, relating to controlled substances.

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 456—An act to add Section 22010 to the Education Code, and to add Section 31455.5 to, and to add Article 3 (commencing with Section 20085) to Chapter 1 of Part 3 of Division 5 of Title 2 of, the Government Code, relating to public employees' retirement.

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 521—An act to amend Section 1872.83 of the Insurance Code, relating to workers' compensation.

Bill read second time.

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

Assembly Bill 1027—An act to amend Section 11751.71 of the Insurance Code, and to add Section 19529 to the Revenue and Taxation Code, relating to criminal investigations.

Bill read second time.

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

Assembly Bill 1655—An act to amend Sections 15604 and 15622 of, and to add Section 15622.5 to, the Government Code, relating to the State Board of Equalization.

Bill read second time.

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



Assembly Bill 1351—An act to amend Section 11340.5 of, and to add Section 11342.620 to, the Government Code, relating to state agencies .

Bill read second time.

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

Assembly Bill 1400—An act to amend Sections 51, 51.5, 51.7, 51.8, and 53 of the Civil Code, relating to civil rights.

Bill read second time.

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

Assembly Bill 535—An act to amend Section 12100 of, to add Division 3.5 (commencing with Section 12500) to, and to repeal Section 12104 of, the Financial Code, relating to credit counselors.

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 re-referred to the Committee on Appropriations.

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.

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 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 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 1272—An act to repeal Section 14683 of the Government Code, and to amend Section 6304 of, and to add Section 6401.5 to, the Public Resources Code, relating to State Lands Commission.

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 541—An act to amend Section 3041.5 of the Family Code, and to amend Sections 2341 and 2854 of the Probate Code, relating to guardians.

Bill read second time.

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

Assembly Bill 1261—An act to amend Sections 48853, 48853.5, 48859, 49069.5, and 52052 of the Education Code, and to amend Sections 319, 361, and 391 of the Welfare and Institutions Code, relating to foster children.

Bill read second time.

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

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 47**, **SCR 56**, and **ACR 50** were withdrawn from Committee and placed on today's Special Consent Calendar.

GOVERNOR REQUESTED TO RETURN BILL

On request of Senator Alquist, the Secretary of the Senate was directed to request the Governor to return **SB 527** to the Senate for further action.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Soto moved that **AB 1405** be placed on the inactive file.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

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 Chesbro.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was suspended to permit consideration of all bills as amended, in print, and properly before the Senate.

THIRD READING OF ASSEMBLY BILLS**Consideration of Assembly Bill 131**

Assembly Bill 131—An act to amend Sections 1276, 1797.198, 1797.199, 101317, and 120955 of, and to add Section 123929 to, the Health and Safety Code, to amend Sections 12693.325, 12693.36, 12699. 52, 12699.53, 12699.54, 12699.56, 12699.57, 12699.59, and 12699.63 of, and to add Section 12693.50 to, the Insurance Code, and to amend Sections 4643, 4648.4, 4681.5, 4691.6, 4781.5, 4851, 5775, 6606, 14043.46, 14085.6, 14087.54, 14105.48, 14105.7, 14132, 14154, 14495.10, and 16809 of, to amend and repeal Section 14115.8 of, to add Sections 4685.7, 10506, 14001.11, 14011.65, 14093.06, 14105.23, 14105.24, and 14133.23 to, to add and repeal Section 14080 of, and to repeal Section 4685.5 of, the Welfare and Institutions Code, relating to health and human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Morrow moved the adoption of amendments to AB 131.

Amendments read.

MOTION TO LAY ON THE TABLE

Senator Romero moved that the amendments to AB 131 be laid on the table.

Roll Call

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

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

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

Assembly Bill 131—An act to amend Sections 1276, 1797.198, 1797.199, 101317, and 120955 of, and to add Section 123929 to, the Health and Safety Code, to amend Sections 12693.325, 12693.36, 12699. 52, 12699.53, 12699.54, 12699.56, 12699.57, 12699.59, and 12699.63 of, and to add Section 12693.50 to, the Insurance Code, and to amend Sections



4643, 4648.4, 4681.5, 4691.6, 4781.5, 4851, 5775, 6606, 14043.46, 14085.6, 14087.54, 14105.48, 14105.7, 14132, 14154, 14495.10, and 16809 of, to amend and repeal Section 14115.8 of, to add Sections 4685.7, 10506, 14001.11, 14011.65, 14093.06, 14105.23, 14105.24, and 14133.23 to, to add and repeal Section 14080 of, and to repeal Section 4685.5 of, the Welfare and Institutions Code, relating to health and human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (11)—Senators Aanestad, Ashburn, Battin, Campbell, Cox, Dutton, Margett, McClintock, Morrow, Poochigian, and Runner.

Roll Call

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

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

NOES (11)—Senators Aanestad, Ashburn, Battin, Campbell, Cox, Dutton, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Assembly Bill 138—An act to amend Sections 13304, 15151, and 15375 of the Elections Code, to amend Sections 17556, 17581, 17581.5, and 17617 of, to add Section 3313 to, and to repeal and add Sections 54954.2 and 54957.1 of, the Government Code, and to repeal Section 33672.7 of the Health and Safety Code, relating to state mandates, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (29)—Senators Ackerman, Alarcón, Alquist, Battin, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (6)—Senators Aanestad, Ashburn, Cox, McClintock, Morrow, and Speier.



Roll Call

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

AYES (29)—Senators Ackerman, Alarcón, Alquist, Battin, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (6)—Senators Aanestad, Ashburn, Cox, McClintock, Morrow, and Speier.

Bill ordered transmitted to the Assembly.

Assembly Bill 139—An act to amend Sections 1721.5, 2154.4, 2499, 2529.5, 2534, 2568, 2687, 2894, 2981, 3455, 3520, 3771, 4974, 4984.6, 4994, 5683, 6980.81, 6980.82, 7599.71, 7599.74, 7886, 9872, and 17206 of the Business and Professions Code, to amend Section 1789.30 of the Civil Code, to repeal Article 13 (commencing with Section 14095) of Chapter 1 of Part 5 of Division 3 of Title 1 of the Corporations Code, to add Section 4101.3 to the Food and Agricultural Code, to amend Sections 7076, 11011, 11044, 11260, 14612.2, 14670, 15849.6, 15863, 16427, 22877, 68085, 68085.5, 69926.5, and 71386 of, to amend and repeal Sections 11139.8 and 14840 of, and to add Sections 9147.5, 11544, 12587.1, 14982, 15849.7, 68085.6, 68085.7, and 68085.8 to, the Government Code, to amend Sections 50517.10, 50601, 50603, 50710.1, and 53533 of the Health and Safety Code, to amend Section 96.7 of the Labor Code, to amend Section 1401 of, to amend and repeal Section 999.7 of, and to add Sections 1402 and 1403 to, the Military and Veterans Code, to amend Section 1214.1 of the Penal Code, to amend Section 6611 of, to amend and repeal Sections 10115.5, 10116, and 10359 of, and to add Section 10111 to, the Public Contract Code, to add Section 42102 to the Public Resources Code, to amend Section 5003.2 of the Public Utilities Code, to amend Sections 97.76, 6479.3, 19183, and 19701 of, and to add Sections 18631.7 and 19523.5 to, the Revenue and Taxation Code, to add Section 9619 to the Unemployment Insurance Code, to add Chapter 3.2 (commencing with Section 18220) to Part 6 of Division 9 of the Welfare and Institutions Code, and to amend Section 16 of Chapter 876 of the Statutes of 2003, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 141—An act to amend the heading of Chapter 14 (commencing with Section 13400) of Division 5 of, to amend Section 13401 of, and to add Article 5.5 (commencing with Section 13446) to Chapter 14 of Division 5 of, the Business and Professions Code, and to amend Section 384 and 740.8 of, and to add and repeal Section 901 of, the Public Utilities Code, relating to energy, making an appropriation therefor and declaring the urgency therefor, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)**Consideration of Assembly Bill 145**

Assembly Bill 145—An act relating to the Budget Act of 2005.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 145 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LAIRD

Permission of Rules Committee

Senate Chamber, July 7, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 145.

PERATA, Chair

Motion to Amend

Senator Chesbro moved the adoption of amendments to AB 145.

Amendments read and adopted.

Consideration of Assembly Bill 145 as Amended

Assembly Bill 145—An act to amend Sections 467.1, 6322.1, 6324, 6325, and 6326 of, to add Sections 470.5 and 470.6 to, to repeal Sections 470.3 and 6323 of, and to repeal and add Sections 6321 and 6322 of, the Business and Professions Code, to amend Section 2924j of the Civil Code, to amend Sections 116.390, 116.745, 116.760, 116.820, 116.860, 177.5, 209, 403.060, 411.20, 425.10, 491.150, 683.150, 704.750, 708.160, 724.100, 1134, 1161.2, 1174.25, 1174.3, and 1218 of, to add Sections 116.232 and 411.21 to, to repeal Section 116.910 of, and to repeal and add Sections 116.230 and 573 of, the Code of Civil Procedure, to amend Section 1852 of the Family Code, to amend Section 31622 of the Food and

Agricultural Code, to amend Sections 24353, 26820, 26831, 26837, 26840.3, 26857, 27293, 54985, 68084, 68085, 68086, 68090.8, 68101, 68511.3, 68926.1, 69953.5, 70375, 70402, 71386, 77009, 77200, 77205, and 77209 of, to amend the headings of Chapter 6 (commencing with Section 71002) and Chapter 8 (commencing with Section 72004) of Title 8 of, to amend and renumber Sections 26820.4, 26823, 26824, 26826, 26826.1, 26826.3, 26826.4, 26827.5, 26827.6, 26827.7, 26832.1, 26833.5, 26835.1, 26838, 26857.5, 26862, 76236, and 76238 of, to amend, renumber, and repeal Sections 26827, 72055, and 72056 of, to amend and repeal Section 69926.5 of, to add Sections 68084.1, 68085.1, 68085.2, 68085.3, 68085.4, 68086.1, and 77207.5 to, to add Chapter 5.8 (commencing with Section 70600) to Title 8 of, and to repeal Sections 24350.5, 26820.6, 26820.7, 26822.3, 26826.2, 26827.1, 26827.4, 26828, 26829, 26830, 26832, 26833.1, 26834, 26836.1, 26837.1, 26840.4, 26841, 26850.1, 26851.1, 26852.1, 26853.1, 26855.4, 26856, 26859, 26863, 68087, 68087.1, 68090.7, 70373, 70373.5, 72054, 72056.01, 72056.1, 72059, 72060, 72061, and 72073 of, the Government Code, to amend Sections 100430, 103470, and 103730 of the Health and Safety Code, to amend Section 98.2 of the Labor Code, to amend Sections 1835, 2343, 7660, and 13201 of the Probate Code, and to amend Sections 14607.6 and 40230 of the Vehicle Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (5)—Senators Aanestad, Ashburn, Margett, McClintock, and Morrow.

Roll Call

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

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

NOES (5)—Senators Aanestad, Ashburn, Margett, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS

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 and presented by Senator Chesbro.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 144—An act to amend Sections 188.4, 188.5, 30912, 30950.2, 30953, 30961, and 31010 of, to add Sections 182.2, 188.6, 30886, 30952.05, 30952.1, 30952.2, 30952.3, 30954, 30961.1, 31011, and 31021 to, and to repeal and add Section 31020 of, the Streets and Highways Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Torlakson.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

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

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

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 amend Section 11709.2 of, and to add Sections 11713.18, 11713.19, 11713.20, and 11713.21 to, the Vehicle Code, relating to consumers.

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

NOES (3)—Senators Aanestad, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 91)**

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

Roll Call

The names of the absentees were called and SB 91 was passed by the following vote:

AYES (30)—Senators Ackerman, Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Simitian, Soto, Torlakson, and Vincent.

NOES (7)—Senators Aanestad, Campbell, Margett, McClintock, Morrow, Scott, and Speier.

Above bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 39—An act to amend Section 3206 of the Elections Code, relating to absentee voting.

Bill presented by Senator Murray.

The question being: Shall the Senate concur in the Assembly amendments to SB 39?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Aanestad, 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 (13)—Senators Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered enrolled.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 139)**

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

The roll was called.

CALL OF THE SENATE

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

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (SB 80)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 80 at this time, without reference to file.

**Consideration of Senate Bill 80
Consideration of Assembly Amendments**

Senate Bill 80—An act relating to the Budget Act of 2005.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 80?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alquist, Battin, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, McClintock, Morrow, Murray, Ortiz, Perata, Poochigian, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alquist, Battin, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, McClintock, Morrow, Murray, Ortiz, Perata, Poochigian, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 62)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 62 at this time, without reference to file.



Consideration of Senate Bill 62
Consideration of Assembly Amendments

Senate Bill 62—An act to amend Sections 14556.5, 14556.8, and 63048.65 of the Government Code, to amend Section 99310.6 of the Public Utilities Code, to amend Section 7102 of, to amend Section 7102 of, and to add Section 7107 to, the Revenue and Taxation Code, to amend Sections 183 and 188.10 of the Streets and Highways Code, and to add and repeal Section 4000.39 of the Vehicle Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 62?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (0)—None.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 63)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 63 at this time, without reference to file.

Consideration of Senate Bill 63
Consideration of Assembly Amendments

Senate Bill 63—An act to amend Sections 2558.46, 8484.7, 8484.8, 41203.1, 42238.146, 44219, 44227, 44244, 52055.600, 52055.605, 52055.610, 52055.650, 52058, 56504.5, 56836.11, 56836.155, 56836.165, and 69522 of, to add Sections 44242.3 and 84754.5 to, and to add Article 5.6 (commencing with Section 69616) to Chapter 2 of Part 42 of, the Education Code, to amend Section 17581.5 of the Government Code, to amend Section 1529.2 of the Health and Safety Code, to amend Section



270 of the Public Utilities Code, and to amend Section 903.7 of the Welfare and Institutions Code, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 63?

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

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

NOES (0)—None.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 64)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 64 at this time, without reference to file.

Consideration of Senate Bill 64

Consideration of Assembly Amendments

Senate Bill 64—An act to amend Section 10080 of, and to repeal Sections 10002, 10002.5, 10054, 10055, 10056, 10057, 10058, and 10060 of, the Business and Professions Code, to repeal Chapter 9 (commencing with Section 6950) of Part 1 of Division 6 of the Fish and Game Code, to amend Section 54451.5 of, and to repeal Article 3 (commencing with Section 54442) of Chapter 2 of Division 20 of, the Food and Agricultural Code, to amend Sections 7550.5, 8700, 8701, 8702, 8705, 8709, and 12232 of, and to repeal Sections 8704, 8707, 12231, and 65054.5 of, the Government Code, to amend Sections 1347.15, 1367.03, 1367.04, and 1368.2 of, and to repeal Sections 1342.3, 1347, and 1347.1 of, the Health and Safety Code, to amend Sections 154, 261, 262, and 262.5 of, to repeal Section 2158 of, and to repeal and add Section 2157 of, the Streets and



Highways Code, and to amend Section 14165.8 of the Welfare and Institutions Code, relating to boards and commissions.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 64?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

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

NOES (0)—None.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 68)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 68 at this time, without reference to file.

Consideration of Senate Bill 68

Consideration of Assembly Amendments

Senate Bill 68—An act to amend Section 8263.4 of, and to add Section 8227 to the Education Code, to amend Section 17311 of the Family Code, to add Sections 11798 and 12803.3 to the Government Code, to amend Sections 1522, 1596.871, 11970.4, 128200, 128205, 128210, 128215, 128224, 128225, 128230, and 128235 of, and to add Sections 11970.2 and 128240.1 to, the Health and Safety Code, to amend Section 1611.5 of the Unemployment Insurance Code, to amend Sections 9102, 9654, 9660, 9661, 9662, 9757.5, 10075.6, 10823, 11322.8, 11453, 11462, 12201, 12201.03, 12201.05, 12305.1, and 15204.2 of, to amend the heading of Article 2 (commencing with Section 9660) of Chapter 10.5 of Division 8.5 of, to add Sections 10609.8, 11522, 15204.6, 16500.9, 16501.7, 18355.5, and 18926 to, to repeal Section 10823.1 of, and to repeal and amend Section 15200 of, the Welfare and Institutions Code, and to amend Section 64 of Chapter 229 of the Statutes of 2004, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 68?

The roll was called.



CALL OF THE SENATE

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

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (SB 71)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 71 at this time, without reference to file.

Consideration of Senate Bill 71**Consideration of Assembly Amendments**

Senate Bill 71—An act to add Section 2932.2 to the Fish and Game Code, to add Sections 25363.5 and 25404.9 to the Health and Safety Code, to amend Section 2795 of, and to add Section 6217.8 to, the Public Resources Code, to add Section 384.1 to the Public Utilities Code, to amend Section 1259.4 of the Water Code, and to amend Section 4 of Chapter 138 of the Statutes of 1964, First Extraordinary Session, relating to resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 71?

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

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

NOES (0)—None.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 78)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 78 at this time, without reference to file.



**Consideration of Senate Bill 78
Consideration of Assembly Amendments**

Senate Bill 78—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.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 78?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 139)**

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

The roll was called.

CALL OF THE SENATE

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

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 68)**

On the motion of Senator Chesbro, 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 68 was adopted by the following vote:

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

NOES (10)—Senators Aanestad, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Maldonado, Margett, and Poochigian.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal,



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

NOES (10)—Senators Aanestad, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Maldonado, Margett, and Poochigian.

Above measure ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 141)**

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

The roll was called.

CALL OF THE SENATE

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

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 139)**

On motion of Senator Chesbro, 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 AB 139 was adopted by the following vote:

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

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

Roll Call

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

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

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

Above bill ordered transmitted to the Assembly.



REQUESTS TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Dunn:

Senate Chamber, July 7, 2005

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(11) in order that AB 712, AB 754, and AB 1412 may be reported by the Committee on Judiciary after the deadline.

SENATOR DUNN

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(11) was dispensed with as requested.

The following request was presented by Senator Romero:

Senate Chamber, July 7, 2005

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(2) and (5) in order that SB 1015 may be reported by the Committees on Public Safety and Appropriations and to be considered on the Senate Floor after the appropriate deadlines.

SENATOR ROMERO

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

PERATA, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(2)(5) and (11) be dispensed with as requested.

Resolution read and presented by Senator Battin.

Roll Call

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

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

NOES (0)—None.

REQUEST FOR UNANIMOUS CONSENT (SB 76)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 76 at this time, without reference to file.

Consideration of Senate Bill 76**Consideration of Assembly Amendments**

Senate Bill 76—An act to amend the heading of Chapter 14 (commencing with Section 13400) of Division 5 of, to amend Section 13401 of, and to add Article 5.5 (commencing with Section 13446) to Chapter 14 of Division 5 of, the Business and Professions Code, and to amend Sections 384 and 740.8 of, and to add and repeal Section 901 of the

Public Utilities Code, relating to energy, and making an appropriation therefor.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 76?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 78)

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

Roll Call

The names of the absentees were called and the Senate refused to concur in Assembly amendments to SB 78 by the following vote:

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

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

Motion to Reconsider

Senator Chesbro moved to reconsider the vote whereby the Senate refused to concur in Assembly amendments to SB 78.

Roll Call

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

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

NOES (0)—None.

Bill ordered returned to third reading.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 76)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Ackerman, Alarcón, Alquist, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, Migden, Murray, Perata, Romero, Simitian, Soto, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ashburn, Battin, Bowen, Campbell, Cedillo, Cox, Dutton, Margett, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered enrolled

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 77)**

On the motion of Senator Chesbro, 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 77 was adopted by the following vote:

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

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

Roll Call

The names of the absentees were called and the Conference Committee Report on SB 77 was adopted by the following vote:

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

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



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 141)**

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

Roll Call

The names of the absentees were called and the urgency clause to AB 141 was refused adoption by the following vote:

AYES (20)—Senators Ackerman, Alarcón, Alquist, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Kehoe, Lowenthal, Maldonado, Migden, Murray, Perata, Romero, Simitian, Soto, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ashburn, Battin, Bowen, Campbell, Cedillo, Cox, Dutton, Kuehl, Machado, Margett, McClintock, Morrow, and Runner.

CONSENT CALENDAR

Senate Concurrent Resolution 49—Relative to medication errors.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 203—An act to amend Sections 19440.5, 19540, 19590, and 19602 of, and to add Sections 19411.1 and 19618.2 to, the Business and Professions Code, relating to horse racing.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 449—An act to amend and repeal Sections 19613 and 19613.3 of the Business and Professions Code, relating to horse racing.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 480—An act to amend Section 19604 of the Business and Professions Code, relating to horse racing.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 865—An act to add Section 22064 to the Financial Code, relating to finance lenders.

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 51—Relative to autism spectrum disorders.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Concurrent Resolution 42—Relative to the Province of Jeju, Republic of Korea.

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

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 47—Relative to Health Care Decisions Week.

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

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 56—Relative to Latino AIDS Awareness Day.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 50—Relative to Pope John Paul II.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 387—An act to add Section 7043.5 to the Water Code, relating to water.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 46—Relative to the Ruben Salazar Memorial Highway.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 119—An act to amend Sections 5211, 7211, 9211, and 12351 of, and to amend, repeal, and add Section 307 of, the Corporations Code, relating to corporations.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 140—An act to amend Sections 4216.3 and 4216.4 of the Government Code, relating to subsurface installations.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)



Senate Bill 597—An act to amend Section 1861.025 of the Insurance Code, relating to auto insurance.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 754—An act to amend Sections 16328, 16335, 16336, and 16338, and to add Sections 16336.4, 16336.5, 16336.6, and 16336.7 to, the Probate Code, relating to trusts.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1092—An act to add Sections 61014.5, 61029.5, 61111.1, and 61200.2 to the Government Code, relating to community services districts, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1104—An act to amend Section 53088.2 of the Government Code, relating to video providers.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1732—An act to amend Section 895 of the Public Utilities Code, relating to natural gas, 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 254—An act to amend Section 1797.196 of the Health and Safety Code, relating to emergency medical services.

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, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 7, 2005

To the Members of the Senate:

Pursuant to your request, I am returning SB 527 on behalf of the Governor to the Senate for further action.

Sincerely,

PAMELA K. OTO
Private Secretary of the Governor

Above bill ordered transmitted to the Assembly on request of Senator Alquist.

REQUEST TO BE ADDED TO ROLL CALL

July 7, 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 62—Aye

DICK ACKERMAN, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to a family illness: Senator Hollingsworth.

The following Senator was granted leave of absence for the day due to illness: Senator Escutia.

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

At 1:33 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, July 11, 2005.

Motion carried.



MESSAGE FROM THE ASSEMBLY

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

SB 91	SB 278	SB 548	SB 1036
SB 101	SB 396	SB 647	
SB 245	SB 447	SB 816	

Above measures ordered enrolled.

Assembly Chamber, July 7, 2005

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

SB 14	SB 15	SB 47
SB 282	SB 383	SB 614
SB 630	SB 966	SB 979

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

Above measures ordered to unfinished business file.

Assembly Chamber, July 7, 2005

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

SB 77

Above measure ordered enrolled.

Assembly Chamber, July 7, 2005

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

AB 1774

Assembly Chamber, July 7, 2005

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

ACR 63

Assembly Chamber, July 7, 2005

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 131	AB 138	AB 139	AB 145
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Assembly Chamber, July 7, 2005

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 18 and AB 1769 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 1774—An act to amend Sections 361.4 and 16504.5 of the Welfare and Institutions Code, relating to criminal record checks, and declaring the urgency thereof, to take effect immediately.

Assembly Concurrent Resolution 63—Relative to the CYA Counselor Ineasie M. Baker Memorial Freeway.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, July 7, 2005

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

Health—AB 766.

Committee on Appropriations

Senate Chamber, July 7, 2005

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

AB 956

AB 1144

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

MIGDEN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 956—An act to add Section 17070.96 to the Education Code, relating to school facilities.

Bill read second time.

Assembly Bill 1144—An act to amend Sections 115725, 115730, 115735, 115745, and 115750 of the Health and Safety Code, relating to playground safety.

Bill read second time.

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



Committee on Health

Senate Chamber, July 7, 2005

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

AB 240

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 240—An act to amend Section 3003 of, and to add Section 290.02 to, the Penal Code, and to add Section 14133.225 to the Welfare and Institutions Code, relating to sex offenders, 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 28, 2005

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

AB 619

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

DUNN, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 7, 2005

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

AB 1210

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 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.

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, July 7, 2005

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

AB 1333

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 1333—An act to add Section 19318 to the Food and Agricultural Code, and to add Section 374.5 to the Penal Code, relating to grease waste haulers.

Bill read second time.

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

Committee on Education

Date of Hearing, June 29, 2005

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

AB 726

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

SCOTT, Chair

Above measure ordered to second reading.

Date of Hearing, June 30, 2005

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

SB 1040	AB 315	AB 491
AB 917	AB 952	AB 1057
AB 1241	AB 1246	AB 1280

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

SCOTT, Chair

Above measures ordered to second reading.

Committee on Environmental Quality

Date of Hearing, June 20, 2005

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

AB 1249



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.

LOWENTHAL, Chair

Above measure ordered to second reading.

Committee on Local Government

Senate Chamber, July 7, 2005

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

AB 350 AB 1318 AB 1329 AB 1690

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 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.

Bill read second time.

Assembly Bill 1318—An act to amend Sections 24011 and 24300 of, and to add Sections 24304.2 and 27550.2 to, the Government Code, relating to county officers.

Bill read second time.

Assembly Bill 1329—An act to add and repeal Section 20175.2 of the Public Contract Code, relating to public contracts.

Bill read second time.

Assembly Bill 1690—An act to add Article 4.3 (commencing with Section 92043) to Chapter 1 of Part 57 of the Education Code, relating to municipal services.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, July 7, 2005

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

AB 363

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

MIGDEN, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 363—An act to amend Section 10601.2 of, and to add Section 10601.3 to, the Welfare and Institutions Code, relating to public social services.

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, July 7, 2005

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

AB 84

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 84—An act to add Section 5060.1 to, and to add Article 8.6 (commencing with Section 5151) to Chapter 1 of Division 1 of, the Vehicle Code, relating to vehicles.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 84 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LESLIE

Permission of Rules Committee

Senate Chamber, July 7, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 84.

PERATA, Chair

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

Committee on Health

Senate Chamber, July 7, 2005

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

AB 119

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 119—An act to add Section 14043.265 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.

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

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 third time.

Amendments Adopted

Amendments to AB 220 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Denham requested that when the Senate adjourns this day it do so in memory of Linda Rader of Merced and Joe Nucci of Salinas.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Becki Bratton of El Centro.

Senators Ducheny, Morrow, Kehoe, and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Vice Admiral James B. Stockdale (Ret.) of Coronado.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Paula Croce of Linden.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Fern Marlys St. Clair of Fullerton.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 1 p.m., Monday, July 11, 2005.

PAULA K. ROSSETTO, Minute Clerk



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