

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, August 25, 2005

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

QUORUM CALL OF THE SENATE

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

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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—39.

Quorum present.

(NOTE: Senator Ducheny will be excused this day on legislative business.)



PRAYER

Upon invitation of the President, the following prayer was offered by the Rev. David Thompson of Westminster Presbyterian Church:

Our Loving God of Us All, We come to You to pray for this Senate today. In the sacred texts of Judaism and Christianity we find the assertion that You created all things by the word of Your power. This Senate is properly a House of words. Words can wound or they can heal. With words we frame concepts and ideas and with words we realize our hopes and dreams. Our legislation is debated in words, printed in records and represented in the media by words.

Words are very powerful and so our prayer today is for our senators and support staff, so to frame their words, that we create here in California a government that understands and meets the needs of its people. That by listening, reasoning, and debating, this Senate may build the confidence of the electorate in those who govern, through legislation that is fair, responsive, kind, thoughtful and in the interests of the people of California. Free us from easy assumptions and bias. Deliver us from any ideology that blinds us or insulates us from reality or the hurts and hopes of those we serve. May this Senate be a shining light amongst the governments of the world, known for its innovation, creativity, sense of justice and fairness to all human beings.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, August 24, 2005

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

SB 1079

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

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, August 25, 2005

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

AB 211

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

PERATA, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 211—An act to amend Section 244.5 of, and to add Chapter 4.5 (commencing with Section 12430) of Title 2 of Part 4 to, the Penal Code, relating to remote stun guns.

Bill read second time.

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

Committee on Business, Professions and Economic Development

Date of Hearing, August 22, 2005

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

AB 302

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

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, August 24, 2005

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

Energy, Utilities and Communications—AB 401.

Revenue and Taxation—AB 777.

Committee on Environmental Quality

Senate Chamber, August 25, 2005

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

AB 1433

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 1433—An act to amend Section 5922 of the Government Code, relating to public finance.

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

Date of Hearing, August 25, 2005

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

AB 417



Reports the same back with the recommendation: Do pass.

FLOREZ, Chair

Above bill ordered to second reading.

Committee on Rules

Senate Chamber, August 25, 2005

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

SB 1013

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 1013—An act to amend Section 84511 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1013 pursuant to Joint Rule 58.

SENATOR FLOREZ

Permission of Rules Committee

Senate Chamber, August 25, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1013.

PERATA, Chair

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

Committee on Banking, Finance and Insurance

August 25, 2005

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

SB 1105

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

SPEIER, Chair

Above measure ordered to unfinished business.



Committee on Rules

State Capitol, August 24, 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:

Don Fisher, Member, State Board of Education (5-0).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 24, 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:

Edward Cazalet, Ph.D., Member, Independent System Operator Governing Board (5-0).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 24, 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:

Kenneth Wiseman, Member and Chair, Independent System Operator Governing Board (3-0).

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 24, 2005

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

Anthony Batts, DPA, Member, Commission on Peace Officer Standards and Training (5-0);

Collene Campbell, Member, Commission on Peace Officer Standards and Training (5-0);

Robert Doyle, Member, Commission on Peace Officer Standards and Training (5-0);

Deborah Linden, Member, Commission on Peace Officer Standards and Training (5-0);



Nelson Lum, Member, Commission on Peace Officer Standards and Training (5-0);

Russell Jeffries, Member, California Regional Water Quality Control Board, Central Coast Region (5-0);

Daniel Press, Ph.D., Member, California Regional Water Quality Control Board, Central Coast Region (5-0);

Marie Barrett, Member, California Regional Water Quality Control Board, Colorado River Basin Region (5-0);

Jeffrey Hays, Member, California Regional Water Quality Control Board, Colorado River Basin Region (5-0);

Maurice "Red" Martinez, Member, California Regional Water Quality Control Board, Colorado River Basin Region (5-0);

Ellen Way, Member, California Regional Water Quality Control Board, Colorado River Basin Region (5-0);

Nancy Wright, Member, California Regional Water Quality Control Board, Colorado River Basin Region (5-0);

James Chapman, Member, California Regional Water Quality Control Board, Lahontan Region (5-0);

R. Keith Dyas, Member, California Regional Water Quality Control Board, Lahontan Region (5-0);

Henry Hearn, Member, California Regional Water Quality Control Board, Lahontan Region (5-0);

Susan Van Dam, Member, California Regional Water Quality Control Board, Lahontan Region (5-0).

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, August 24, 2005

Mr. President: the Senate Rules Committee has appointed Senator Denham as a member of the Joint Committee on Fairs Allocation and Classification and recommends that he be appointed to serve as Chair.

PERATA, Chair

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 287—An act to add Article 4.5 (commencing with Section 4147) to Chapter 1 of Part 2 of Division 4 of the Public Resources Code, relating to disaster response.

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 708—An act to amend Section 8547.12 of the Government Code, relating to the California State University.

Bill read second time and ordered to third reading.



Assembly Bill 415—An act to amend Section 1282.4 of the Code of Civil Procedure, relating to arbitration, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

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

Bill read second time 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 1734—An act to amend Section 512 of the Labor Code, relating to employment, and declaring the urgency thereof, to take effect immediately.

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 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 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 and ordered to third reading.

Assembly Bill 671—An act to amend Section 6487.06 of, and to add and repeal Section 18511 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 778—An act to amend Section 11580.1 of the Insurance Code, relating to auto insurance.

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 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 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 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 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 280—An act to amend Sections 171.5 and 602 of the Penal Code, relating to harbors.

Bill read second time and ordered to third reading.

Assembly Bill 1278—An act to amend Sections 102425, 102426, 102430, 102440, 103025, 103526, and 103526.5 of the Health and Safety Code, relating to vital records.

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 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.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Revenue and Taxation to meet and hear AB 964 on August 25 without notice in the Daily File.

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Elections, Reapportionment and Constitutional Amendments to hear AB 1759 on August 25 without notice in the Daily File.

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Natural Resources and Water Subcommittee on Delta Resources to meet August 26 without four days notice in the Daily File.



MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 59**, **ACR 29**, **ACR 67**, and **AJR 23** were withdrawn from Committee and placed on today's Special Consent Calendar.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 1734** was re-referred to the Committee on Appropriations.

CONSENT CALENDAR**Objections Raised**

Senator Chesbro objected to **AB 1235** being on the Special Consent Calendar.

Without objection, the President ordered the above measure placed on the inactive file.

Senator Kehoe objected to **AB 873** being on the Special Consent Calendar.

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

Senator Kuehl objected to **AB 519** 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 Cox moved that **AB 162** be placed on the inactive file.

Senator Kuehl moved that **AB 574** be placed on the inactive file.

Senator Hollingsworth moved that **SB 510** be placed on the inactive file.

Senator Cox moved that **AB 392** be placed on the inactive file.

Senator Scott moved that **AB 1756** be placed on the inactive file.

Senator Runner moved that **AB 881** be placed on the inactive file.

Motions carried.

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

Assembly Joint Resolution 18—Relative to passenger rail service.

Resolution read third time and presented by Senator Kehoe.

Roll Call

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

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Dunn, Escutia, Kehoe, Kuehl, Lowenthal, Machado,



Maldonado, Migden, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Dutton, Hollingsworth, McClintock, Morrow, Poochigian, and Runner.

Resolution ordered transmitted to the Assembly.

Assembly Bill 1529—An act to amend Sections 6036, 6140, 6140.5, 6140.55, 6140.6, 6140.9, 6141, and 6141.1 of the Business and Professions Code, relating to attorneys.

Bill read third time and presented by Senator Dunn.

Roll Call

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

AYES (25)—Senators Ackerman, Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Dunn, Figueroa, Florez, Kehoe, Kuehl, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 1641—An act to amend Section 1794.41 of the Civil Code, relating to consumer warranties.

Bill read third time and presented by Senator Ackerman.

Roll Call

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

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

NOES (4)—Senators Campbell, Cox, Dutton, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1117—An act to amend Sections 2075, 3642, 4926, 4935, 4937, and 4939 of the Business and Professions Code, relating to medicine.

Bill read third time and presented by Senator Figueroa.

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz,



Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 323** was referred to the Committee on Rules.

Pursuant to Senate Rule 29.10, **AB 153** and **AB 1011** were referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1115—An act to add Article 3 (commencing with Section 4950) to Chapter 12 of Division 2 of the Business and Professions Code, relating to healing arts.

Bill read third time and presented by Senator Figueroa.

Roll Call

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

AYES (28)—Senators Aanestad, Alarcón, Alquist, Bowen, Chesbro, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Ackerman, Battin, Cox, Denham, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 610—An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

Bill read third time and presented by Senator Figueroa.

Roll Call

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

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1622—An act to amend Section 3260 of, and to add Section 3260.3 to, the Civil Code, relating to works of improvement.

Bill read third time and presented by Senator Dunn.



Roll Call

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

AYES (23)—Senators Alquist, Bowen, Chesbro, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

(NOTE: *Reconsideration granted later this day.*)

Assembly Bill 190—An act to add and repeal Article 13.51 (commencing with Section 18846) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Speier.

Roll Call

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

AYES (27)—Senators Aanestad, Alarcón, Alquist, Battin, Cedillo, Chesbro, Denham, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Migden, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Ackerman, Ashburn, Campbell, Cox, McClintock, and Runner.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER (AB 1622)

Senator Dunn moved to reconsider the vote whereby AB 1622 was passed.

Roll Call

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

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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.

NOES (0)—None.

Measure ordered returned to third reading.

Assembly Bill 1309—An act to add Section 6535 to the Government Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ortiz.



Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Hollingsworth.

Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 648—An act to amend Section 65940 of the Government Code, relating to development projects.

Bill read third time and presented by Senator Kuehl.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Dunn, **SB 40** was returned to the Assembly for further action.

MOTION TO RE-REFER TO COMMITTEE

On motion of Senator Perata, and without objection, **AB 193** was re-referred to the Committee on Rules.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **AB 635** was re-referred to the Committee on Rules.



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

Assembly Bill 1339—An act to add Section 1409 to the Labor Code, relating to employment.

Bill read third time and presented by Senator Alarcón.

Roll Call

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

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Kuehl.

Roll Call

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

AYES (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, Migden, Ortiz, Perata, Romero, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Dutton, Hollingsworth, Margett, McClintock, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution 11—Relative to the Public Employees' Retirement System.

Resolution read third time and presented by Senator Migden.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1113—An act to amend Sections 4927 and 4937 of the Business and Professions Code, relating to acupuncture.

Bill read third time and presented by Senator Figueroa.

The roll was called.



CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 857—An act to amend Section 9250.19 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill read third time and presented by Senator Murray.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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

Bill read third time and presented by Senator Dunn.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 924—An act to amend Sections 14502, 14504, 14581, 14583, 14585, 14586, 14591, 14601, 14611, 14612, 14613, 14621, 14622, 14623, 14631, 14641, 14642, 14643, 14644, 14645, 14646, 14647, 14648, 14651, 14653, 14654, 14655, 14656, 14657, 14658, 14659, 14660, and 14672 of, and to add Sections 14502.1, 14512.5, 14559.5, and 14612.5 to, the Food and Agricultural Code, relating to fertilizer.

Bill read third time and presented by Senator Machado.

Roll Call

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

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.



Assembly Bill 1648—An act to add Chapter 5.5 (commencing with Section 104307) to Part 1 of Division 103 of the Health and Safety Code, relating to health.

Bill read third time and presented by Senator Figueroa.

Roll Call

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

AYES (24)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Migden, Morrow, Murray, Ortiz, Perata, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Dutton, Hollingsworth, McClintock, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1142—An act to add Chapter 13.7 (commencing with Section 121290) to Part 4 of Division 105 of the Health and Safety Code, relating to HIV.

Bill read third time and presented by Senator Vincent.

Roll Call

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

AYES (26)—Senators Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, Denham, Dutton, Hollingsworth, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Assembly Bill 1628—An act to amend Sections Section 18666 of, and to amend, repeal, and add Sections 18662 and 18668 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Machado.

Roll Call

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

AYES (21)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.



Assembly Bill 1536—An act to amend Section 830.7 of the Penal Code, relating to peace officer powers.

Bill read third time and presented by Senator Alarcón.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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 third time and presented by Senator Escutia.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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

Bill read third time and presented by Senator Bowen.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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 third time and presented by Senator Alquist.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF ASSEMBLY BILLS (RESUMED)

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

Bill read third time and presented by Senator Migden.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Simitian.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Chesbro.

Roll Call

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

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

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Dutton, Hollingsworth, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.



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 third time and presented by Senator Morrow.

Roll Call

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

AYES (24)—Senators Alarcón, Alquist, Ashburn, Battin, Campbell, Chesbro, Cox, Denham, Dunn, Figueroa, Florez, Machado, Maldonado, Margett, McClintock, Morrow, Perata, Romero, Runner, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Hollingsworth, Kuehl, Lowenthal, Murray, Poochigian, and Simitian.

Bill ordered transmitted to the Assembly.

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 third time and presented by Senator Alarcón.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Florez.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



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

Bill read third time and presented by Senator Migden.

Roll Call

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

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

NOES (2)—Senators Aanestad and McClintock.

Bill ordered transmitted to the Assembly.

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 third time and presented by Senator Bowen.

Roll Call

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

AYES (21)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SR 19)

Senator Escutia asked for, and was granted, unanimous consent to take up SR 19 at this time, without reference to file.

Consideration of Senate Resolution 19

Senate Resolution 19—Relative to the Governor's Reorganization Plan No. 3 of 2005.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Campbell, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, and Poochigian.



THIRD READING OF ASSEMBLY BILLS (RESUMED)

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

Bill read third time and presented by Senator Dunn.

Roll Call

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

AYES (21)—Senators Alarcón, Alquist, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, Murray, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Figueroa.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Runner.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 375—An act to amend Sections 1358.4, 1358.5, 1358.6, 1358.8, 1358.9, 1358.10, 1358.11, 1358.14, 1358.15, 1358.16, 1358.17, 1358.18, 1358.20, and 1358.21 of, and to repeal and add Section 1358.12 of, the Health and Safety Code, and to amend Sections 10192.4, 10192.5, 10192.6, 10192.8, 10192.9, 10192.10, 10192.11, 10192.14, 10192.15,



10192.17, 10192.18, 10192.20, and 10192.21 of, and to repeal and add Section 10192.12 of, the Insurance Code, relating to health care coverage.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 375?

Roll Call

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

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

NOES (2)—Senators Ackerman and McClintock.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 746—An act to amend Section 1748.1 of the Civil Code, and to add Section 755 to the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Speier.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 161—An act to add Article 9 (commencing with Section 49055) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 161?

Roll Call

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

AYES (21)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Maldonado, Margett, McClintock, and Poochigian.

Above bill ordered enrolled.



Senate Bill 220—An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 220?

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (AJR 27)

Senator Ortiz asked for, and was granted, unanimous consent that AJR 27 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Joint Resolution 27

Assembly Joint Resolution 27—Relative to federal legislation protecting the right of laborers to organize.

Resolution read.

Roll Call

The roll was called and the measure was adopted by the following vote:

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

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

Resolution ordered transmitted to the Assembly

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (ACR 11)**

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

Roll Call

The names of the absentees were called and ACR 11 was adopted by the following vote:

AYES (28)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal,



Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, Dutton, Hollingsworth, McClintock, and Runner.

Above resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1113)**

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

Roll Call

The names of the absentees were called and AB 1113 was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cedillo, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 857)**

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

Roll Call

The names of the absentees were called and AB 857 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 996)**

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

Roll Call

The names of the absentees were called and AB 996 was passed by the following vote:

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Migden,



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

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Florez, Hollingsworth, Maldonado, Margett, McClintock, Morrow, and Runner.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 124)**

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

Roll Call

The names of the absentees were called and AB 124 was passed by the following vote:

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

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 165)**

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

Roll Call

The names of the absentees were called and AB 165 was passed by the following vote:

AYES (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 217)**

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



Roll Call

The names of the absentees were called and AB 217 was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1348)**

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

Roll Call

The names of the absentees were called and AB 1348 was passed by the following vote:

AYES (22)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Dutton, Figueroa, Florez, Maldonado, Margett, Migden, Murray, Perata, Poochigian, Runner, Simitian, and Vincent.

NOES (13)—Senators Bowen, Dunn, Escutia, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Ortiz, Scott, Soto, Speier, and Torlakson.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 746)**

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

Roll Call

The names of the absentees were called and AB 746 was passed by the following vote:

AYES (23)—Senators Alarcón, Alquist, Ashburn, Cedillo, Chesbro, Cox, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Machado, Margett, Migden, Murray, Ortiz, Perata, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Battin, Bowen, Campbell, Denham, Dutton, Lowenthal, Maldonado, McClintock, Poochigian, Romero, Runner, and Simitian.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1536)**

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

Roll Call

The names of the absentees were called and AB 1536 was passed by the following vote:

AYES (21)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Assembly Joint Resolution 22—Relative to school records.

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

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 59—Relative to Pain Awareness Month.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 29—Relative to Access Awareness Month.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 67—Relative to the Wadie P. Deddeh State Office Building.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 23—Relative to Japanese internment.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 49—An act to amend Sections 51203, 51283, 51283.4, and 51283.5 of the Government Code, relating to land conservation, 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)



Senate Bill 197—An act to amend Section 115842 of the Health and Safety Code, relating to reservoirs, and declaring the urgency thereof, to take effect immediately.

Urgency clause read and adopted, the Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 338—An act to add Chapter 5.8 (commencing with Section 51950) to Part 28 of the Education Code, relating to curriculum.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 731—An act to amend Section 44015 of the Health and Safety Code, to amend Section 5103 of the Public Contract Code, to amend Sections 5090.02, 5090.09, and 5090.35 of the Public Resources Code, to amend Section 21706 of the Public Utilities Code, to amend Section 140.3 of the Streets and Highways Code, and to amend Sections 285, 2250, 4601, and 24602 of the Vehicle Code, relating to state and local government.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 594—An act to amend Section 3030 of, and to add Section 3030.5 to, the Family Code, relating to support obligations.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 14—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.

Urgency clause read and adopted, the Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 127—An act to amend Section 23396.2 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

Urgency clause read and adopted, the Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)



Senate Bill 975—An act to add and repeal Article 6 (commencing with Section 43860) of Chapter 4 of Part 5 of Division 26 of the Health and Safety Code, relating to air pollution.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 619—An act relating to local government, and making an appropriation therefor.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 361—An act to amend Section 1189 of the Civil Code, to amend Section 8225 of, and to add Sections 8214.8 and 8228.1 to, the Government Code, and to amend Section 470 of the Penal Code, relating to notaries public.

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

(NOTE: See Consent Calendar Roll Call)

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 300—An act to amend Sections 1522.41, 1569.3, and 1569.616 of, and to add Section 1562.35 to, the Health and Safety Code, relating to residential care facilities.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 917—An act to add Section 52392 to the Education Code, relating to career technical education, and making an appropriation therefor.

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1044—An act to add Sections 1243, 20343, 31563, and 45310.3 to the Government Code, relating to elected public officers.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Bill 1495—An act to amend Section 6254 of the Government Code, relating to public records, 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 1462—An act to amend Section 14528.5 of the Government Code, relating to transportation.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 620—An act to amend Sections 1335, 1336, 1337, and 1341 of the Penal Code, relating to criminal proceedings.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 333—An act to amend Section 25009 of the Business and Professions Code, to amend Sections 94, 1005, 1283, 1985.6, 1991.2, 2025.250, 2025.330, 2032.510, 2032.530, 2033.280, 2035.010, 2035.030, 2035.050, and 2035.060 of, and to amend the heading of Chapter 12 (commencing with Section 2029.010) of Title 4 of Part 4 of, the Code of Civil Procedure, to amend Section 44944 of the Education Code, to amend Section 1560 of the Evidence Code, to amend Sections 12963.3, 12972, and 68097.6 of the Government Code, to amend Section 1424.1 of the Health and Safety Code, to amend Section 11580.2 of the Insurance Code, and to amend Section 1524 of the Penal Code, relating to civil discovery.

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 (39)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, 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.

NOES (0)—None.



REQUEST TO BE ADDED TO ROLL CALL

August 25, 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:

AJR 18—No	AB 1648—No	AB 924—Aye
AB 1142—No	AB 1628—No	AB 296—Aye
AB 313—No	AB 363—No	AB 481—No
AB 702—Aye		

DICK ACKERMAN, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

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

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

At 12:10 p.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Perata moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, August 29, 2005.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 25, 2005

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

SB 353	SB 742	SB 930	SB 1069
SB 439	SB 546	SB 697	

Above measures ordered enrolled.

Assembly Chamber, August 25, 2005

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

SCR 47

Above resolution ordered enrolled.



Assembly Chamber, August 25, 2005

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

SB 234	SB 513	SB 263	SB 706
SB 269	SB 578	SB 271	SB 723
SB 310	SB 684	SB 302	SB 726
SB 326	SB 837	SB 543	SB 972
SB 355	SB 875	SB 555	SB 1084
SB 370	SB 941	SB 569	
SB 477	SB 1088	SB 648	

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 25, 2005

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

AJR 31	ACR 2	ACR 73	ACR 75
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Assembly Chamber, August 25, 2005

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

AB 204	AB 241	AB 758
AB 767	AB 1328	AB 1642

Assembly Chamber, August 25, 2005

The Honorable Greg Schmidt

Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 240, AB 604, AB 889, and AB 920 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Joint Resolution 31—Relative to speech.

Assembly Concurrent Resolution 2—Relative to Domestic Violence Awareness Month.

Assembly Concurrent Resolution 73—Relative to firearms statutes.

Assembly Concurrent Resolution 75—Relative to California Chronic Kidney Disease Education Week.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, August 25, 2005

Mr. President: The Committee on Rules has examined:

SB 375

And reports that the same has been correctly enrolled, and presented to the Governor on the 25th day of August, 2005, at 12:15 p.m.

PERATA, Chair

State Capitol, August 25, 2005

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 5–0, has referred the following bills to committee:

SB 323 (Migden)—Revenue and Taxation

AB 153 (Bud.) and AB 1162 (Mullin)—Judiciary

AB 635 (Bermúdez)—Governmental Organization

AB 1011 (Matthews)—Agriculture and Environmental Quality

AB 1342 (ES&TM)—Environmental Quality

PERATA, Chair

Senate Chamber, August 25, 2005

Mr. President: The Committee on Rules has examined:

SB 127

SB 220

And reports that the same have been correctly enrolled, and presented to the Governor on the 25th day of August, 2005, at 2:30 p.m.

PERATA, Chair

Committee on Elections, Reapportionment and Constitutional Amendments

Date of Hearing, August 25, 2005

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

AB 1759

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

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

August 25, 2005

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

SB 203

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

MACHADO, Chair

Above measure ordered to unfinished business.

Date of Hearing, August 25, 2005

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

AB 964

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

MACHADO, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Elections, Reapportionment and Constitutional Amendments

Senate Chamber, August 25, 2005

Mr. President: The Chair of the Committee on Elections, Reapportionment and Constitutional Amendments, to which was referred:

AB 1129

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

BOWEN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1129—An act to amend Section 9022 of the Elections Code, relating to elections.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1129 pursuant to Joint Rule 58.

ASSEMBLY MEMBER MOUNTJOY

Permission of Rules Committee

Senate Chamber, August 25, 2005

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1129.

PERATA, Chair

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

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1104)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1104 was passed to the Assembly, and that the measure be taken up at this time without reference to file.



Consideration of Assembly Bill 1104

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

Bill read.

Motion to Amend

Amendments to AB 1104 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 459)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 459 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 459

Assembly Bill 459—An act to amend Section 11010 of the Business and Professions Code, and to add Section 1102.6c to the Civil Code, relating to transfer of real property.

Bill read.

Motion to Amend

Amendments to AB 459 proposed by Senator Bowen were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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

Bill read third time.

Amendments Adopted

Amendments to AB 1311 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second 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 third time.

Amendments Adopted

Amendments to AB 1296 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 78—An act to add Division 113 (commencing with Section 150000) to the Health and Safety Code, relating to pharmacy benefits management.

Bill read third time.



Amendments Adopted

Amendments to AB 78 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Amendments Adopted

Amendments to AB 403 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Amendments Adopted

Amendments to AB 1195 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1595—An act to amend Section 6254.21 of the Government Code, relating to public officials.

Bill read third time.

Amendments Adopted

Amendments to AB 1595 proposed by Senator Dunn were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1438—An act to amend Section 54953 of the Government Code, relating to local agencies.

Bill read third time.

Amendments Adopted

Amendments to AB 1438 proposed by Senator Maldonado were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Amendments Adopted

Amendments to AB 1723 proposed by Senator Cox were read and adopted and the measure ordered printed and to second 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 third time.



Amendments Adopted

Amendments to AB 1323 proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 128—An act to amend Sections 2558.46, 8484.7, 8484.8, 41203.1, 42238.146, 44219, 44227, 44244, 52055.600, 52055.605, 52055.610, 52055.650, 52058, 56504.5, 56836.11, 56836.155, 56836.165, and 69522 of, to add Sections 44242.3 and 84754.5 to, and to add Article 5.6 (commencing with Section 69616) to Chapter 2 of Part 42 of, the Education Code, to amend Section 17581.5 of the Government Code, to amend Section 1529.2 of the Health and Safety Code, to amend Section 270 of the Public Utilities Code, and to amend Section 903.7 of the Welfare and Institutions Code, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 128 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 1734** was withdrawn from Committee and placed on third reading.

MOTION TO REFER MEASURES TO INACTIVE FILE

Pursuant to Senate Rule 29, the following measures ordered placed on the Inactive File: **AB 532, AB 163, AB 1233, AB 1098, AB 1132, AB 1326, AB 1227, AB 1230, AB 791, AB 1547, AB 1735, AB 414, AB 595, AB 643, AB 1194, AB 1365, AB 1415, AB 1721, AB 1208, AB 114, AB 462, AB 664, AB 979, AB 1366, AB 1065, AB 381, AB 1310, AB 77, AB 273, AB 277, AB 306, AB 352, AB 382, AB 420, AB 490, AB 502, AB 515, AB 524, AB 582, AB 609, AB 682, AB 715, AB 765, AB 771, AB 816, AB 962, AB 967, AB 985, AB 1027, AB 1039, AB 1183, AB 1199, AB 1221, AB 1272, AB 1333, AB 1081, and AB 1060.**

Motion carried.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

At the request of Senator Hollingsworth following communication was ordered printed in the Journal:

August 25, 2005

The Honorable Don Perata
President pro Tempore

RE: SB 435 (Hollingsworth)

Dear Senator Perata:

Last year I successfully authored SB 1818 which substantively improved the state density bonus law. This year I am authoring SB 435 in



order to make important corrections and improvements to last years' measure.

When SB 435 was heard in the Assembly Housing and Community Development Committee the bill was amended in order to not place the bill at risk. One of the amendments restored the law pertaining to subdivision (b) (1). This subdivision relates to whether an applicant "agrees" to construct affordable units. My statement before the committee concerning the amendment was:

The opposition argues that SB 435 undermines inclusionary zoning but has yet to give one example to support their argument. As the analysis of both SB 1818 and SB 435 have said, density bonus law does not preempt the ability local ordinances to require the inclusion of affordable (low, very low or moderate-income) units within a housing development. The opposition has put forward the strained argument that local inclusionary ordinances preempt state density bonus law, but that was certainly not my intent in SB 1818 nor do I believe it was the Legislature's intent in enacting density bonus law in 1979 and SB 1818 last year. A handful of local jurisdictions have argued since 1979 that density bonus law does not apply until inclusionary requirements have been met. The vast majority of cities, counties and experts take the opposite view, as do I. By adding back language that has been in the law since 1979, we will enable this handful of jurisdictions to continue to make their strained argument, but that is not troubling because the language has consistently been interpreted for 25 years by the vast majority of cities, counties and experts to mean that inclusionary requirements count toward meeting density bonus requirements.

When SB 435 was heard on the Senate floor for a vote on concurrence with Assembly amendments, I stated that:

Even though I agreed to an amendment that restored the language in subdivision (b) (1), providing that a developer is entitled to a density bonus if he or she "seeks and agrees" to construct affordable units, the vast majority of cities, counties and experts believe as I do that this language means that any affordable units in a development count toward meeting density bonus requirements, regardless of whether or not the affordable units are required to be constructed by the local government pursuant to a local ordinance.

I am confident that these points settle Legislative interpretation of my actions to amend SB 435.

Sincerely,

DENNIS HOLLINGSWORTH
Member of the Senate



SENATE COMMITTEE ROLL CALLS**Committee on Banking, Finance and Insurance****SB 1105**—That the Assembly amendments be concurred in

AYES (6)—Senators Denham, Hollingsworth, Machado, Ortiz, Scott, and Speier.

NOES (1)—Senator Cox.

Date of Hearing: 8/25/2005

Speier (Chair)

Committee on Elections, Reapportionment and Constitutional Amendments**AB 1759**—Do pass and re-refer to Committee on Appropriations

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

NOES (2)—Senators Battin and Poochigian.

Date of Hearing: 8/25/2005

Bowen (Chair)

Committee on Governmental Organization**AB 417**—Do pass

AYES (10)—Senators Battin, Chesbro, Cox, Denham, Dunn, Florez, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

Date of Hearing: 8/25/2005

Florez (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senators Aanestad, Migden, and Chesbro requested that when the Senate adjourns this day it do so in memory of Dr. Robert W. Aanestad of Sonoma.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Brock Peters of Los Angeles.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Mildred Lynch of Thousand Oaks and Efraim C. Sepulveda of San Antonio, TX.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Sasoun Samuel Boghosian, Florence Emerian, and Rosalie Caine Looney of Fresno.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Rev. Fred Page Register, Sr. of Alhambra.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Monday, August 29, 2005.

PAULA K. ROSSETTO, Minute Clerk



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