

## CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED TENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, August 17, 2005

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

### ROLL CALL

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

Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—38.

Quorum present.

*(NOTE: Senator Alarcón will be excused this day on legislative business and Senator Campbell will be excused this day on personal business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Appropriations

Senate Chamber, August 17, 2005

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

AB 47

AB 777

AB 884

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 47**—An act to add Section 19135 to the Government Code, relating to public contracts.

Bill read second time.

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

Bill read second time.

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

Bill read second time.

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

**Committee on Judiciary**

Date of Hearing, August 16, 2005

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

AJR 22

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

DUNN, Chair

Above measure ordered to second reading.

**Committee on Transportation and Housing**

Date of Hearing, August 16, 2005

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

SCR 57

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

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, August 17, 2005

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

AB 164

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 164**—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.92, 195.93, and 195.94 to, the Revenue and Taxation

Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

### **Committee on Rules**

Senate Chamber, August 17, 2005

Mr. President: The Committee on Rules has examined:

SB 47	SB 282	SB 383
SB 630	SB 979	SB 1018

And reports that the same have been correctly enrolled, and presented to the Governor on the 17th day of August, 2005, at 3 p.m.

PERATA, Chair

State Capitol, August 17, 2005

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

Cesar A. Aristeiguieta, M.D., Member, Medical Board of California, Division of Medical Quality (5-0).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 17, 2005

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 5-0, has referred SB 66 (Torlakson) to the Senate Committee on Transportation and Housing.

PERATA, Chair

Senate Chamber, August 17, 2005

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

SJR 17

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 Joint Resolution 17**—Relative to stem cell research.

Resolution read second time.

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



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

**Senate Bill 510**—An act relating to workers' compensation insurance, and declaring the urgency thereof, to take effect immediately.

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

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

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

**Senate Concurrent Resolution 52**—Relative to the Mayor James Thalman and Mayor Michael Wickman Memorial Highway.

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

**Senate Concurrent Resolution 53**—Relative to the Mark C. Salvaggio Interchange.

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

**Senate Concurrent Resolution 55**—Relative to Paul H. Pino Memorial Highway.

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

**Senate Bill 1040**—An act to amend Section 68120 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

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

**Senate Bill 1015**—An act to add Section 12016.1 to the Government Code, to add Section 11105.06 to the Penal Code, and to amend Section 5066 of the Vehicle Code, and to amend Items 0690-001-0001, 0690-010-0890, 0690-010-3034, and 0690-101-0890 of, and to add Items 0685-001-0890, 0685-001-3034, 0685-101-0890, and 0685-101-3034 to, Section 2.00 of Chapter 38 of the Statutes of 2005, relating to homeland security, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

**Senate Joint Resolution 10**—Relative to the U.S.A. PATRIOT Act.

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

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 12**—An act relating to nonprobate transfers.

Bill read second time and ordered to third reading.



**Assembly Bill 27**—An act to amend Section 1037 of, and to add Sections 1037.1 and 1037.2 to, the Penal Code, relating to trial costs.

Bill read second time and ordered to third reading.

**Assembly Bill 67**—An act to add Section 747 to the Public Utilities Code, relating to energy.

Bill read second time and ordered to third reading.

**Assembly Bill 77**—An act to amend Section 14132.01 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

**Assembly Bill 83**—An act to add and repeal Section 116030.5 of the Health and Safety Code, relating to swimming pools, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 100**—An act to amend 124250 of the Health and Safety Code, relating to domestic violence.

Bill read second time and ordered to third reading.

**Assembly Bill 109**—An act to amend Section 130140 of the Health and Safety Code, relating to child development.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**Assembly Bill 165**—An act to amend Section 89416 of the Education Code, relating to the California State University.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 240**—An act to amend Section 3003 of, and to add Section 290.02 to, the Penal Code, and to add Section 14133.225 to the Welfare and Institutions Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.



**Assembly Bill 273**—An act to add Section 25621 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 296**—An act to add Section 5008.2 to the Penal Code, relating to hepatitis C.

Bill read second time and ordered to third reading.

**Assembly Bill 300**—An act to amend Sections 1522.41, 1562.3, 1569.3, and 1569.616 of the Health and Safety Code, relating to residential care facilities.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 306**—An act to repeal and add Chapter 3 (commencing with Section 800) of Division 4 of the Military and Veterans Code, relating to military benefits.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**Assembly Bill 313**—An act to amend Section 14681.5 of the Government Code, relating to parole.

Bill read second time and ordered to third reading.

**Assembly Bill 324**—An act relating to inmates.

Bill read second time and ordered to third reading.

**Assembly Bill 327**—An act to add Section 2435.2 to the Business and Professions Code, relating to physicians and surgeons.

Bill read second time and ordered to third reading.

**Assembly Bill 352**—An act to amend Sections 12126 and 12130 of the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

**Assembly Bill 356**—An act to amend Section 1366.24 of, and to add Sections 1389.25, 1389.3, and 127660.5 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 and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 382**—An act to repeal Section 91521.3 of the Government Code, relating to industrial development financing.

Bill read second time and ordered to third reading.

**Assembly Bill 392**—An act to amend Sections 18986.86 and 18986.87 of, and to repeal Section 18986.88 of, the Welfare and Institutions Code, relating to county integrated health and human services.

Bill read second time and ordered to third reading.

**Assembly Bill 404**—An act to amend Section 1810.7 of the Insurance Code, relating to bail licenses.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 452**—An act to add Section 97 to, and to add and repeal Section 97.2 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 481**—An act to amend Sections 7507.9 and 7507.12 of the Business and Professions Code, relating to collateral recovery.

Bill read second time and ordered to third reading.

**Assembly Bill 488**—An act to amend Sections 3025.7, 3076, 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 and ordered to third reading.



**Assembly Bill 490**—An act to amend Section 20112 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

**Assembly Bill 502**—An act to amend Sections 22101 and 22103 of, and to add Section 22101.5 to, the Financial Code, relating to finance lenders.

Bill read second time and ordered to third reading.

**Assembly Bill 515**—An act to add Section 141 to the Water Code, relating to the State Water Project.

Bill read second time and ordered to third reading.

**Assembly Bill 524**—An act to amend Section 10335 of, and to add and repeal Section 10360 of, the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 547**—An act to amend Section 11364.7 of, and to add Chapter 18 (commencing with Section 121349) to Part 4 of Division 105 of, the Health and Safety Code, relating to clean needle and syringe exchange.

Bill read second time and ordered to third reading.

**Assembly Bill 561**—An act to amend Sections 2053, 2053.1, and 2053.4 of the Penal Code, relating to prisons.

Bill read second time and ordered to third reading.

**Assembly Bill 574**—An act to add Division 12.3 (commencing with Section 16000) to the Public Resources Code, relating to recycled concrete.

Bill read second time and ordered to third reading.

**Assembly Bill 582**—An act to amend Section 17538.41 of the Business and Professions Code, relating to political advertisements.

Bill read second time and ordered to third reading.

**Assembly Bill 604**—An act to add Section 14001 to, and to repeal Sections 15037 and 15037.1 of, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time and ordered to third reading.

**Assembly Bill 609**—An act to add Section 4474.3 to the Welfare and Institutions Code, relating to developmental services.

Bill read second time and ordered to third reading.



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

Bill read second time and ordered to third reading.

**Assembly Bill 646**—An act to amend Section 19.8 of, and to add Section 652 to, the Penal Code, relating to body piercing.

Bill read second time and ordered to third reading.

**Assembly Bill 682**—An act to amend Sections 41505 and 41530 of the Education Code, relating to education finance.

Bill read second time and ordered to third reading.

**Assembly Bill 690**—An act to add Section 323 to the Military and Veterans Code, relating to military compensation.

Bill read second time and ordered to third reading.

**Assembly Bill 702**—An act to amend Section 128385 of the Health and Safety Code, relating to nursing education.

Bill read second time and ordered to third reading.

**Assembly Bill 715**—An act relating to forestry.

Bill read second time and ordered to third reading.

**Assembly Bill 716**—An act to amend Sections 518, 523, 525, and 526 of the Harbors and Navigation Code, relating to vessels.

Bill read second time and ordered to third reading.

**Assembly Bill 729**—An act to amend Sections 510, 1647.5, 1720, 1775.2, 1775.4, 1775.5, 12921.1, 12921.15, and 12921.3 of, and to add Sections 1681.5 and 1736.5 to, the Insurance Code, and to repeal Section 12253.5 of the Revenue and Taxation Code, relating to insurance production agencies.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 771**—An act to amend Section 30324 of the Public Resources Code, relating to coastal resources.

Bill read second time and ordered to third reading.

**Assembly Bill 776**—An act to amend Sections 11165.9 and 11166 of the Penal Code, relating to child abuse reporting.

Bill read second time and ordered to third reading.

**Assembly Bill 780**—An act to amend Section 11125.1 of the Government Code, relating to public meetings.

Bill read second time and ordered to third reading.



**Assembly Bill 787**—An act to amend Section 532b of the Penal Code, relating to crime.

Bill read second time and ordered to third reading.

**Assembly Bill 816**—An act to amend Section 6276.12 of the Government Code, and to amend Section 147.2 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

**Assembly Bill 817**—An act to amend Sections 1063.1 and 1063.3 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

**Assembly Bill 823**—An act to amend Sections 456, 457, and 458 of the Military and Veterans Code, relating to military and veterans.

Bill read second time and ordered to third reading.

**Assembly Bill 824**—An act to amend Section 11403.2 of the Welfare and Institutions Code, relating to public social services.

Bill read second time and ordered to third reading.

**Assembly Bill 841**—An act to add Section 40607 to the Health and Safety Code, relating to air quality.

Bill read second time and ordered to third reading.

**Assembly Bill 847**—An act to add Sections 1231.5, 1580.1, 1734.5, and 100315 to the Health and Safety Code, relating to the elderly.

Bill read second time and ordered to third reading.

**Assembly Bill 862**—An act to add Section 5031 to the Penal Code, relating to inmates.

Bill read second time and ordered to third reading.

**Assembly Bill 881**—An act to amend, repeal, and add Section 7125 of the Business and Professions Code, and to add and repeal Section 11665 of the Insurance Code, relating to workers' compensation.

Bill read second time and ordered to third reading.

**Assembly Bill 889**—An act to amend Sections 12015.3, 12015.5, 12240, and 12246 of, to repeal Section 12028 of, and to add and repeal Chapter 13.5 (commencing with Section 13350) of Division 5 of, the Business and Professions Code, relating to weights and measures.

Bill read second time and ordered to third reading.

**Assembly Bill 892**—An act to amend Section 22978.4 of the Business and Professions Code, relating to cigarettes and tobacco products.

Bill read second time and ordered to third reading.



**Assembly Bill 929**—An act to add Section 115061 to the Health and Safety Code, relating to radiation technology.

Bill read second time and ordered to third reading.

**Assembly Bill 952**—An act to add and repeal Section 17463.8 of the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

**Assembly Bill 962**—An act to add Section 7662 to the Public Utilities Code, relating to public utilities.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 985**—An act to amend Section 394 of, and to add and repeal Section 394.2 of, the Military and Veterans Code, relating to labor.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1039**—An act to amend Sections 5642 and 5646 of the Public Resources Code, relating to parks and recreation.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1058**—An act to add Article 8.5 (commencing with Section 114181) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to food labeling.

Bill read second time and ordered to third reading.

**Assembly Bill 1060**—An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 11108, 11108.3, 12001, 12021,



12021.3, 12026.2, 12028.5, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12086, 12132, and 12305 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, to repeal Section 12084 of, and to repeal and add Section 12071 of, the Penal Code, and to amend Section 26 of Chapter 23 of the Statutes of 1994, relating to firearms.

Bill read second time and ordered to third reading.

**Assembly Bill 1064**—An act to amend and repeal Section 18552 of the Health and Safety Code, relating to mobilehome parks.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1114**—An act to amend Section 4945 of the Business and Professions Code, relating to acupuncture.

Bill read second time and ordered to third reading.

**Assembly Bill 1143**—An act to amend Sections 1640, 1640.2, 1642, and 1724 of, to add Section 1640.3 to, and to repeal Section 1641 of, the Business and Professions Code, relating to dentistry.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**Assembly Bill 1182**—An act to amend Section 321.6 of, and to add Section 322.5 to, the Public Utilities Code, relating to public utilities.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1195**—An act to amend Section 2190.1 of the Business and Professions Code, relating to physicians and surgeons.

Bill read second time and ordered to third reading.

**Assembly Bill 1199**—An act to add Article 1.7 (commencing with Section 230) to Chapter 2 of Part 1 of Division 1 of the Health and Safety Code, relating to health care coverage.

Bill read second time and ordered to third reading.



**Assembly Bill 1202**—An act to amend Section 65050 of the Government Code, relating to the Military and Aerospace Support Act.

Bill read second time and ordered to third reading.

**Assembly Bill 1206**—An act to add Section 1227 to the Government Code, relating to public employment relations.

Bill read second time and ordered to third reading.

**Assembly Bill 1221**—An act to amend Section 39510 of the Health and Safety Code, relating to air pollution.

Bill read second time and ordered to third reading.

**Assembly Bill 1229**—An act to amend Section 43200 of, and to add Section 43200.1 to, the Health and Safety Code, relating to air pollution.

Bill read second time and ordered to third reading.

**Assembly Bill 1235**—An act to amend Section 1337.6 of the Health and Safety Code, relating to health facilities.

Bill read second time and ordered to third reading.

**Assembly Bill 1249**—An act to amend Sections 42807, 42820, and 42821 of the Public Resources Code, relating to solid waste.

Bill read second time and ordered to third reading.

**Assembly Bill 1261**—An act to amend Sections 48853, 48853.5, 48859, 49069.5, 52052, 56034, 56366.1, and 56366.2 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 and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1278**—An act to amend Sections 102425, 102426, 102430, 102440, and 103025 of the Health and Safety Code, relating to vital records.

Bill read second time and ordered to third reading.

**Assembly Bill 1311**—An act to amend Sections 98 and 98.1 of the Labor Code, relating to labor standards.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.



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

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**Assembly Bill 1346**—An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

Bill read second time and ordered to third reading.

**Assembly Bill 1348**—An act to add and repeal Section 379.7 of the Public Utilities Code, relating to electricity.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**Assembly Bill 1358**—An act to amend Section 17215 of the Education Code, relating to school facilities.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1378**—An act to add and repeal Section 854.1 of the Government Code, and to add and repeal Sections 4474.2 and 4474.3 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time and ordered to third reading.

**Assembly Bill 1380**—An act to add Sections 7945 and 7945.1 to the Public Utilities Code, relating to telecommunications.

Bill read second time and ordered to third reading.

**Assembly Bill 1384**—An act to amend Section 97.1 of, to add Section 97 to, and to add and repeal Section 97.5 of, the Streets and Highways Code, and to add Section 42010 to the Vehicle Code, relating to transportation.

Bill read second time and ordered to third reading.



**Assembly Bill 1391**—An act to amend Sections 82027.5 and 82048.7 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1419**—An act to amend Sections 22105, 22109, and 22153 of, and to repeal and add Section 22102 of, the Financial Code, relating to finance lenders.

Bill read second time and ordered to third reading.

**Assembly Bill 1435**—An act to amend Sections 70312, 70325, 70375, 70403, and 76100 of the Government Code, relating to courts.

Bill read second time and ordered to third reading.

**Assembly Bill 1474**—An act to amend Section 12814.6 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 1496**—An act to add Section 33318.5 to the Education Code, relating to pupils.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1517**—An act to add Section 1041 to the Government Code, relating to state government.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1542**—An act to amend Section 1170.9 of the Penal Code, relating to sentencing.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.



**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 and ordered to third reading.

**Assembly Bill 1640**—An act to amend Section 10103.5 of, and to add Sections 791.28 and 10103.7 to, the Insurance Code, relating to insurance claims information.

Bill read second time and ordered to third reading.

**Assembly Bill 1660**—An act to add Article 1.5 (commencing with Section 43810) to Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, and to add Chapter 8.4 (commencing with Section 25725) to Division 15 of the Public Resources Code, relating to air pollution.

Bill read second time and ordered to third reading.

**Assembly Bill 1661**—An act to amend Sections 12100, 12106, 12108, 12110, 12111, 12112, 12114, 12115, 12116, 12119, and 12121 of, and to add Sections 12115.5 and 12116.5 to, the Insurance Code, relating to financial guaranty insurance.

Bill read second time and ordered to third reading.

**Assembly Bill 1662**—An act to amend Sections 33590, 56001, 56028, 56028.5, 56043, 56138, 56171, 56172, 56173, 56175, 56176, 56177, 56205, 56301, 56304, 56320, 56321, 56325, 56329, 56341, 56341.1, 56341.5, 56344, 56345.1, 56363, 56380, 56381, 56385, 56500.3, 56500.4, 56502, 56505, 56506, 56507, 56515, 56838, and 56841 of, to add Sections 56020.5, 56040.5, 56302.1, 56321.1, 56380.1, 56501.5, 56509, and 56844 to, to add Article 3.9 (commencing with Section 56058) to Chapter 1 of Part 30 of, to repeal Sections 56435 and 56449 of, and to repeal and add Sections 56337, 56345, 56346, 56837, and 56842 of, the Education Code, and to amend Section 7579.5 of, and to add Section 7579.6 to, the Government Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 1669**—An act to amend Section 12960 of the Government Code, relating to employment.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.



**Assembly Bill 1718**—An act to amend Section 51182 of the Government Code, and to amend Section 4291 of the Public Resources Code, relating to forestry and fire protection.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1725**—An act to amend Section 15819.60 of the Government Code, and to amend Section 1104.2 of the Military and Veterans Code, relating to veterans.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 1746**—An act to amend Sections 56157, 56325, 56381, 56425, 56663, 56743, 57000, 57051, and 57077 of, and to repeal Section 54975 of, the Government Code, and to amend Sections 13801 and 14051 of the Public Utilities Code, relating to local government reorganization.

Bill read second time and ordered to third reading.

**Assembly Bill 1749**—An act to amend Sections 22978.4, 22978.7, 22979.2, 22979.7, and 22980.2 of the Business and Professions Code, and to add Section 30361.5 to the Revenue and Taxation Code, relating to cigarettes and tobacco products.

Bill read second time and ordered to third reading.

**Assembly Bill 1752**—An act to amend Sections 23356.2 and 23357 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

**Assembly Bill 1753**—An act to amend Section 19854 of the Business and Professions Code, and to amend Sections 330.9, 332, 337a, 337d, 337j, and 337z of the Penal Code, relating to gambling.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**Assembly Concurrent Resolution 58**—Relative to foster youth.

Resolution read second time and ordered to third reading.

**Assembly Joint Resolution 2**—Relative to the full benefits of Filipino-American veterans of the United States Armed Forces.

Resolution read second time and ordered to third reading.



**Assembly Joint Resolution 12**—Relative to military base retention.

Resolution read second time and ordered to third reading.

**Assembly Bill 224**—An act to amend Sections 22115.2, 22212.5, 22662, 22663, 22703, 22705, 22705.5, 22803, 23001, 23104, 23202, 23300, 24005, 24105, 24204, 24208, 24214, 24216, 24219, 24306.5, 24306.7, 24307, 24311, 24312, 24400, 24613, 24701, 24704, 24750, 24751, and 27100 of the Education Code, relating to teachers' retirement.

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 228**—An act to add Section 1374.17 to the Health and Safety Code, and to add Section 10123.21 to the Insurance Code, relating to health care coverage.

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 316**—An act to amend Sections 7122.2, 7159, 7159.10, 7159.11, and 7167 of, and to repeal Sections 7159.3, 7159.4, 7159.12, and 7159.13 of, the Business and Professions Code, and to amend Section 1689.7 of the Civil Code, relating to contractors.

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 451**—An act to amend Sections 7204.03 and 7205 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 496**—An act to amend Section 22350 of the Business and Professions Code, to amend Sections 412.10, 417.30, 583.210, 1010.6, 1985.3, and 1985.6 of the Code of Civil Procedure, and to amend Section 4013 of, and to add Section 5058.8 to, the Penal Code, relating to service of process.

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 497**—An act to amend Section 4162.5 of the Business and Professions Code, relating to pharmacy practices.

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 961**—An act to amend Sections 69980, 69981, 69982, 69983, 69984, 69986, 69989, 69990, 69992, 69993, and 89903 of, and to add Section 94103 to, the Education Code, to amend Section 10708 of the Public Contract Code, and to amend Section 1 of Chapter 402 of the Statutes of 2001, relating to postsecondary education, and making an appropriation therefor.

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 1492**—An act to add Section 51220.7 to the Education Code, relating to pupil instruction.

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 1760**—An act to amend Sections 1874.1, 10234.6, 10089.79, 11691, 11692, 11692.5, 11693, and 11694 of, to add Sections 1872.84, 1877.2, and 11694.5 to, and to repeal Section 1660 of, the Insurance Code, relating to insurance.

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 162**—An act to add and repeal Section 81133.2 of the Education Code, relating to community colleges, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**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 and ordered to third reading.

**Assembly Bill 482**—An act to amend Section 60640 of the Education Code, relating to pupil assessment.

Bill read second time and ordered to third reading.

**Assembly Bill 601**—An act to amend Section 7863 of the Fish and Game Code, relating to fish and game.

Bill read second time and ordered to third reading.



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

Bill read second time and ordered to third reading.

**Assembly Bill 693**—An act relating to teacher preparation.

Bill read second time and ordered to third reading.

**Assembly Bill 696**—An act to amend Section 10830 of the Welfare and Institutions Code, relating to public social services.

Bill read second time and ordered to third reading.

**Assembly Bill 698**—An act to add Section 6357 to the Penal Code, relating to media access to prisons.

Bill read second time and ordered to third reading.

**Assembly Bill 754**—An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 12001, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12084, and 12086 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, and to repeal and add Sections 12071 and 12083 of, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

**Assembly Bill 920**—An act to repeal Article 7.7 (commencing with Section 2154) of Chapter 5 of Division 2 of the Business and Professions Code, and to amend Section 128345 of, to amend, repeal, and add Section 128335 of, and to add Article 5 (commencing with Section 128550) to Chapter 5 of Part 3 of Division 107 of, the Health and Safety Code, relating to health professions education, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.

**Assembly Bill 1460**—An act to amend and repeal Section 66499.7 of the Government Code, relating to subdivided lands.

Bill read second time and ordered to third reading.

**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 and ordered to third reading.



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

Bill read second time and ordered to third reading.

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

Bill read second time.

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

**Assembly Bill 1131**—An act to amend, repeal, and add Section 32126 of, and to repeal, amend, and add Section 32121 of, the Health and Safety Code, relating to health care districts.

Bill read second time and ordered to third reading.

**Assembly Bill 341**—An act to amend Section 14087.54 of the Welfare and Institutions Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 1386**—An act to amend Sections 1646.4, 1646.5, 1647, 1647.1, 1647.2, 1647.3, 1647.10, 1647.11, 1647.12, and 1647.14 of, to add Article 2.86 (commencing with Section 1647.18) to Chapter 4 of Division 2 of, and to repeal Section 1647.4 of, the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**Assembly Bill 1342**—An act to amend Sections 25200.15, 25247, and 25360.2 of, and to add Section 25201.6.1 to, the Health and Safety Code relating to hazardous material.

Bill read second time and ordered to third reading.

#### RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 1342** was re-referred to the Committee on Appropriations.

Pursuant to Joint Rule 10.5, **AB 1210** was re-referred to the Committee on Appropriations.

#### CONSIDERATION OF DAILY FILE (RESUMED)

##### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 729**—An act to amend Sections 510, 1647.5, 1720, 1775.2, 1775.4, 1775.5, 12921.1, 12921.15, and 12921.3 of, and to add Sections 1681.5 and 1736.5 to, the Insurance Code, and to repeal Section 12253.5 of the Revenue and Taxation Code, relating to insurance production agencies.

Bill read third time.



**Amendments Adopted**

Amendments to AB 729 proposed by Senator Speier were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1517**—An act to add Section 1041 to the Government Code, relating to state government.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1517 proposed by Senator Runner were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

**Amendments Adopted**

Amendments to AB 519 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 300**—An act to amend Sections 1522.41, 1562.3, 1569.3, and 1569.616 of the Health and Safety Code, relating to residential care facilities.

Bill read third time.

**Amendments Adopted**

Amendments to AB 300 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

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

Without objection, **AB 1001** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Appropriations;

**AB 1690** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

**SB 588** was withdrawn from the Committee on Transportation and Housing and re-referred to the Committee on Rules.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AB 405** was withdrawn from Committee and placed on second reading.

**SENATE COMMITTEE ROLL CALLS****Committee on Agriculture**

**SJR 16**—Be adopted

AYES (4)—Senators Chesbro, Florez, Ortiz, and Vincent.

NOES (3)—Senators Denham, Hollingsworth, and Poochigian.

Failed passage



**SJR 16—Reconsideration granted**

AYES (7)—Senators Chesbro, Denham, Florez, Hollingsworth, Ortiz, Poochigian, and Vincent.

NOES (0)—None.

Date of Hearing: 8/16/2005

Denham (Chair)

**Committee on Governmental Organization**

**SB 1011—Do pass as amended and re-refer to Committee on Appropriations**

AYES (8)—Senators Chesbro, Cox, Denham, Dunn, Florez, Murray, Soto, and Vincent.

NOES (1)—Senator McClintock.

Date of Hearing: 8/16/2005

Florez (Chair)

**Committee on Judiciary**

**AB 585—Do pass as amended and re-refer to Committee on Appropriations**

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

NOES (2)—Senators Ackerman and Morrow.

**AB 1158—Do pass as amended**

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

NOES (1)—Senator Morrow.

**AJR 22—Be adopted, to Consent Calendar**

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

NOES (0)—None.

Date of Hearing: 8/16/2005

Dunn (Chair)

**Committee on Transportation and Housing**

**SCR 57—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar**

AYES (11)—Senators Ashburn, Cedillo, Ducheny, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

**AB 84—Do pass as amended and re-refer to Committee on Appropriations**

AYES (6)—Senators Ducheny, Lowenthal, Runner, Simitian, Soto, and Torlakson.

NOES (1)—Senator McClintock.

Failed passage

**AB 84—Reconsideration granted**

AYES (11)—Senators Ashburn, Cedillo, Ducheny, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.



**ACR 63**—Be adopted as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Ashburn, Ducheny, Lowenthal, Machado, Margett, McClintock, Runner, Simitian, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 8/16/2005

Torlakson (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

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

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

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Speier requested that when the Senate adjourns this day it do so in memory of Kathleen C. Milburn of Salinas.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, August 18, 2005.

PAULA K. ROSSETTO, Minute Clerk

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