

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 31, 2005

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

QUORUM CALL OF THE SENATE

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

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—39.

Quorum present.

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



Above measures ordered to unfinished business file.

Assembly Chamber, August 30, 2005

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

AB 14	AB 746	AB 1234	AB 1512
AB 465	AB 1113	AB 1309	AB 1636
AB 481	AB 1114	AB 1318	AB 1640
AB 610	AB 1115	AB 1434	AB 1754
AB 671	AB 1117	AB 1474	AB 1767

Assembly Chamber, August 30, 2005

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

ACR 85 ACR 86 ACR 89

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 85—Relative to Court Adoption and Permanency Month.

Assembly Concurrent Resolution 86—Relative to emergency assistance.

Assembly Concurrent Resolution 89—Relative to Constitution Week and Constitution Day.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

Date of Hearing, August 30, 2005

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

AB 1011

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

DENHAM, Chair

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

Committee on Appropriations

Senate Chamber, August 31, 2005

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

AB 226

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 226—An act to add Article 10 (commencing with Section 9889.25) to Chapter 20.3 of Division 3 of the Business and Professions Code, relating to automotive technology education, 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 Environmental Quality

Senate Chamber, August 31, 2005

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

AB 1165

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 1165—An act to amend Section 25519 of the Public Resources Code, relating to energy resources.

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

Senate Chamber, August 31, 2005

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

AB 1161

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

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1161—An act to amend Sections 1206, 1209, 1209.1, 1212, 1263, 1269, and 2069 of the Business and Professions Code, and to amend Section 117995 of the Health and Safety Code, relating to clinical laboratories, 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.



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

Assembly Concurrent Resolution 57—Relative to automated external defibrillator programs.

Resolution read second time.

Amendments proposed by the Committee on Education were read and adopted and the measure ordered printed and to Consent Calendar

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 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 163—An act to amend Section 7316 of the Business and Professions Code, relating to barbering and cosmetology.

Bill read second time and ordered to third reading.

Assembly Bill 532—An act to add Section 20118.2 to the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 462—An act to amend Section 4454 of the Government Code, relating to disability access, and declaring the urgency thereof, to take effect immediately.

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 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 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 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 491—An act to amend Sections 17071.75 and 17078.27 of the Education Code, relating to school facilities.

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

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

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 712—An act to amend Section 65863 of the Government Code, relating to land use.

Bill read second time.

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

Assembly Concurrent Resolution 24—Relative to the California Council on Science and Technology.

Resolution 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 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 1208—An act to add and repeal Section 9250.20 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 403—An act to amend Sections 25404.1.2 and 25503.5 of, and amend and repeal Section 25404 of, the Health and Safety Code, relating to hazardous materials.

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 Concurrent Resolution 1—Relative to Proposition 71 the California Stem Cell Research and Cures Act.

Resolution read second time and ordered to third reading.

Assembly Bill 769—An act to amend Section 17980.7 of the Health and Safety Code, relating to residential real property.

Bill read second time and ordered to third reading.

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

Bill read second time 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 1565—An act to add Article 15.4 (commencing with Section 8347) to Chapter 2 of Part 6 of Title 1 of the Education Code, relating to child care, 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 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.

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

Bill read second time.

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



Assembly Bill 193—An act to add Section 1122.5 to the Fish and Game Code, relating to fish and game.

Bill read second time and ordered to third reading.

Assembly Bill 1586—An act to amend Section 1365.5 of the Health and Safety Code, and to amend Section 10140 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 133** was referred to the Committee on Appropriations.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Soto moved that **AB 813** be placed on the inactive file.

Motion carried.

MOTION TO TAKE MEASURES FROM THE INACTIVE FILE

Without objection **AB 113, AB 582, AB 118, AB 574, AB 823, AB 420,** and **AB 682** were taken from the inactive file and placed on the second reading file.

Senator Cox moved that **AB 1221** be taken from the inactive file and placed on the second reading file.

Senator Migden moved that **AB 816** be taken from the inactive file and placed on the second reading file.

Motions carried.

CONSIDERATION OF DAILY FILE UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 287—An act to amend and repeal Section 20133 of the Public Contract Code, relating to public contracts.

Bill presented by Senator Cox.

The question being: Shall the Senate concur in the Assembly amendments to SB 287?

Roll Call

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

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.



Senate Bill 408—An act to amend Sections 17207, 17408, and 17419 of the Financial Code, relating to escrow agents.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 408?

Roll Call

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

AYES (31)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 1004—An act to add Section 48913.5 to the Education Code, relating to pupils.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 1004?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 822—An act to add Section 601.2 to the San Gabriel Basin Water Quality Authority Act (Chapter 776 of the Statutes of 1992), relating to water, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 822?

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl,



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

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 1023—An act to add Section 5800.1 to the Labor Code, relating to workers' compensation.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 1023?

Roll Call

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

AYES (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, 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.

Above bill ordered enrolled.

Senate Bill 66—An act to amend Section 14556.33 of the Government Code, and to add Sections 188.6, 30952.1, 30952.2, 30952.3, and 30961.1 to the Streets and Highways Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 66?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED) Consideration of Assembly Amendments

Senate Bill 110—An act to amend Sections 142051, 142105, 142260, and 142263 of the Public Utilities Code, relating to transportation.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 110?



Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 1067—An act to add Article 5.5 (commencing with Section 116490) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 1067?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 861—An act to amend Section 31683 of the Food and Agricultural Code, and to add Chapter 7 (commencing with Section 122330) to Part 6 of Division 105 of the Health and Safety Code, relating to dogs.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 861?

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 106—An act to amend Section 18424 of, and to amend and repeal Sections 18400.1 and 18502 of, the Health and Safety Code, relating to mobilehome parks.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 106?

Roll Call

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

AYES (22)—Senators Alquist, Bowen, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, 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.

Above bill ordered enrolled.

Senate Bill 111—An act to amend Sections 801.1 and 803 of the Penal Code, relating to statutes of limitations.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 111?

Roll Call

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

AYES (33)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Machado, Maldonado, Margett, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Migden.

Above bill ordered enrolled.

Senate Bill 116—An act to amend Section 1255.7 of the Health and Safety Code, to amend Section 271.5 of the Penal Code, and to amend Section 14005.24 of, and to amend and repeal Sections 300 and 361.5 of, the Welfare and Institutions Code, relating to abandonment of newborns.

Bill presented by Senator Dutton.

The question being: Shall the Senate concur in the Assembly amendments to SB 116?



Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 138—An act to amend Section 1347 of the Penal Code, relating to criminal procedure.

Bill presented by Senator Maldonado.

The question being: Shall the Senate concur in the Assembly amendments to SB 138?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 143—An act to add Section 11093.5 to the Government Code, relating to statistical districts.

Bill presented by Senator Runner.

The question being: Shall the Senate concur in the Assembly amendments to SB 143?

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 (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 224—An act to amend Section 129885 of, and to add and repeal Section 129875.2 of, the Health and Safety Code, relating to health facilities.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 224?



Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senator Speier Presiding

Senate Bill 460—An act to amend Sections 4017.1 and 5071 of the Penal Code, relating to personal information.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 460?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 527—An act to amend Section 33334.4 of the Health and Safety Code, relating to redevelopment.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 527?

The roll was called.

CALL OF THE SENATE

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

Motion carried.



UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 568—An act to amend Section 97.73 of the Revenue and Taxation Code, relating to local government finance.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 568?

Roll Call

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

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

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 619—An act to add Chapter 1.4 (commencing with Section 1210.7) to Title 8 of Part 2 of, and to add Article 2 (commencing with Section 3010) to Title 1 of Part 3 of, the Penal Code, relating to electronic monitoring of offenders, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 619?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 950—An act to amend Sections 65863.11 and 65863.13 of the Government Code, to amend Sections 33760 and 34312 of the Health and Safety Code, and to amend Sections 12206, 17058, and 23610.5 of the Revenue and Taxation Code, relating to housing.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 950?



Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 952—An act relating to state property, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Denham.

The question being: Shall the Senate concur in the Assembly amendments to SB 952?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 543—An act to amend Section 14666.8 of the Government Code, and to add Chapter 6.5 (commencing with Section 12899) to Part 6 of Division 6 of the Water Code, relating to water.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 543?

Roll Call

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

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden,



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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1006—An act to add Section 33126.4 to the Education Code, relating to schools.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 1006?

Roll Call

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

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

NOES (2)—Senators Campbell and Hollingsworth.

Above bill ordered enrolled.

Senate Bill 570—An act to add Section 68553.5 to the Government Code, and to add Sections 710, 711, 712, 713, and 714 to the Welfare and Institutions Code, relating to minors.

Bill presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 570?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 1086—An act to amend Section 6217 of the Public Resources Code, relating to the State Lands Commission.

Bill presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 1086?



Roll Call

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

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Machado, Maldonado, Migden, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Above bill ordered enrolled.

Senate Bill 1110—An act to amend Section 338 of the Code of Civil Procedure, to amend Section 12007 of the Fish and Game Code, to amend Sections 65040.2, 65352.3, 65560, and 65562.5 of the Government Code, to repeal Section 85.3 of the Harbors and Navigation Code, to amend Sections 10109, 20126, 20165, and 20676 of the Public Contract Code, to amend Sections 2207, 4561.5, 31220, and 42240 of, to add Sections 5003.13, 31165, and 31316 to, and to repeal Sections 665, 733, 2797, 4535, 4561.6, 5072.3, 29411, 29412, and 30521 of, the Public Resources Code, and to amend Section 359 of the Water Code, relating to public resources.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 1110?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 323—An act to amend Section 7155 of the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 323?

Roll Call

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

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



Machado, Migden, Ortiz, 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 enrolled.

THIRD READING OF SENATE BILLS

Senate Bill 1011—An act to add Section 8880.24.5 to the Government Code, relating to the California State Lottery, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Florez.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 1015—An act to add and repeal Section 12016.1 of the Government Code, and to add and repeal Section 11105.06 of the Penal Code, relating to homeland security, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Romero.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (0)—None.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1747—An act to add Section 6530.5 to the Government Code, relating to the joint exercise of powers.

Bill read third time and presented by Senator Machado.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 485**, **SB 973**, and **SB 897** was referred to the Committee on Rules.

Pursuant to Senate Rule 29.10, **AB 1492** was referred to the Committee on Rules.

GOVERNOR REQUESTED TO RETURN BILL

On the request of Senator Soto, the Secretary of the Senate was directed to ask the Governor to return **SB 697** to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1747)**

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

Roll Call

The names of the absentees were called and AB 1747 was passed by the following vote:

AYES (21)—Senators Alarcón, Alquist, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Ortiz, 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.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1150—An act to amend Sections 1992 and 1994 of, to add Sections 1993.1 and 1993.2 to, and to repeal and add Section 1993 of, the Code of Civil Procedure, and to add Section 26744.5 to the Government Code, relating to civil warrants.

Bill read third time and presented by Senator Runner.



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, Ducheny, Dunn, Dutton, Escutia, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

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

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 (25)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Ortiz, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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

Bill ordered transmitted to the Assembly.

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

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 (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Ortiz, Romero, Scott, Simitian, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Soto.

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,

Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Hollingsworth and McClintock.

Bill ordered transmitted to the Assembly.

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 and presented by Senator Ortiz.

Roll Call

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

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, Ortiz, 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 1595—An act to amend Section 6254.21 of the Government Code, relating to public officials.

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

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 114—An act to amend Section 1109 of the Evidence Code, relating to child abuse.

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 (39)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden,



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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Kehoe.

Roll Call

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

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Ortiz, 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 277—An act to amend and repeal Section 11126 of the Government Code, relating to open meetings.

Bill read third time and presented by Senator Runner.

Roll Call

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

AYES (23)—Senators Alarcón, Alquist, Battin, Chesbro, Cox, Denham, Dutton, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Morrow, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Bowen, Campbell, Dunn, Hollingsworth, Margett, McClintock, and Poochigian.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Alquist.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.



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 third time and presented by Senator Battin.

Roll Call

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

AYES (25)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Florez, Kuehl, Lowenthal, Maldonado, Migden, Morrow, Ortiz, Poochigian, Romero, Runner, Scott, Soto, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Campbell, Cedillo, Dunn, Escutia, Hollingsworth, Kehoe, Machado, Margett, McClintock, and Speier.

Bill ordered transmitted to the Assembly.

Assembly Bill 88—An act to amend Section 12280 of the Penal Code, relating to assault weapons.

Bill read third time and presented by Senator Kuehl.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 89—An act to add Division 1.7 (commencing with Section 1190) to the Health and Safety Code, and to add Chapter 17 (commencing with Section 12694) to Part 6.2 of Division 2 of the Insurance Code, relating to health care coverage.

Bill read third time and presented by Senator Alarcón.

Roll Call

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

AYES (21)—Senators Alarcón, Alquist, Bowen, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, Ortiz, 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 97—An act to add Section 33128.4 to the Education Code, relating to school budget reserves.

Bill read third time and presented by Senator Alquist.



Roll Call

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

AYES (26)—Senators Alarcón, Alquist, Bowen, Chesbro, Cox, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 121—An act to add Section 110552 to the Health and Safety Code, relating to lead contamination of candy.

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, Bowen, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Ortiz, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 195—An act to amend 19702 of the Government Code, relating to state civil service.

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 (24)—Senators Aanestad, Alarcón, Alquist, Ashburn, Bowen, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Ortiz, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 239—An act to add Section 12025 to the Government Code, relating to the Governor's Budget.

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 (23)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal,

Maldonado, McClintock, Migden, Ortiz, Romero, Scott, Simitian, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 384—An act to add and repeal Section 52087 of the Education Code, relating to class size.

Bill read third time and presented by Senator Scott.

Roll Call

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

AYES (35)—Senators Ackerman, Alarcón, Alquist, Ashburn, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Aanestad.

Bill ordered transmitted to the Assembly.

Assembly Bill 391—An act to amend Section 1262 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 439—An act to amend Sections 290 and 1203.4 of, and to repeal Section 290.1 of, the Penal Code, relating to sex offenders.

Bill read third time and presented by Senator Alquist.

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, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Morrow, Ortiz,

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Perata Presiding

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 138)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 138 by the following vote:

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

NOES (1)—Senator Migden.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 143)**

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 the Senate concurred in Assembly amendments to SB 143 by the following vote:

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

NOES (0)—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 527)**

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 the Senate concurred in Assembly amendments to SB 527 by the following vote:

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

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

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 1011)**

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

Urgency Clause

The names of the absentees were called and the urgency clause to SB 1011 was adopted by the following vote:

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

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

Roll Call

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

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 88)**

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

Roll Call

The names of the absentees were called and AB 88 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 (18)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Machado, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 861)**

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 the Senate concurred in Assembly amendments to SB 861 by the following vote:

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

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

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 66)**

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

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

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

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

Motion to Reconsider (SB 66)

Senator Torlakson moved to reconsider the vote whereby the urgency clause to SB 66 was refused adoption.

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, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe,



Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

REQUEST TO BE ADDED TO ROLL CALL

August 31, 2005

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

SB 408—Aye	SB 1004—Aye	SB 822—Aye
SB 110—No	SB 1067—No	SB 111—Aye
SB 1006—Aye	SB 1110—Aye	SB 1015—Aye
AB 1200—No	AB 771—No	AB 277—No
AB 391—No		

DICK ACKERMAN, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 12:25 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 Thursday, September 1, 2005.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
August 31, 2005

To the Members of the Senate:

Pursuant to your request, I am returning SB 697, on behalf of the Governor, for further action by the Senate.

Sincerely,

PAMELA K. OTO
Private Secretary of the Governor

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



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 31, 2005

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

SB 174	SB 210	SB 348
SB 363	SB 1096	

Above measures ordered enrolled.

Assembly Chamber, August 31, 2005

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

SJR 11

Above resolution ordered enrolled.

Assembly Chamber, August 31, 2005

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

SB 112	SB 275	SB 922	SB 1007
SB 115	SB 299	SB 967	SCR 42
SB 150	SB 327	SB 1050	
SB 194	SB 616	SB 1102	
SB 198	SB 821	SB 12	

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, August 31, 2005

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

AB 436

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 436—An act to amend Section 14105.48 of the Welfare and Institutions Code, relating to Medi-Cal, 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 Governmental Organization

Senate Chamber, August 31, 2005

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

AB 635

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

FLOREZ, Chair

Second Reading of Bills—Author's Amendments

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

Bill read second time.

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

Committee on Judiciary

Date of Hearing, August 30, 2005

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

AB 153

Reports the same back with the recommendation: Do pass.

DUNN, Chair

Above bill ordered to second reading.

Committee on Appropriations

Senate Chamber, August 30, 2005

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

AB 1179

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.

Senate Chamber, August 30, 2005

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

AB 302

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

MIGDEN, Chair

Above measure ordered to second reading.



Committee on Judiciary

August 30, 2005

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

SB 894

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

DUNN, Chair

Date of Hearing, August 31, 2005

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

SCA 12

Reports the same back with the recommendation: That the measure be retained in committee, and that the subject matter be referred to the Committee on Rules for assignment to the proper committee for study.

DUNN, Chair

Subject matter of the above measure referred to the Committee on Rules.

Committee on Natural Resources and Water

Date of Hearing, August 31, 2005

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

AB 466

AB 1497

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

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Appropriations

Senate Chamber, August 31, 2005

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

AB 133

AB 585

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

MIGDEN, Chair

Above measures ordered to second reading.



Committee on Rules

State Capitol, August 31, 2005

Mr. President:

Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 4-0, has re-referred the following bills to committee:

SB 310 (Chesbro)—Veterans Affairs

AB 1734 (Koretz)—Labor & Industrial Relations

AB 1492 (Evans) and AB 1758 (Umberg)—Education

Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3-1, has recommended that the Assembly amendments to SB 897 (Scott) and SB 973 (Kuehl) be taken up for consideration on the Senate Floor.

Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 4-0, has recommended that the Assembly amendments to SB 485 (Migden) be taken up for consideration on the Senate Floor.

PERATA, Chair

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Migden:

Senate Chamber, August 31, 2005

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(12) in order that AB 1383 and AB 1576 may be reported by the Committee on Appropriations after the deadline.

SENATOR MIGDEN

Recommendation of Rules Committee

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

PERATA, Chair

JOINT RULES DISPENSED WITH

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(12) was dispensed with as requested.

MEASURES PLACED ON INACTIVE FILE

Pursuant to Senate Rule 29 **AB 1548, AB 649, AB 672, AB 728, AB 1125, AB 1698, and AB 1435** were placed on the inactive file.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 1:

AB 1143	AB 740	AB 1061	AB 779
AB 179	AB 980	AB 1349	ACR 1
AB 424	AB 1325	AB 316	
AB 437	AB 360	AB 496	
AB 460	AB 258	AB 1170	

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

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 third time.

Amendments Adopted

Amendments to AB 1378 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1317—An act to add and repeal Sections 100854 and 100855 of, and to repeal and add Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101 of, the Health and Safety Code, relating to environmental laboratories.

Bill read third time.

Amendments Adopted

Amendments to AB 1317 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Amendments Adopted

Amendments to AB 1366 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second 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 third time.

Amendments Adopted

Amendments to AB 1333 proposed by Senator Morrow were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1288—An act to amend Sections 136.2 and 11106 of the Penal Code, relating to court orders.

Bill read third time.

Amendments Adopted

Amendments to AB 1288 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

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.



Amendments Adopted

Amendments to AB 1622 proposed by Senator Dunn were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 178—An act to add Part 8 (commencing with Section 14950) to Division 12 of the Health and Safety Code, relating to cigarettes.

Bill read third time.

Amendments Adopted

Amendments to AB 178 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 381—An act to amend Section 1708.8 of the Civil Code, relating to legal obligations.

Bill read third time.

Amendments Adopted

Amendments to AB 381 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 795—An act relating to peace officers.

Bill read third time.

Amendments Adopted

Amendments to AB 795 proposed by Senator Murray 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.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 920)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 920 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 920

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.



Motion to Amend

Amendments to AB 920 proposed by Senator Cox were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 985)

Senator Dunn asked for, and was granted, unanimous consent that AB 985 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 985

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.

Motion to Amend

Amendments to AB 985 proposed by Senator Dunn were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 664)

Senator Dunn asked for, and was granted, unanimous consent that AB 664 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 664

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

Bill read second time.

Motion to Amend

Amendments to AB 664 proposed by Senator Dunn were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1183)

Senator Speier asked for, and was granted, unanimous consent that AB 1183 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1183

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.

Motion to Amend

Amendments to AB 1183 proposed by Senator Speier were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 137)

Senator Chesbro asked for, and was granted, unanimous consent that AB 137 be taken from the inactive file and taken up at this time.



Consideration of Assembly Bill 137

Assembly Bill 137—An act relating to the Budget Act of 2005.

Bill read second time.

Motion to Amend

Amendments to AB 137 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1233)

Senator Torlakson asked for, and was granted, unanimous consent that AB 1233 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1233

Assembly Bill 1233—An act to amend Section 65583 of, and to add Section 65584.09 to, the Government Code, relating to local planning.

Bill read second time.

Motion to Amend

Amendments to AB 1233 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1721)

Senator Torlakson asked for, and was granted, unanimous consent that AB 1721 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1721

Assembly Bill 1721—An act to amend Section 60041 of the Education Code, to amend Sections 71301, 71302, 71303, 71304, and 71305 of the Public Resources Code, and to add Section 13383.6 to the Water Code, relating to environmental education, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Amendments to AB 1721 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1326)

Senator Simitian asked for, and was granted, unanimous consent that AB 1326 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1326

Assembly Bill 1326—An act to amend Section 12304.2 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

Motion to Amend

Amendments to AB 1326 proposed by Senator Simitian were read and adopted and the measure ordered printed and to second reading.



COMMUNICATIONS

Senator Cox requested that the following letter of clarification of legislative intent be printed in the Journal:

August 25, 2005

The Honorable Don Perata

President pro Tempore, California State Senate

Dear Senator Perata and Members:

This letter to the Journal serves as a clarification to my bill, SB 287. I want to clarify that SB 287 is not intended to in any way limit the Santa Clara Valley Water District's power under Section 21162 of the Public Contracts Code to utilize the design-build bidding process for its 15-year flood program, that includes levees, and for building and/or upgrading its water treatment plant facilities.

With the signing of AB 674 (Dutra) in 2001, Section 21162 of the Public Contract Code was created, thus granting the Santa Clara Valley Water District the authority to utilize the procedures described in Section 20133 of that Code for its building construction contracts. AB 674 was approved by the Senate on a 40–0 vote and by the Assembly on a 72–1 vote. The consultant analyses prepared for the Committee and Floor votes made clear that in approving AB 674, the Legislature was authorizing the District to utilize the design-build bidding procedures for its flood program and water treatment plants.

SB 287 will change the procedures described in Section 20133 of the Public Contract Code that counties must follow when using the design-build bidding process and the Santa Clara Valley Water District must follow those changed procedures as well. But SB 287 is not intended to affect the types of projects for which the District may utilize design-build procedures under Section 21162 of the Public Contracts Code.

Thank you for your assistance in this matter and should there be any questions or concerns, please do not hesitate to contact me.

Sincerely,

DAVE COX

Senator, First District

SENATE COMMITTEE ROLL CALLS**Committee on Agriculture**

AB 1011—Do pass and re-refer to Committee on Environmental Quality

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

NOES (1)—Senator Maldonado.

Date of Hearing: 8/30/2005

Denham (Chair)



Committee on Judiciary**SB 894**—That the Assembly amendments be concurred in

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

NOES (0)—None.

SCA 15—Be adopted and re-refer to Committee on Elections, Reapportionment and Constitutional Amendments

AYES (2)—Senators Ackerman and Morrow.

NOES (3)—Senators Cedillo, Escutia, and Kuehl.

Failed Passage

SCA 15—Reconsideration granted

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

NOES (0)—None.

AB 153—Do pass

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

NOES (1)—Senator Ackerman.

AB 1162—Do pass as amended

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

NOES (2)—Senators Ackerman and Morrow.

Date of Hearing: 8/30/2005

Dunn (Chair)

Committee on Natural Resources and Water**AB 466**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Dutton, Kehoe, Kuehl, Lowenthal, Machado, Margett, and Migden.

NOES (0)—None.

AB 1497—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Dutton, Kehoe, Kuehl, Lowenthal, Machado, Margett, and Migden.

NOES (0)—None.

Date of Hearing: 8/31/2005

Kuehl (Chair)



REQUESTS TO ADJOURN IN MEMORIAM

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Timothy M. Shea of Sonoma.

Senators Ducheny and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Jim Kuhn of Seeley.

Senator Florez requested that when the Senate adjourns this day it do so in memory of Sandra Gail Wiedmann of Shafter.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Betty Edwards of Lathrop.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Margaret Pickett Campbell and Henry Paul Sanoian of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, September 1, 2005.

PAULA K. ROSSETTO, Minute Clerk

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