

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, August 15, 2005

The Senate met at 11 a.m.  
Hon. Don Perata, of the 9th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Kipchoge Randall reading.

### QUORUM CALL OF THE SENATE

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

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

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

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

Quorum present.

*(NOTE: Senator Runner will be excused this day on personal business.)*

(Corrected: August 16, 2005)



**PRAYER**

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

*God of All Creation*, We give thanks today for the blessings of our life; we give thanks for our families, friends and neighbors, and especially for the people of this state. Give us strength and wisdom to do the work we have been given to do, and keep us ever mindful of those who are poor, sick, homeless or in any kind of need. Give us patience to hear each other and the Grace to do Your will. In Your Holy Name we pray.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
July 19, 2005

*To the Members of the California Senate:*

I am signing Senate Bill No. 71 with the following line item veto in Section 1 to more closely align the bill with my expenditure plan.

SECTION 1. Section 2932.2 is added to the Fish and Game Code, to read:

2932.2. Of the funds appropriated pursuant to Section 79565 of the Water Code, not less than ~~twelve million dollars~~ eight million five hundred thousand dollars (~~\$12,000,000~~ \$8,500,000) shall be made available for transfer or direct expenditure for acquisition, grants, or other activities that directly restore the Salton Sea and its transboundary watersheds, consistent with Section 2932.

I am reducing this allocation in recognition of the fact that only \$8,800,000 in funds appropriated pursuant to Section 79565 of the Water Code will be available for allocation during 2005–06. By reducing this allocation to \$8,500,000, the available funding will not be exceeded, and a small reserve will remain for contingencies in all activities and projects funded by this section of the Water Code.

With the above line item veto, I hereby approve SB 71.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**RECEIPT OF BILLS**

I acknowledge receipt this 19th day of July 2005 at 8:02 p.m., of the Governor's statement of the line item veto from Senate Bill No. 71, delivered to me personally by Pamela Oto.

Marlissa Hernandez  
Assistant Secretary of the Senate



Governor's Office, State Capitol  
July 19, 2005

*To the Members of the California Senate:*

I am returning **Senate Bill 166** (Soto) without my signature.

I am a strong supporter of charter schools and an advocate for fiscal and academic accountability. However, this bill is unnecessary since current law already contains numerous safeguards to ensure that charter schools are held accountable, both fiscally and for their students' academic performance. Furthermore, charter school authorizers already have the ability to revoke a charter at any time during the existing five-year renewal period. By forcing them to undergo a more frequent, time-consuming renewal process, this bill would create an unnecessary burden on charter schools, while not achieving any greater policy goal.

For these reasons, I am unable to support this measure.

Cordially,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

**RECEIPT OF BILLS**

I acknowledge receipt this 19th day of July 2005 at 8:02 p.m., of SB 166 without the Governor's signature, together with a statement of his objection thereto, signed by the Governor, delivered to me personally by Pamela Oto

Marlissa Hernandez  
Assistant Secretary of the Senate

Governor's Office, State Capitol  
July 18, 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

Cynthia K. Tuck, has over 20 years of direct air quality experience in California including former General Counsel and Manager of the State and Bay Area Air Quality Committees at the California Council for Environmental and Economic Balance; former consultant to the Council; former Associate with the Law Offices of William J. Thomas; former Government Relations Advisor to Heron, Burchette, Ruckert & Rothwell, The Gualco Group and Seyfarth, Shaw, Fairweather and



Geraldson, former Civil Engineer for the Environmental Services Department of Pacific Gas and Electric Company and former Environmental Engineering Research Assistant the University of Illinois. Appointed 06/28/05. Effective 07/15/05.

Member and designated Chair, State Air Resources Board vice Alan C. Lloyd, Ph.D., re-assigned, term ending at the Pleasure of the Governor.

Tina H. Frank, independent consultant producing programs for large conferences, is the Speakers' Coordinator for the Governor and First Lady's Conference on Women and Families and former Bay Area Regional Director for the California Trade and Commerce Agency. Appointed 06/20/05. Effective 07/15/05.

Member, Alcoholic Beverage Control Appeals Board vice J. Ted Hunt, being replaced, term ending at the Pleasure of the Governor.

Pamala M. Gilyard, Supervising Probation Officer, Juvenile Court Services, Sacramento County Probation Department with 15 years of tenure; award Probation Officer of the Year for her work with the Gang Violence Suppression Unit. Appointed 07/01/05. Effective 07/15/05.

Member, Corrections Standards Authority, newly created, term ending 07/01/07.

Michael F. Prizmich, Sheriff-Coroner, Amador County, serving since 1976. His first position was Deputy and he has moved up through the ranks to the Undersheriff in 1992. He was a former Director of Personnel and Risk Manager for Amador County and former police officer with the Oakland Police Department. Appointed 07/01/05. Effective 07/15/05.

Member, Corrections Standards Authority, newly created, term ending 07/01/07.

Ronald Nehring, member, Governing Board, Grossmont Union High School District; Vice Chairman, California Republican Party; and former Senior Consultant, Americans for Tax Reform. Appointed 07/11/05. Effective 07/13/05.

Member of the State Board of Forestry and Fire Protection vice Nancy S. Drinkard, not confirmed, term ending 01/15/08.

Terry R. Farmer, Chief Counsel, Board of Prison Terms since 2003; former District Attorney, Humboldt County; former partner, law firm of Stokes, Steeves, Warren, Farmer and Jensen; and former Deputy District Attorney for Humboldt County. Appointed 07/01/05. Effective 07/07/05.

Commissioner, Board of Parole Hearings, newly created, term ending 07/01/07.



Susan L. Fisher, has served as a commissioner, Board of Prison Terms since 2004; former Executive Director, the Doris Tate Crime Victims Bureau; and former member, Board of Directors of the Doris Tate Crime Victims Bureau. Appointed 07/01/05. Effective 07/01/05.

Commissioner, Board of Parole Hearings, newly created, term ending 07/01/08.

L.B. Boydston, 38 years of service, California Department of Fish and Game, including Director of Intergovernmental Affairs and Acting Chief of Marine Resources Division; and former marine fishery advisor. Appointed 06/28/05. Effective 07/06/05.

Commissioner, Pacific States Marine Fisheries Commission vice Martin N. Basch, withdrawn from Senate, term ending 09/19/07.

L. Ryan Broddrick, Director, Department of Fish and Game; former Chief Deputy Director, Department of Fish and Game; and former Director of Conservation Policy, Western Regional Office of Ducks Unlimited, Inc. Appointed 06/28/05. Effective 07/15/05.

Commissioner, Pacific States Marine Fisheries Commission vice Robert C. Hight, withdrawn from Senate, term ending 09/19/07.

Thomas Harman, Assemblyman, California State Assembly since 2000; serves on the Natural Resources, Judiciary and the Arts, Entertainment, Sports and Tourism Committees; and former attorney in private practice for 31 years. He has been a member of the Huntington Beach City Council. Appointed 06/28/05. Effective 07/08/05.

Commissioner, Pacific States Marine Fisheries Commission vice Dede Alpert, withdrawn from Senate, term ending 09/19/07.

Karen L. Neuwald, Chief of the Office of Governmental Affairs for the California Public Employees Retirement System; former Assistant Director for Legislation at the Department of General Services; Legislative Coordinator and Staff Services Manager, Department of Personnel; and Program Analyst, Legislative Analyst's Office of the California Legislature. Appointed 07/13/05. Effective 07/13/05.

Member, Public Employment Relations Board vice Theodore G. Neima, resigned, term ending 12/31/09.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol  
July 27, 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

David G. Crane, Special Advisor to the Governor for Jobs and Economic Growth; former Partner, Babcock & Brown; a Trustee of the San Francisco Day School; and Advisory Trustee of Environmental Defense. Appointed 07/11/05. Effective 07/19/05.

Member of the Teachers' Retirement Board vice M. Kathleen Smalley, not confirmed, term ending 12/31/06.

Paul M. Johnson, former Administrator, Bureau of Criminal Identification and Information's Applicant Processing Program; 30 years in the California Department of Justice; Committee Member, the FBI's National Identification Services Subcommittee and the Integrated Automated Fingerprint ID Task Force. Appointed 07/11/05. Effective 07/26/05.

Chief, Bureau of Security and Investigative Services, Department of Consumer Affairs vice Steven V. Giorgi, resigned, term ending at the Pleasure (Term) of the Governor.

Gary S. Penrod, Sheriff, San Bernardino County since 1994; has been with the San Bernardino County Sheriff's Department since 1971; member, California and National State Sheriffs' Associations, the California Peace Officers Association and the Attorney General's California Rural Crime Prevention Task Force. Appointed 07/01/05. Effective 07/19/05.

Member, Corrections Standards Authority, newly created, term ending 07/01/08.

Calvin C. Remington, Director and Chief Probation Officer, Ventura County Probation Agency since 1997; he has been with the Agency since 1974; former Parole Agent, the Youth Authority; member, Board of Corrections; President, Chief Probation Officers of California; and Chairman of the Multi-Agency Juvenile Justice Coordinating Council. Appointed 07/01/05. Effective 07/19/05.

Member, Corrections Standards Authority, newly created, term ending 07/01/07.

Mimi H. Silbert, Ph.D., Chairman and Chief Executive Officer, Delancey Street Foundation; Headmaster, Life Learning Academy, since 1974; former Project Director, San Francisco Juvenile Justice Action Plan; career in the criminal justice system since 1966; member, Board of Corrections since 1986; and former member, National Institute of Justice. Appointed 07/01/05. Effective 07/18/05.

Member, Corrections Standards Authority, newly created, term ending 07/01/07.

Above appointments referred to the Committee on Rules.



Governor's Office, State Capitol  
August 2, 2005

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration effective August 2, 2005, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Cesar A. Aristeiguieta, M.D. Member, Medical Board of California,  
Division of Medical Quality

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol  
August 4, 2005

*To the Senate of the State of California:*

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Bernard E. Warner, former Assistant Secretary for Probation, Florida Department of Juvenile Justice; 25 years of diverse nationwide experience in criminal and juvenile justice. Appointed 08/01/05. Effective 08/01/05.

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

Dennis Kenneally, former Advisor to the President and Chief Executive Officer, Maxim Systems, Inc.; former Commanding General and Assistant Adjutant General, the California National Guard; and former Assistant Sheriff, the San Diego Sheriff's Department. Appointed 08/01/05. Effective 08/01/05.

Executive Director, Board of Parole Hearings, newly created, term ending at the Pleasure of the Governor.

Lucile M. Jones, Ph.D., Scientist-in-Charge for Southern California, the United States Geological Survey Earthquake Hazards Term; has served on this commission since 2002; and is a member of the Seismological Society of America and the American Geophysical Union. Reappointed 07/14/05. Effective 08/02/05.

Member of the Seismic Safety Commission, term ending 05/15/09.



Jeff S. Sedivec, member, California State Firefighters' Association and served as President of the Association from 1994 to 2004; former Captain, Urban Search and Rescue Team Member, and former Quality Evaluator and Paramedic Preceptor, Santa Ana Fire Department; and member of the National Fire Protection Association and International Association of Building Officials. Appointed 07/15/05. Effective 08/04/05.

Member of the Seismic Safety Commission vice Donald R. Parker, term expired, term ending 05/15/09.

Cesar A. Aristeiguieta, M.D., attending Emergency Physician, Huntington Memorial Hospital. Appointed 07/29/04. Effective 08/18/04. Withdrawn 08/02/05. Reappointed 08/04/05. Effective 08/04/05.

Member, Medical Board of California, Division of Medical Quality, term ending 06/01/08.

Above appointments referred to the Committee on Rules.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Rules**

Senate Chamber, July 22, 2005

Mr. President: The Committee on Rules has examined:

SCR 50

SCR 54

SJR 9

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 22nd day of July, 2005, at 4 p.m.

PERATA, Chair

Senate Chamber, July 22, 2005

Mr. President: The Committee on Rules has examined:

SB 124

SB 268

And reports that the same have been correctly enrolled, and presented to the Governor on the 22nd day of July, 2005, at 3 p.m.

PERATA, Chair

### **Committee on Transportation and Housing**

Date of Hearing, July 12, 2005

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

AB 1001

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

TORLAKSON, Chair

Above measure ordered to second reading.





Date of Hearing, July 12, 2005

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

AB 679

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

TORLAKSON, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, July 12, 2005

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

AB 394

AB 581

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

DUNN, Chair

Above measures ordered to second reading.

Date of Hearing, July 12, 2005

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

AB 1150

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

DUNN, Chair

Above measure ordered to second reading.

Date of Hearing, July 12, 2005

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

AB 843

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

DUNN, Chair

Above measure ordered to second reading.



**Committee on Appropriations**

Senate Chamber, August 15, 2005

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

AB 277	AB 1459	AB 420	AB 1384
AB 371	AB 1610	AB 596	AB 386
AB 494	AB 10	AB 765	AB 564
AB 1180	AB 1559	AB 899	AB 624
AB 1280	AB 593	AB 1204	AB 1125
AB 1356	AB 696	AB 1297	AB 1241
AB 1416	AB 901	AB 1333	AB 1285
AB 1531	AB 929	AB 1565	AB 1585
AB 1633	AB 1057	AB 296	AB 1764
AB 1760	AB 1186	AB 971	AB 1767
AB 1323	AB 1200	AB 1511	AB 815
AB 1374	AB 1480	AB 399	AB 1466
AB 550	AB 87	AB 7	AB 688
AB 1296	AB 336	AB 488	AB 1471
AB 1723	AB 356	AB 1535	AB 196
AB 1044	AB 797	AB 1674	AB 1061
AB 256	AB 23	AB 304	AB 1631
AB 1609	AB 55	AB 478	AB 1261
AB 938	AB 124	AB 956	
AB 1392	AB 310	AB 1168	

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 277**—An act to amend and repeal Section 11126 of the Government Code, relating to open meetings.

Bill read second time.

**Assembly Bill 371**—An act to amend Section 13260 of, and to add Sections 13555.5 and 13557 to, the Water Code, relating to water.

Bill read second time.

**Assembly Bill 494**—An act to amend Section 17071.46 of the Education Code, relating to school facilities.

Bill read second time.

**Assembly Bill 1180**—An act to amend Section 19582.5 of, to add Section 19481.3 to, and to add Article 4.5 (commencing with Section 19500) to Chapter 4 of Division 8 of, the Business and Professions Code, relating to horse racing.

Bill read second time.



**Assembly Bill 1280**—An act to add and repeal Section 78016.5 of the Education Code, relating to public postsecondary education.

Bill read second time.

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

Bill read second time.

**Assembly Bill 1416**—An act to amend Sections 17078.18, 17078.20, 17078.22, and 17078.30 of the Education Code, relating to school facilities, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 1531**—An act to add Section 60851.5 to the Education Code, relating to academic assessment.

Bill read second time.

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

Bill read second time.

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

Bill read second time.

**Assembly Bill 1323**—An act to amend Section 2079.10a of the Civil Code, to amend Section 1522.01 of the Health and Safety Code, and to amend Sections 290, 290.01, 290.4, 290.45, 290.46, 290.5, 290.6, 666.7, and 1170.11 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Bill read second time.

**Assembly Bill 550**—An act to add Article 3 (commencing with Section 2635) to Chapter 3 of Title 1 of Part 3 of the Penal Code, relating to correctional institutions.

Bill read second time.

**Assembly Bill 1296**—An act to add Chapter 7 (commencing with Section 66690) to Title 7.2 of the Government Code, and to amend Sections 31161, 31162, and 31163 of the Public Resources Code, relating to resource conservation.

Bill read second time.



**Assembly Bill 1723**—An act to add Section 25302.5 to the Public Resources Code, relating to energy resources.

Bill read second time.

**Assembly Bill 1044**—An act to add Sections 1243 and 20343 to the Government Code, relating to elected public officers.

Bill read second time.

**Assembly Bill 256**—An act to add Section 22849 to the Government Code, relating to public employees' health care.

Bill read second time.

**Assembly Bill 1609**—An act to amend Section 33126 of the Education Code, relating to vocational education.

Bill read second time.

**Assembly Bill 938**—An act to add Section 84204.5 to the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

**Assembly Bill 1392**—An act to amend Sections 49548 and 49550 of the Education Code, relating to pupil nutrition.

Bill read second time.

**Assembly Bill 1459**—An act to amend Sections 116.240, 116.610, 116.910, and 116.940 of, and to add Sections 116.221, 116.222, and 116.232 to, the Code of Civil Procedure, relating to small claims court.

Bill read second time.

**Assembly Bill 1610**—An act to amend Sections 33054, 47605, 47605.6, 47607, 47612.1, 47612.5, and 51745.6 of, and to add Section 47612.6 to, the Education Code, relating to charter schools.

Bill read second time.

**Assembly Bill 10**—An act to add Division 1.75 (commencing with Section 1195) to the Health and Safety Code, relating to health and care facilities.

Bill read second time.

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

Bill read second time.

**Assembly Bill 593**—An act to add and repeal Chapter 11.7 (commencing with Section 66970) of Part 40 of the Education Code, to amend Sections 11011 and 54221 of, and to add and repeal Part 11.5



(commencing with Section 15870) of Division 3 of Title 2 of, the Government Code, relating to state property.

Bill read second time.

**Assembly Bill 696**—An act to amend Section 10830 of, to add Sections 18901.55, 18920, and 18926 to, to repeal Sections 11265.2, 11265.3, and 18910 of, and to repeal and add Section 11265.1 of, the Welfare and Institutions Code, relating to public social services.

Bill read second time.

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

Bill read second time.

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

Bill read second time.

**Assembly Bill 1057**—An act to amend Section 60850 of, and to add Section 317 to, the Education Code, relating to education.

Bill read second time.

**Assembly Bill 1186**—An act to amend Section 19826 of, and to add Sections 19826.10 and 19826.11 to, the Government Code, relating to state civil service.

Bill read second time.

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

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 87**—An act to amend Sections 8564, 8565, 8565.5, and 8566 of, and to add Sections 8565.7 and 8565.8 to, the Business and Professions Code, and to amend Section 4005 of the Fish and Game Code, and to amend Sections 11702, 12203, and 14153 of, and to add Sections 14153.2 and 14153.3 to, the Food and Agricultural Code, relating to trapping licenses.

Bill read second time.

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

Bill read second time.



**Assembly Bill 356**—An act to amend Section 1366.24 of, and to add Sections 1389.25 and 1389.3 to, the Health and Safety Code, to amend Section 10128.54 of, to add Sections 10113.9 and 10113.95 to, the Insurance Code, and to amend Section 2800.2 of the Labor Code, relating to health care coverage.

Bill read second time.

**Assembly Bill 797**—An act to add Section 51256.3 to the Government Code, and to amend Sections 29702, 29703, 29705, 29706, 29707, 29735, 29739, 29741, 29753, 29756, 29756.5, 29763, 29763.5, 29765, 29770, 29771, and 29776 of, and to add Sections 29760.5 and 29766.5 to, the Public Resources Code, relating to natural resources.

Bill read second time.

**Assembly Bill 23**—An act to amend Section 52616.19 of, to add Section 52617 to, and to repeal Section 52616.23 of, the Education Code, relating to adult education, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 55**—An act to add Section 22955.1 to, and to repeal and add Section 22954.1 of, the Education Code, relating to state teachers' retirement, making an appropriation therefor.

Bill read second time.

**Assembly Bill 124**—An act to amend Sections 19790, 19791, 19792, 19792.5, 19793, 19794, 19795, 19796, 19797, and 19798 of, to amend the heading of Chapter 12 (commencing with Section 19790) of Part 2 of Division 5 of Title 2 of, and to add Section 19798.5 to, the Government Code, relating to state civil service.

Bill read second time.

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

Bill read second time.

**Assembly Bill 420**—An act to amend Section 44280 of the Education Code, relating to subject matter examinations and assessments.

Bill read second time.

**Assembly Bill 596**—An act to add Chapter 1 (commencing with Section 1500) to Part 6 of Division 2 of the Labor Code, relating to building maintenance services.

Bill read second time.

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

Bill read second time.



**Assembly Bill 899**—An act to add Section 12303.45 to the Welfare and Institutions Code, relating to public social services.

Bill read second time.

**Assembly Bill 1204**—An act relating to parks.

Bill read second time.

**Assembly Bill 1297**—An act to add Sections 17070.756, 17584.4, and 17591.5 to the Education Code, relating to school facilities.

Bill read second time.

**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.

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

Bill read second time.

**Assembly Bill 296**—An act to amend Section 122415 of the Health and Safety Code, relating to hepatitis C.

Bill read second time.

**Assembly Bill 971**—An act to amend Section 6126.6 of the Penal Code, relating to corrections.

Bill read second time.

**Assembly Bill 1511**—An act to amend Section 20133 of the Public Contract Code, relating to public contracts.

Bill read second time.

**Assembly Bill 399**—An act to amend Sections 41821, 41850, and 42648 of, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, the Public Resources Code, relating to recycling.

Bill read second time.

**Assembly Bill 7**—An act to add Section 13007 to the Fish and Game Code, relating to sport fishing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 488**—An act to amend Sections 3025.7, 3076, 3145, 3145.5, 3146, 3147, 3147.5, 3147.6, 3147.7, 3148, 3150, 3152, and 3152.5 of, to amend and renumber Sections 3090.1, 3096, 3096.5, 3096.6, 3096.7, 3097, 3099, 3100, 3103, 3124, 3125, 3128, 3129, 3130, 3131, and 3135 of, to add Sections 3091, 3092, and 3110 to, to repeal Sections 3094, 3095, 3101, 3102, 3104, 3105, 3105.1, 3106, 3107, 3107.1, 3108, 3109, 3123,



3126, 3127, and 3153 of, and to repeal and add Section 3090 of, the Business and Professions Code, relating to optometry.

Bill read second time.

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

Bill read second time.

**Assembly Bill 1674**—An act to add and repeal Section 1342.2 of the Health and Safety Code, relating to managed health care.

Bill read second time.

**Assembly Bill 304**—An act to amend Sections 19160, 19161, 19162, 19163, 19163.5, 19165, and 19166 of, and to add Section 19169 to, the Health and Safety Code, relating to building standards.

Bill read second time.

**Assembly Bill 478**—An act to amend Sections 3419, 3423, and 6030 of, and to add Sections 3424 and 5007.7 to, the Penal Code, and to amend Sections 222 and 1774 of the Welfare and Institutions Code, relating to inmates.

Bill read second time.

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

Bill read second time.

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

Bill read second time.

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

Bill read second time.

**Assembly Bill 386**—An act to amend Sections 9886.1 and 9886.2 of the Business and Professions Code, to amend Sections 44001.5, 44002, 44003, 44003.5, 44005, 44010.5, 44011, 44011.6, 44013, 44013.5, 44014.7, 44017, 44020, 44024, 44024.5, 44036, 44037.2, 44050.5, 44058, 44060, 44061, 44070, 44070.5, 44071, 44072.1, 44072.10, 44081, 44091, 44093, 44094, and 44095 of, and to add Section 44001.4 to, the Health and Safety Code, relating to air pollution.

Bill read second time.

**Assembly Bill 564**—An act to add Section 60401 to the Education Code, relating to instructional materials, and making an appropriation therefor.

Bill read second time.





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

Bill read second time.

**Assembly Bill 1125**—An act to add Chapter 8.4 (commencing with Section 42451) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

Bill read second time.

**Assembly Bill 1241**—An act to amend Section 69432.7 of, and to add Section 69432.6 to, the Education Code, relating to student financial aid.

Bill read second time.

**Assembly Bill 1285**—An act to amend Section 8279.7 of the Education Code, relating to child care, and making an appropriation therefor.

Bill read second time.

**Assembly Bill 1585**—An act to add and repeal Section 25305.2 of the Public Resources Code, relating to energy resources.

Bill read second time.

**Assembly Bill 1764**—An act to amend Section 14581 of the Public Resources Code, relating to beverage containers, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1767**—An act to amend Sections 17049, 18670, 19950, and 21018 of, and to add Section 19136.7 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

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

Bill read second time.

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

Bill read second time.

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

Bill read second time.

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

Bill read second time.



**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.

**Assembly Bill 1061**—An act to amend Section 54444 of, and to add Sections 40535 and 56382.8 to, the Food and Agricultural Code, relating to agriculture omnibus.

Bill read second time.

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

Bill read second time.

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

#### **Committee on Banking, Finance and Insurance**

Date of Hearing, July 13, 2005

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

AB 772

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 measure ordered to second reading.

#### **Committee on Public Safety**

Date of Hearing, July 12, 2005

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

AB 33

AB 1120

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 measures ordered to second reading.



**Committee on Health**

Date of Hearing, July 13, 2005

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

AB 119

ACR 24

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 Judiciary**

Date of Hearing, July 12, 2005

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

AB 1495

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

DUNN, Chair

Above measure ordered to second reading.

Date of Hearing, July 12, 2005

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

AB 178

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

DUNN, Chair

Above measure ordered to second reading.

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 30, 2005

Mr. President: The Committee on Energy, Utilities and Communications, to which were referred:

AB 728

AB 736

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

ESCUTIA, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Date of Hearing, July 11, 2005

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

AB 1142

AB 1648

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

MIGDEN, Chair

Above measures ordered to second reading.



Senate Chamber, August 15, 2005

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

AB 880                      AB 924                      AB 1065  
AB 1434                      AB 1628

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

MIGDEN, Chair

Above measures ordered to second reading.

Senate Chamber, July 12, 2005

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

SB 453

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

MIGDEN, Chair

Above measure ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, July 12, 2005

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

AB 383                      AB 846                      SCR 48

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

TORLAKSON, Chair

Above measures ordered to second reading.

**Committee on Judiciary**

Date of Hearing, July 12, 2005

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

AB 708

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

DUNN, Chair

Above measure ordered to second reading.

**Committee on Local Government**

Date of Hearing, July 13, 2005

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

AB 1690



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

KEHOE, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Date of Hearing, July 12, 2005

Mr. President: The Committee on Public Safety, to which was referred:  
AB 1595

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

ALQUIST, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, July 12, 2005

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

AB 1563

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

MIGDEN, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Date of Hearing, July 11, 2005

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

AB 338

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

LOWENTHAL, Chair

Above measure ordered to second reading.

**Committee on Health**

Senate Chamber, August 15, 2005

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

AB 576

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 576**—An act to amend Sections 120440 and 120475 of the Health and Safety Code, relating to immunizations.

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, August 15, 2005

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

SB 1099

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

PERATA, Chair

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

**Senate Bill 1099**—An act to amend Section 14030 of the Government Code, relating to transportation.

Bill read second time.

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

**Committee on Judiciary**

Senate Chamber, August 15, 2005

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

AB 585

SB 678

AB 1158

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 585**—An act to amend Sections 22900, 22901, 22902, 22903, 22904, 22905, 22906, 22907, 22908, 22909, 22910, 22911, 22913, 22915, 22920, 22922, 22924, 22925, 22926, and 22927 of, to amend the heading of Chapter 28 (commencing with Section 22900) of Division 8 of, and to add Sections 22903.1, 22903.2, and 22903.3 to, the Business and Professions Code, relating to dealers.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 585 pursuant to Joint Rule 58.

ASSEMBLY MEMBER NEGRETE McLEOD



**Permission of Rules Committee**

Senate Chamber, August 15, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 585.

PERATA, Chair

**Senate Bill 678**—An act to amend Sections 3040, 3041, 7821, 7822, 8616.5, 8620, 8710, and 9210 of, to add Sections 7892.5, 7907.3, 8606.5, 8619.5, 9208, and 9209 to, to add Part 3 (commencing with Section 170) to Division 1 of, and to repeal Section 7810 of, the Family Code, to amend Sections 1510, 1511, 1513, 1516.5, and 1601 of, to add Sections 1449, 1456, 1457, 1458, 1460.2, 1474, and 1500.1 to, and to repeal Section 2112 of, the Probate Code, and to amend Sections 100, 290.1, 290.2, 291, 292, 293, 294, 295, 297, 305.5, 317, 361, 361.4, 366, 366.26, 727.4, 10553.1, and 16507.4 of, to add Sections 110, 224, 224.1, 224.2, 224.3, 224.4, 224.5, 224.6, 360.8, 361.31, and 361.7 to, and to repeal Section 360.6 of, the Welfare and Institutions Code, relating to Indian children, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Assembly Bill 1158**—An act to amend Section 425.16 of the Code of Civil Procedure, relating to civil actions, 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 Business, Professions and Economic Development**

Senate Chamber, August 15, 2005

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

AB 302

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

FIGUEROA, Chair

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

**Assembly Bill 302**—An act to add Sections 5588.1, 5588.2, 5588.3, and 5588.4 to, to repeal Section 5589 of, and to repeal and add Section 5588 of, the Business and Professions Code, relating to architecture.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 302 pursuant to Joint Rule 58.

ASSEMBLY MEMBER NEGRETE MCLEOD

**Permission of Rules Committee**

Senate Chamber, August 15, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 302.

PERATA, Chair

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

**Committee on Energy, Utilities and Communications**

Date of Hearing, June 30, 2005

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

AB 380

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

ESCUTIA, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, July 12, 2005

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

AB 820

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

DUNN, Chair

Above measure ordered to second reading.

**Committee on Environmental Quality**

Senate Chamber, August 15, 2005

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

AB 32

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

LOWENTHAL, Chair

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

**Assembly Bill 32**—An act to amend Sections 42801 and 42823 of the Health and Safety Code, relating to air pollution.

Bill read second time.

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

**Committee on Governmental Organization**

Senate Chamber, August 15, 2005

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

AB 457





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 457**—An act to add Article 17 (commencing with Section 19985) to Chapter 5 of Division 8 of 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 Health**

Date of Hearing, July 13, 2005

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

AJR 24

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

ORTIZ, Chair

Above measure ordered to second reading.

**Committee on Judiciary**

Date of Hearing, July 12, 2005

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

AB 1742

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

DUNN, Chair

Above measure ordered to second reading.

Date of Hearing, July 12, 2005

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

AB 1507

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

DUNN, Chair

Above measure ordered to second reading.

**Committee on Public Safety**

Senate Chamber, August 15, 2005

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

SB 96

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**

**Senate Bill 96**—An act to add Section 653.15 to the Penal Code, relating to crime.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 96 pursuant to Joint Rule 58.

SENATOR MURRAY

**Permission of Rules Committee**

Senate Chamber, August 15, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 96.

PERATA, Chair

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

**Committee on Judiciary**

Date of Hearing, July 12, 2005

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

AB 22

AB 180

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

DUNN, Chair

Above measures ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, July 12, 2005

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

AB 107

AB 1512

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

TORLAKSON, Chair

Above measures ordered to second reading.

**Committee on Appropriations**

Senate Chamber, August 15, 2005

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

AB 330

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

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, August 15, 2005

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

SB 1015

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**

**Senate Bill 1015**—An act to add Chapter 5.7 (commencing with Section 8400) to Division 1 of Title 2 of, and to repeal Section 12016 of, the Government Code, to add Section 830.15 to the Penal Code, and to amend Section 5066 of the Vehicle Code, relating to homeland security.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 1015 pursuant to Joint Rule 58.

SENATOR ROMERO

**Permission of Rules Committee**

Senate Chamber, August 15, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1015.

PERATA, Chair

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

**Committee on Education**

Senate Chamber, August 15, 2005

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

SCA 12

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**

**Senate Constitutional Amendment 12**—A resolution to propose to the people of the State of California an amendment to the Constitution of



the State, by amending Section 8 of Article XVI thereof, relating to school finance.

Resolution 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, August 15, 2005

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

AB 1614

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**

**Assembly Bill 1614**—An act to add Section 6368.11 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

#### **Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1614 pursuant to Joint Rule 58.

ASSEMBLY MEMBER KLEHS

#### **Permission of Rules Committee**

Senate Chamber, August 15, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1614.

PERATA, Chair

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

#### **Committee on Judiciary**

Date of Hearing, July 12, 2005

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

AB 381

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

DUNN, Chair

Above measure ordered to second reading.

#### **Committee on Appropriations**

Senate Chamber, August 15, 2005

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

AB 97



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 97**—An act to add Section 33128.4 to the Education Code, relating to school budget reserves.

Bill read second time.

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

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 267**—An act to amend Section 14529.17 of the Government Code, relating to transportation.

Bill read second time.

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

**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 and ordered to third reading.

**Assembly Bill 1366**—An act to amend Section 42127.8 of, and to add Section 84041 to, the Education Code, relating to community colleges.

Bill read second time.

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

**Assembly Bill 1166**—An act to amend Sections 20098, 20163, 20281.5, 20340, 20752, 21151, 21220, 21221, 21224, 21225, 21226, 21227, 21359, 21540.5, 22009.1, 22150, 22155, 22202, 22203, 22208, 22302, 22308, 22560, 22873, 22874, 22876, and 22958 of, and to add Sections 22009.03 and 22156 to, the Government Code, relating to public employees' benefits.

Bill read second time.

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

**Assembly Bill 910**—An act to add and repeal Section 13984 of the Government Code, relating to life sciences.

Bill read second time.

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



**Assembly Bill 819**—An act to add and repeal Article 13.52 (commencing with Section 18847) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

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

**Assembly Bill 1636**—An act to amend Sections 17301, 17302, and 19250 of, and to add Sections 19200.5 and 19223 to, the Elections Code, relating to elections.

Bill read second time.

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

**Assembly Bill 706**—An act to add Article 4 (commencing with Section 89570) to Chapter 5 of Part 55 of the Education Code, relating to the California State University.

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 169**—An act to amend Section 1197.5 of the Labor Code, relating to gender pay equity.

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 403**—An act to amend Section 25513 of the Health and Safety Code, relating to hazardous materials.

Bill read second time and ordered to third reading.

**Assembly Bill 1527**—An act to add Division 1.3 (commencing with Section 4100) to the Financial Code, relating to financial institutions.

Bill read second time and ordered to third reading.

**Assembly Bill 14**—An act to add Section 1174 to the Civil Code, and to amend Sections 2188.7 and 2823 of, and to add Section 327.5 to, the Revenue and Taxation Code, relating to property taxation.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.



**Assembly Bill 747**—An act to add Section 19991.13 to the Government Code, relating to public employment.

Bill read second time and ordered to third reading.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing Governor's Appointee Dr. Cesar Aristeiguieta, to be added to the Committee on Rules agenda for Wednesday, August 17, 2005 without the four days notice in the file.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 66** was referred to the Committee on Rules.

**CONSENT CALENDAR**

**Objections Raised**

Senator Hollingsworth objected to **AB 361** being on the Special Consent Calendar.

Senator Scott objected to **AB 1462** being on the Special Consent Calendar.

Senator McClintock objected to **AB 1754** and **AB 979** being on the Special Consent Calendar.

Senator Torlakson objected to **AB 1353** being on the Special Consent Calendar.

Senator Kuehl objected to **AB 429** being on the Special Consent Calendar.

Senator Lowenthal objected to **AB 1317** being on the Special Consent Calendar.

Senator Machado objected to **AB 1765** being on the Special Consent Calendar.

Senator Cedillo objected to **AB 1136** being on the Special Consent Calendar.

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

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Migden moved that **AB 280** be placed on the inactive file.

Senator Cox moved that **AB 1031** be placed on the inactive file.

Senator Romero moved that **AB 1540** be placed on the inactive file.

Senator Lowenthal moved that **AB 1162** and **AB1736** be placed on the inactive file.

Senator Soto moved that **AB 492** be placed on the inactive file.

Senator Denham moved that **AB 36** be placed on the inactive file.

Senator Kuehl moved that **AB 13** be placed on the inactive file.

The above motions carried.



**MOTION TO TAKE MEASURE FROM THE INACTIVE FILE**

Senator Lowenthal moved that **AB 1342** be taken from the inactive file and placed on the second reading file.

Senator Alarcón moved that **AB 1536** be taken from the inactive file and placed on the second reading file.

Senator Campbell moved that **SB 468** be taken from the inactive file and placed on the second reading file.

The above motions carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill 1018**—An act to amend, repeal, and add Section 7480 of the Government Code, and to amend, repeal, and add Sections 15634, 15640, and 15655.5 of, and to add and repeal Section 15630.1 of, the Welfare and Institutions Code, relating to elder and dependent adult abuse.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 1018?

**Roll Call**

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

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

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

Above bill ordered enrolled.

**THIRD READING OF SENATE BILLS**

**Senate Bill 997**—An act to add Chapter 4.7 (commencing with Section 50980) to Part 1 of Division 1 of Title 5 of the Government Code, relating to state military reservists, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

**AYES (28)**—Senators Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Morrow, Perata, Romero, Simitian, Soto, Speier, Torlakson, and Vincent.

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





**Roll Call**

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

**AYES (28)**—Senators Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Morrow, Perata, Romero, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

**RECESS**

At 11:30 a.m., on motion of Senator Chesbro the Senate recessed in order to pay tribute to the 2004-05 Senate Fellows.

**TRIBUTE TO SENATE FELLOWS**

Senator Chesbro and Senator Ashburn requested that the Senate pay tribute to the 2004–2005 Senate Fellows who will be departing at the end of the 2005 Session.

**REASSEMBLED**

At 11:45 p.m., the Senate reconvened.

Hon. Don Perata, of the 9th District, presiding.

**CONSIDERATION OF DAILY FILE (RESUMED)****CONSENT CALENDAR**

**Assembly Bill 885**—An act to amend Sections 2924b and 2924g of the Civil Code, relating to real property.

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

*(NOTE: See Consent Calendar Roll Call)*

**SPECIAL CONSENT CALENDAR**

**Senate Bill 47**—An act to amend Section 1206 of the Health and Safety Code, relating to clinics.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 282**—An act to amend Sections 24011 and 25210.9c of the Government Code, relating to county offices.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 383**—An act to add Section 6608.7 to the Welfare and Institutions Code, relating to mental health.

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

*(NOTE: See Consent Calendar Roll Call)*



**Senate Bill 630**—An act to amend Section 7155.7 of the Health and Safety Code, relating to anatomical gifts.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 966**—An act to add Section 19460.5 to the Education Code, to amend Sections 8654, 8680, 8680.4, 8680.5, 8682.9, 8685, 8686.4, 8687, 8687.4, 24009, 26202.1, 66442, and 66442.5 of, to amend the heading of Chapter 7.5 (commencing with Section 8680) of Division 1 of Title 2 of, to add Sections 25210.3c and 61226.5 to, to repeal Sections 1228.6, 8680.6, 8686.6, 8690.8, 8691, 8692, 25841, and 50279.4 of, to repeal Article 3.5 (commencing with Section 51939.50) of Chapter 5 of Part 2 of Division 1 of Title 5 of, and to repeal Chapter 3 (commencing with Section 51700) of Part 2 of Division 1 of Title 5 of, the Government Code, to add Sections 5900.11, 6064, 6272, 6860.5, and 7053.5 to the Harbors and Navigation Code, to amend Sections 2043, 2054, 11372.5, and 13868 of, and to add Sections 2853, 4766.5, 6491.5, and 32107 to, the Health and Safety Code, to add Section 1190.5 to the Military and Veterans Code, to amend Section 1463.14 of the Penal Code, to amend Sections 5557.2, 5786.9, 5786.31, 8801, 8802, 8809, 8813, 8815.1, 8815.2, 8815.4, 8819, 9313, and 26582 of, to add Sections 8813.1, 8813.2, 8813.3, and 8815.5 to, and to add Chapter 3 (commencing with Section 8850), Chapter 4 (commencing with Section 8870), and Chapter 5 (commencing with Section 8890) to Division 8 of, the Public Resources Code, to amend Sections 12772, 16486, 16489, 132352, 170006, 170016, 170018, 170042, 170062, and 170084 of, to add Sections 16044, 22411, and 170041 to, and to repeal Sections 170010, 170012, and 170014 of, the Public Utilities Code, and to amend Section 21403 of, and to add Sections 30525.5, 35307, 40657.5, 50942, 55333.5, 71282, and 74228.5 to, the Water Code, relating to general government.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 979**—An act to amend Sections 115843.3 and 115843.5 of the Health and Safety Code, relating to reservoirs, 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 1763**—An act to amend Sections 14574 and 14575 of the Public Resources Code, relating to beverage containers.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 893**—An act to amend Section 6608.5 of the Welfare and Institutions Code, relating to sex offenders.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1442**—An act to amend Sections 25503.6 and 25503.8 of the Business and Professions Code, relating to alcoholic beverages.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 186**—An act to add Section 6434.5 to the Labor Code, relating to occupational safety and health.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 241**—An act to amend Section 1107.5 of, and to add Sections 6020.5, 8020.5, 12550.5, 15678.10, 16915.5, and 17554.5 to, the Corporations Code, relating to business entities.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 348**—An act to amend Sections 14839 and 14839.1 of the Government Code, relating to small business programs.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 367**—An act to amend Section 2083 of the Business and Professions Code, relating to physicians and surgeons.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 522**—An act to amend Section 1261.6 of the Health and Safety Code, to add Section 290.02 to the Penal Code, and to add Section 14133.225 to the Welfare and Institutions Code, relating to prescription drugs and other therapies, 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 587**—An act to amend Section 22844 of the Government Code, relating to public employees' health benefits.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 752**—An act to amend and repeal Section 8670.37.58 of the Government Code, relating to oil spills.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 785**—An act to amend Sections 505.2, 11400, 11405, and 11406 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 1093**—An act to amend Sections 213 and 515.5 of the Labor Code, relating to employment.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1252**—An act to add Section 154.2 to the Streets and Highways Code, relating to highways.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1523**—An act to amend Section 19771 of the Government Code, relating to public employment.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1577**—An act to amend Sections 605, 634.5, 682, 684, 708, 708.5, 828, 1025, 1222, 1256.3, 1451, 2051, 2061, 2781, 3254.5, 9003, 9604, 9605, 9608, 9615, 9616.1, 10212.2, 11000, 11001, 11002, 11003, 11004, 13002, 13021, 15001, and 15005 of, to amend and renumber Sections 1256.5 and 1256.7 of, to repeal Sections 301.5, 1301, 1302, 1303,



1304, 1305, 1306, 1307, 1308, 9106, 10521, 10523, 10524, 10525, and 10527 of, to repeal Article 8.5 (commencing with Section 1150) of Chapter 4 of Part 1 of Division 1 of, to repeal Chapter 3 (commencing with Section 10000) and Chapter 6 (commencing with Section 11010) of Part 1 of Division 3 of, and to repeal Division 2 (commencing with Section 5000) and Division 4 (commencing with Section 12000) of, the Unemployment Insurance Code, relating to unemployment compensation.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1729**—An act to amend Sections 10232.4, 10233, and 10238 of the Business and Professions Code, relating to real estate.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1737**—An act relating to workers' compensation , 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 1743**—An act to amend Section 17552 of the Family Code, relating to child support.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1748**—An act to amend Sections 12804.9 and 15275.1 of, and to repeal and amend Section 12517 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 1755**—An act to amend Sections 82048.7, 84203, 84204, 87205, and 87500 of, and to repeal Sections 84200.3 and 84200.4 of, the Government Code, relating to the Political Reform Act of 1974.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1757**—An act to amend Sections 12105, 12106, 12107, and 12108 of, and to add Section 12105.5 to, the Elections Code, relating to elections.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Concurrent Resolution 23**—Relative to commercial truck traffic.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 249**—An act relating to taxation.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1188**—An act to amend Section 11166.01 of the Penal Code, and to amend Section 15630 of the Welfare and Institutions Code, relating to abuse.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1566**—An act to amend Section 530.5 of the Penal Code, relating to crime.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1642**—An act to amend Sections 5019, 5020, 35555, 35566, 35710, 35710.5, 35722, 35753, and 35756, of, and to add Sections 35517 and 35710.1 to, the Education Code, relating to school districts.

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

NOES (0)—None.

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

August 15, 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 1018—No

SB 997—No

DICK ACKERMAN, Minority Floor Leader

#### **LEAVES OF ABSENCE FOR THE DAY**

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



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

At 11:51 a.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Perata moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, August 16, 2005.

Motion carried.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
August 15, 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

Marlene A. Gadinis, founder and owner of Eco-Tique Aveda Salon and Spa. Appointed 07/15/05. Effective 08/05/05.

Member, State Board of Barbering and Cosmetology vice Kim P. McInnes, term expired, term ending 01/01/09.

Gary L. McGavin, architect and Associate Professor of Architecture, California State Polytechnic University, Pomona. Appointed 07/15/05. Effective 08/08/05.

Member of the Seismic Safety Commission vice Stan Y. Moy, resigned, term ending 05/15/07.

Keith M. Wheeler, Earthquake Preparedness Training instructor, American Red Cross; served previously on the Seismic Safety Commission. Appointed 07/15/05. Effective 08/04/05.

Member of the Seismic Safety Commission vice Frances E. Winslow, withdrawn from Senate, term ending 05/15/07.

Above appointments referred to the Committee on Rules.





Governor's Office, State Capitol  
August 15, 2005

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Michael S. Carona	Member, State Athletic Commission Department of Consumer Affairs
Lori A. Ross	Member, Commission on Peace Officer Standards And Training

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, August 15, 2005

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

SB 389                      SB 634                      SB 919

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 Natural Resources and Water**

Senate Chamber, August 15, 2005

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

AB 1665

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 1665**—An act to add Section 1867 to the Code of Civil Procedure, to add Chapter 12 (commencing with Section 10109) to Part 1 of Division 2 of the Insurance Code, to amend Section 8521 of, and to add Sections 8523, 8612, and 8613 to, and to add Chapter 9 (commencing with Section 9100) to Part 4 of Division 5 of, the Water Code, relating to flood control.

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, August 15, 2005

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

SB 588

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**

**Senate Bill 588**—An act to amend Section 33334.10 of the Health and Safety Code, relating to redevelopment.

Bill read second time.

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

**Committee on Agriculture**

Date of Hearing, June 28, 2005

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

AB 649

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

DENHAM, Chair

Above measure ordered to second reading.

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

Without objection, **AB 473** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules;

**AB 457** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules;

**AB 1631** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules; and

**SCA 12** was withdrawn from the Committee on Education and re-referred to the Committee on Rules.

**FIRST READING OF SENATE MEASURES**

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

**Senate Constitutional Amendment 17:** By Senator Speier—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 14 of Article V thereof, relating to state officers.

**Senate Concurrent Resolution 59:** By Senators Figueroa, Chesbro, Ducheny, Kuehl, Ortiz, Romero, Soto and Speier (Coauthors; Assembly Members Berg, Chan, Chu, Daucher, Garcia, Goldberg, Hancock, Shirley



Horton, Liu, Matthews, Oropeza, Pavley, and Wolk)—Relative to pain Awareness Month.

**Senate Joint Resolution 17:** By Senator Ortiz—Relative to stem cell research.

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 978**—An act to add Section 527.10 to the Code of Civil Procedure, to add Sections 6252.5 and 6322.7 to the Family Code, to add Sections 136.3 and 646.91A to the Penal Code, and to add Sections 213.7 and 15657.04 to the Welfare and Institutions Code, relating to protective orders.

Bill read third time.

**Amendments Adopted**

Amendments to AB 978 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

**Amendments Adopted**

Amendments to AB 1310 proposed by Senator Dunn were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 982**—An act to amend Section 76355 of the Education Code relating to community colleges.

Bill read third time.

**Amendments Adopted**

Amendments to AB 982 proposed by Senator Scott were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1136**—An act to amend Sections 37252.8, 37253, 41505, 41506, 42239, and 52890 of, to add Section 33134 to, and to repeal Sections 41505.5, 42239, 42239.15, and 52891 of, the Education Code, relating to instruction, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1136 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.



**Amendments Adopted**

Amendments to AB 767 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1234**—An act to amend Sections 25008 and 36514.5 of, and to add Article 2.3 (commencing with Section 53232) and Article 2.4 (commencing with Section 53234) to Chapter 2 of Part 1 of Division 2 of Title 5 of, the Government Code, to amend Sections 6060 and 7047 of the Harbors and Navigation Code, to amend Sections 2030, 2851, 4733, 4733.5, 6489, 9031, 13857, 13866, and 32103 of the Health and Safety Code, to amend Section 1197 of the Military and Veterans Code, to amend Sections 5536, 5536.5, 5784.15, and 9303 of the Public Resources Code, to amend Sections 11908, 11908.1, 11908.2, 16002, and 22407 of the Public Utilities Code, and to amend Sections 20201, 21166, 30507, 30507.1, 34741, 40355, 50605, 55305, 56031, 60143, 70078, 71255, and 74208 of, and to add Section 20201.5 to, the Water Code, relating to local agencies.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1234 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED  
TO RESCIND ACTION (AB 1772)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1772 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

**Consideration of Assembly Bill 1772**

**Assembly Bill 1772**—An act to amend Sections 45240, 45262, 45278, and 45387 of the Education Code, relating to classified school employees.

Bill read.

**Motion to Amend**

Amendments to AB 1772 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED  
TO RESCIND ACTION (AB 18)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 18 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

**Consideration of Assembly Bill 18**

**Assembly Bill 18**—An act to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.95, 195.96, and 195.97 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.

**Motion to Amend**

Amendments to AB 18 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

**COMMUNICATIONS AND LETTERS OF TRANSMITTAL**

The following communications were ordered printed in the Journal:

An annual report dated: July 1, 2005, relating to Railroad Local Safety Hazards was received from the Public Utilities Commission and transmitted to the Committee on Transportation and Housing.

A report dated: July 7, 2005, relating to the Care Investment Act of 2000, was received from the California Health Facilities Financing Authority and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 11, 2005, relating to indoor pollution in California was received from the Air Resources Board and transmitted to the Committee on Environmental Quality.

A Title Summary report dated: July 14, 2005, relating to State Payments to Parents of Public School Children. Standardized Testing. Initiative Statute. Amdt. #1-NS, was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary report dated: July 15, 2005, 2005, relating to California Border Police. Immigration. Initiative Constitutional Amendment and Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A Title Summary report dated: July 15, 2005, relating to Vote Requirement. Taxes. Redefinition of Fees/Charges. Initiative Constitutional Amendment. was received from the Department of Justice and transmitted to the Committee on Rules.

An annual report dated: July 19, 2005, relating to the Lassen County Indian Gaming Special Distribution Fund (SDF), was received from the County of Lassen and transmitted to the Committee on Governmental Organization.

A report dated: July 19, 2005, relating to guidelines for the Proposition 50 California River Parkways Program was received from the California Resources Agency and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: July 19, 2005, relating to the San Bernardino County DNA Fund for year 2004, was received from the County of San Bernardino and transmitted to the Committee on Public Safety.



A report dated: July 19, 2005, relating to Truck Tractor Pulling Two Trailers, was received from the California Highway Patrol and transmitted to the Committee on Transportation and Housing.

A report dated: July 20, 2005, relating to the Second Principal Apportionment FY 2004–05 was received from the California Department of Education and transmitted to the Committee on Education.

An annual report dated: July 20, 2005, relating to the Inyo County Indian Gaming Special Distribution Fund (SDF), was received from the County of Inyo and transmitted to the Committee on Governmental Organization.

A report dated: July 20, 2005, relating to 2005–06 Expenditure Plan for the Fair and Exposition Fund and Satellite Wagering Account was received from the California Department of Food and Agriculture and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 14, 2005, relating to the Porter-Cologne Water Quality Act was received from State Water Resources Control Board and transmitted to the Committee on Budget and Fiscal Review.

A supplemental report dated: July 22, 2005, relating to the Five Year Technology Refresh Plan 2006–05 through 2009–10, was received from the Department of Insurance and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 22, 2005, relating to Hate Crime in California 2004 was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

An annual report dated: July 25, 2005, relating to the Yuba County EMS Fund, FY 2003–04, was received from the Yuba County Department of Health and Human Services and transmitted to the Committee on Health.

An annual report dated: July 25, 2005, relating to the Trinity County EMS Fund, FY 2003–04, was received from the County of Trinity and transmitted to the Committee on Health.

An annual report dated: July 26, 2005, relating to the 2003–04 Annual Report for the Rural Investment Tax Exemption (RITE), was received from the California Infrastructure and Economic Development Bank, and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: July 28, 2005, relating to the State Athletic Commission operation of the Boxers' Pension Plan, was received from the California State Auditor and transmitted to the Committee on Rules.

A quarterly report dated: August 1, 2005, relating to the Litigation Deposit Fund was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.



An annual report dated: August 1, 2005, relating to the California Medical Assistance Commission, was received from the California Medical Assistance Commission and transmitted to the Committee on Health.

An audit report dated: August 2, 2005, relating to the Department of Parks and Recreation lifeguard staffing, was received from the California State Auditor and transmitted to the Committee on Rules.

A report dated: August 2, 2005, relating to the Status of Unreinforced Masonry Building Law, was received from Seismic Safety Commission and transmitted to the Committee on Transportation and Housing.

An annual report dated: August 2, 2005, relating to Child Care Facilities Revolving Fund 2004–05, was received from California Department of Education and transmitted to the Committee on Education.

A report dated: August 3, 2005, relating to Availability and loss experience in commercial residential property, was received from the Insurance Commissioner and transmitted to the Committee on Insurance.

An audit report dated: August 4, 2005, relating to the Department of Health Services School Based Medi-Cal Administrative Activities Program, was received from the California State Auditor and transmitted to the Committee on Rules.

A Title Summary report dated: August 5, 2005, relating to Wealth Tax. Tax Rates and Credits. Initiative Statute. Amdt., #1–S, was received from the Department of Justice and transmitted to the Committee on Rules.

An audit report dated: August 11, 2005, relating to the Emergency Preparedness, was received from the California State Auditor and transmitted to the Committee on Rules.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Jennifer Hopkins of Oroville and LCpl. Adam J. Strain (USMC) of Smartsville.

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Alex and Valerie Hernandez of Placentia, Jack Wells of Sacramento, and Karen Salzillo of Ontario.

Senator Battin requested that when the Senate adjourns this day it do so in memory of Coeta Barker of Thousand Palms, John Johnson of Coachella Valley, and Chris Kanton of Corona.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Gonzalo “Gonzie” Mendoza.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Dr. Timothy Darren Pine of Anaheim Hills.



Senator Kehoe requested that when the Senate adjourns this day it do so in memory of Fred Jensen of San Diego.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of William Eugene Gunn of Whittier.

Senator Machado requested that when the Senate adjourns this day it do so in memory of J. Robert Chapman of Winters.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Matthew Bera of Cameron Park and Ann Venegas of Sacramento.

Senators Ortiz and Cox requested that when the Senate adjourns this day it do so in memory of Sacramento County Sheriff Officers Kevin Blount and Joseph Kievernagel of Sacramento.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Margaret Kempton of Carmichael.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Harry Frederickson of Victorville and Patricia A. Reeb of Helendale.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Vern Allen of Banning and Edgar Seal of Chino Hills.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of William R. Smith, Jr. of Knightsen.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, August 16, 2005.

PAULA K. ROSSETTO, Minute Clerk



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