

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, September 1, 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—40.

Quorum present.



PRAYER

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

God of all Grace, We give thanks for our blessings we enjoy, for the abundance of our land and the generosity of our people. We ask that You give comfort to those who are suffering in the aftermath of the hurricane in the Southern United States. We ask that You give strength and courage to rescue workers, police officers and those who are stranded and homeless; and we ask that You be with the leaders of our nation and state today, especially those here assembled, as they seek to assist those in the greatest need. This we pray in Your name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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 adopted:

SCR 58

SJR 17

Above senate resolutions 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 35	SB 404	SB 640	SB 1053
SB 180	SB 484	SB 657	SB 1070
SB 188	SB 523	SB 707	SCR 56
SB 264	SB 565	SB 796	
SB 266	SB 615	SB 869	
SB 352	SB 618	SB 962	

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.

Assembly Chamber, August 31, 2005

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

ACR 87

ACR 88



Assembly Chamber, September 1, 2005

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

AB 169	AB 778	AB 901	AB 1625
AB 304	AB 819	AB 1070	ACR 59
AB 356	AB 846	AB 1158	ACR 63
AB 693	AB 857	AB 1511	
AB 694	AB 880	AB 1536	

Assembly Chamber, September 1, 2005

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

ACR 74	ACR 76	ACR 77	ACR 90
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E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, August 31, 2005

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1136, AB 1261, AB 1150, and AB 971 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 Concurrent Resolution 87—Relative to blood cancers.

Assembly Concurrent Resolution 88—Relative to California Firefighters Memorial Day.

Assembly Concurrent Resolution 74—Relative to Title IX of the federal Education Amendments of 1972 to the Civil Rights Act of 1964.

Assembly Concurrent Resolution 76—Relative to Microenterprise Development Month.

Assembly Concurrent Resolution 77—Relative to local recreation and park agencies.

Assembly Concurrent Resolution 90—Relative to Red Ribbon Week.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 1, 2005

Mr. President: The Committee on Rules has examined:

SB 15	SB 389	SB 666	SB 1084
SB 45	SB 477	SB 679	SB 1088
SB 141	SB 513	SB 695	
SB 274	SB 578	SB 726	
SB 326	SB 608	SB 919	

And reports that the same have been correctly enrolled, and presented to the Governor on the 1st day of September, 2005, at 9 a.m.

PERATA, Chair

Senate Chamber, September 1, 2005

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

SB 262

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 262**—An act relating to combinations in restraint of trade.

Bill read second time.

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

State Capitol, August 31, 2005

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

Mary Ann Lutz, Member, California Regional Water Quality Control Board, Los Angeles Region (5–0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 31, 2005

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

Donna L. Earley, Member, Southwestern Low-Level Radioactive Waste Commission (3–0)

PERATA, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, August 31, 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:

Kenny G. Cherng, Ph.D., Member, Acupuncture Board (5-0)
Steven Tan, M.D., Member, Acupuncture Board (5-0)
Richard B. Rogers, Member, Fish and Game Commission (5-0)
Erin D. Garner, Member, Mining and Geology Board (5-0)
Seena N. Hoose, Member, Mining and Geology Board (5-0)
Julian C. Isham, Member, Mining and Geology Board (5-0)
Robert E. Tepel, Member, Mining and Geology Board (5-0)
Sophia D. Scherman, Member, Park and Recreation Commission (5-0)
Acquanetta Warren, Member, Park and Recreation Commission (5-0)
Nancy L. Wagner, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo & Suisun (5-0)
David I. Wainwright, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo & Suisun (5-0)
Catherine Banker, Member, Teacher Credentialing Commission (5-0)
Maytte Bustillos, Member, Teacher Credentialing Commission (5-0)
Paul Clopton, Member, Teacher Credentialing Commission (5-0)
Guillermo Gomez, Member, Teacher Credentialing Commission (5-0)
Gloria Grant, Member, Teacher Credentialing Commission (5-0)
Aida Molina, Member, Teacher Credentialing Commission (5-0)
Leslie Schwarze, Member, Teacher Credentialing Commission (5-0)
Jon Stordahl, Member, Teacher Credentialing Commission (5-0)
John W. Corbett, Member, California Regional Water Quality Control Board, North Coastal Region (5-0)
Eric T. Anderson, Member, California Regional Water Quality Control Board, San Diego Region (5-0)
Alan L. Barrett, Member, California Regional Water Quality Control Board, San Diego Region (5-0)
Daniel E. Johnson, Member, California Regional Water Quality Control Board, San Diego Region (5-0)
Jennifer L. Kraus, Ph.D., Member, California Regional Water Quality Control Board, San Diego Region (5-0)
Susan E. Ritschel, Member, California Regional Water Quality Control Board, San Diego Region (5-0)
John H. Muller, Member, California Regional Water Quality Control Board, San Francisco Bay Region (5-0)
John B. Withers, Member, California Regional Water Quality Control Board, Santa Ana Region (5-0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.



Committee on Labor and Industrial Relations

Date of Hearing, September 1, 2005

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

AB 1734

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

ALARCÓN, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, August 31, 2005

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

Appropriations—ACR 70.

Public Safety—ACR 73.

Veterans Affairs—AJR 25.

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

Assembly Bill 113—An act to amend Section 3003 of the Penal Code, relating to parole.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

Assembly Bill 118—An act to amend Section 3100 of the Family Code, and to amend Section 136.2 of the Penal Code, relating to protective orders.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.



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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

Assembly Bill 1317—An act to add Sections 100827 and 100829 to, to repeal Sections 100831 and 100835 of, and to repeal and add Sections 100825, 100830, and 100832 of, the Health and Safety Code, relating to environmental laboratories.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

Assembly Bill 1333—An act to add Section 374.5 to the Penal Code, and to add Division 12.4 (commencing with Section 16000) to the Public Resources Code, relating to grease waste haulers.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

Assembly Bill 985—An act to amend Section 394 of, and to add and repeal Section 394.2 of, the Military and Veterans Code, and to add Section 1265.2 to the Unemployment Insurance Code, relating to labor.

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

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

Bill read second time and ordered to third reading.

Assembly Bill 664—An act to add Section 6060.6 to the Business and Professions Code, and to amend Section 1161.2 of the Code of Civil Procedure, relating to the State Bar of California.

Bill read second time and ordered to third reading.

Assembly Bill 153—An act to repeal and add Section 1021.8 of the Code of Civil Procedure, relating to courts.

Bill read second time and ordered to third reading.

Assembly Bill 1179—An act to add Section 1507.25 to the Health and Safety Code, relating to community care facilities.

Bill read second time and ordered to third reading.

Assembly Bill 302—An act to amend Sections 3613, 3624.5, 3633.1, 3635, 3640, 3640.5, 4024, 4039, 4040, 4059, 4059.5, 4060, 4061, 4076, 4142, 4170, 4174, and 4175 of, to add Sections 5588.1, 5588.2, 5588.3, and 5588.4 to, to repeal Section 5589 of, and to repeal and add Section 5588 of, the Business and Professions Code, and to amend Sections 11150, 11165, and 11210 of the Health and Safety Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

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 133—An act to amend Section 12305.1 of the Welfare and Institutions Code, relating to human services, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 585—An act to amend Sections 22900, 22901, 22902, 22903, 22904, 22905, 22906, 22907, 22908, 22909, 22910, 22911, 22913, 22915, 22920, 22922, 22924, 22925, 22926, and 22927 of, to amend the heading of Chapter 28 (commencing with Section 22900) of Division 8 of, and to add Sections 22902.5, 22903.1, 22903.2, and 22903.3 to, the



Business and Professions Code, relating to dealers, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1183—An act to amend Sections 1872, 1872.1, 1872.3, 1872.4, 1872.7, 1872.8, 1872.81, 1872.83, 1872.85, 1872.9, 1872.95, 1872.96, 1873.4, 1874.8, 1875.20, 1877.3, 1879.4, 11629.85, and 12964 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 137—An act to amend Section 6217.8 of the Public Resources Code, relating to public resources.

Bill read second time and ordered to third reading.

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 and ordered to third reading.

Assembly Bill 795—An act to amend Section 18000.5 of the Government Code, relating to public employment.

Bill read second time and ordered to third reading.

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 and ordered to third reading.

Assembly Bill 1326—An act to amend Sections 12301.2 and 12304.2 of the Welfare and Institutions Code, relating to public social services.

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

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 2**, **ACR 15**, **ACR 36**, and **ACR 75** were withdrawn from Committee and placed on today's special consent calendar.

CONSENT CALENDAR

Objection Raised

Senator Perata objected to **AB 1349** and **AB 360** being on the Special Consent Calendar.

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



MOTIONS TO TAKE MEASURES FROM THE INACTIVE FILE

Without objection **AB 1662**, **AB 1736**, **AB 1435**, **AB 1760**, **AB 1698**, **AB 392**, **AB 1227**, **AB 1384**, **AB 715**, and **AB 649** were taken from the inactive file and placed on the second reading file.

Senator Soto moved that **AB 1230** be taken from the inactive file and placed on the second reading file.

Senator Scott moved that **SB 1756** be taken from the inactive file and placed on the second reading file.

Senator Escutia moved that **AB 962** be taken from the inactive file and placed on the second reading file.

Senator Dunn moved that **AB 1310** be taken from the inactive file and placed on the second reading file.

Senator Kehoe moved that **AB 1735** be taken from the inactive file and placed on the second reading file.

Motions carried.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Maldonado moved that **AB 1667** be placed on the inactive file.

Senator Dunn moved that **AB 1752** be placed on the inactive file.

Senator Alarcón moved that **AB 596** be placed on the inactive file.

Motions carried.

RE-REFERENCE OF BILLS TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 873** and **AB 137** were referred to the Committee on Appropriations.

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

Assembly Bill 566—An act to amend Section 13110.5 of the Health and Safety Code, relating to fire protection.

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

NOES (7)—Senators Aanestad, Ashburn, Campbell, Dutton, Hollingsworth, Margett, and McClintock.

Bill ordered transmitted to the Assembly.

UNANIMOUS CONSENT (AB 180)

Unanimous consent was granted to remove **AB 180** from the Inactive File and that the bill be returned to the August 30, 2005 Special Consent Calendar.



August 30, 2005 Consent Calendar Roll Call

The roll was called and the above measure on the Consent Calendar was passed by the following vote:

AYES (40)—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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Without objection, the action whereby the measure was passed to the Assembly was rescinded and the measure ordered placed on Inactive File.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issues raised by the Assembly amendments to **SB 190**, **SB 821**, and **SB 967** was referred to the Committee on Rules.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Hollingsworth, **SB 1102** was returned to the Assembly for further action.

REQUEST TO RETURN BILL TO SENATE

On request of Senator Alquist, the Assembly was requested to return **AB 439** to the Senate for further action.

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

Assembly Bill 444—An act to amend Section 49531.1 of the Education Code, relating to pupils.

Bill read third time and presented by Senator Escutia.

Roll Call

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

AYES (30)—Senators Aanestad, Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (5)—Senators Ackerman, Ashburn, Campbell, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

WITHDRAWN FROM ENROLLMENT

At the request of Senator Alquist **SB 941** was withdrawn from enrollment. Unanimous consent granted to rescind the action whereby Assembly amendments were concurred in and the bill was ordered returned to the Assembly for further action.

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

Assembly Bill 689—An act to add Section 51210.8 to the Education Code, relating to curriculum.

Bill read third time and presented by Senator Torlakson.

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 739—An act to add Section 85310.5 to the Government Code, relating to political communications.

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

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

Bill ordered transmitted to the Assembly.



Assembly Bill 723—An act to add Section 60605.4 to the Education Code, relating to public school curriculum.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 855—An act to repeal and add Section 11251.3 of the Welfare and Institutions Code, relating to CalWORKs.

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 (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, 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, Florez, Hollingsworth, Maldonado, Margett, McClintock, Poochigian, and Runner.

Bill ordered transmitted to the Assembly.

Assembly Bill 897—An act to add Sections 56351.8 and 56351.9 to the Education Code, relating to public schools.

Bill read third time and presented by Senator Romero.

Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Chesbro.

The roll was called.



CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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

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 1088—An act to add Section 67385.7 to the Education Code, relating to public postsecondary education.

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 875—An act to add Section 559 to the Labor Code, relating to employee wages and working hours.

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, Chesbro, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.



Assembly Bill 1107—An act to amend Section 42291 of the Education Code, relating to school transportation.

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

NOES (7)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1110—An act to add Article 8 (commencing with Section 41580) to Chapter 3.2 of Part 24 of the Education Code, relating to school finance.

Bill read third time and presented by Senator Poochigian.

Roll Call

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

AYES (30)—Senators Ackerman, Alarcón, Alquist, Battin, Bowen, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (5)—Senators Aanestad, Ashburn, Campbell, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

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

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, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.



Assembly Bill 1184—An act to add Section 19851.2 to the Government Code, relating to state employees.

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, 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.

Bill ordered transmitted to the Assembly.

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

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, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 1439—An act to amend Section 987.65 of the Military and Veterans Code, relating to veterans.

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 (35)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, 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.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Ducheny.



Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 1593—An act to add Section 123326 to the Health and Safety Code, relating to child nutrition.

Bill read third time and presented by Senator Maldonado.

Roll Call

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

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Speier, and Torlakson.

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

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 1, 2005

The Honorable Greg Schmidt

Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 439 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

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

Assembly Bill 849—An act to amend Sections 300, 301, and 302 of, and to add Section 403 to, the Family Code, relating to marriage.

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

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Murray.

Roll Call

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

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

NOES (1)—Senator Battin.

Bill ordered transmitted to the Assembly.

Senator Speier Presiding**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Perata placed the following Governor's appointment before the Senate:

Cynthia K. Tuck, Member, and designated Chair, California Air Resources Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was refused confirmation by the following vote:

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

NOES (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.



**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS**

Consideration of Governor's Appointment

Senator Perata placed the following Governor's appointment before the Senate:

Edward C. Williams, Member, California Gambling Control Commission

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (38)—Senators Aanestad, 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Malissa Feruzzi Shriver, Member, California Arts Council

Michael A. Rubel, Member, California Arts Council

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (38)—Senators Aanestad, 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.



Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Linda C. Brown, Deputy Director, Office of Administrative Law

Barbara A. Ward, Chief, Bureau for Private Postsecondary and Vocational Education

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Perata placed the following Governor's appointment before the Senate:

William Kempton, Director, Department of Transportation

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Eunice David, Member, California Arts Council

Richard Shapiro, Member, California Horse Racing Board

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"



Roll Call

The roll was called and the appointments were confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Perata placed the following Governor's appointment before the Senate:

Don Fisher, Member, State Board of Education

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments**Division of Question Demanded**

Senator Perata demanded that the question be divided and that the confirmation of the appointment of:

Daniel Press, Ph.D., Member, California Regional Water Quality Control Board Central Coast Region

be taken up separately.

Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Anthony Batts, DPA, Member, Commission on Peace Officer Standards and Training

Collene Campbell, Member, Commission on Peace Officer Standards and Training

Robert Doyle, Member, Commission on Peace Officer Standards and Training



Deborah Linden, Member, Commission on Peace Officer Standards and Training

Nelson Lum, Member, Commission on Peace Officer Standards and Training

Russell Jeffries, Member, California Regional Water Quality Control Board, Central Coast Region

Marie Barrett, Member, California Regional Water Quality Control Board, Colorado River Basin Region

Jeffrey Hays, Member, California Regional Water Quality Control Board, Colorado River Basin Region

Maurice “Red” Martinez, Member, California Regional Water Quality Control Board, Colorado River Basin Region

Ellen Way, Member, California Regional Water Quality Control Board, Colorado River Basin Region

Nancy Wright, Member, California Regional Water Quality Control Board, Colorado River Basin Region

James Chapman, Member, California Regional Water Quality Control Board, Lahontan Region Region

R. Keith Dyas, Member, California Regional Water Quality Control Board, Colorado River Basin Region

Henry Hearn, Member, California Regional Water Quality Control Board, Colorado River Basin Region

Susan Van Dam, Member, California Regional Water Quality Control Board, Colorado River Basin Region

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Aanstad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Speier, and Torlakson.

NOES (0)—None.

Consideration of Governor’s Appointment

Senator Perata placed the following Governor’s appointment before the Senate:

Daniel Press, Ph.D., Member, California Regional Water Quality Control Board Central Coast Region

The President put the question: “Will the Senate advise and consent to the appointment by the Governor?”

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (28)—Senators Ackerman, Alarcón, Alquist, Battin, Bowen, Campbell, Cedillo, Chesbro, Ducheny, Dunn, Dutton, Figueroa, Florez,



Kehoe, Kuehl, Lowenthal, Machado, McClintock, Migden, Murray, Ortiz, Perata, Runner, Scott, Simitian, Speier, Torlakson, and Vincent.

NOES (5)—Senators Aanestad, Ashburn, Cox, Denham, and Hollingsworth.

Consideration of Governor's Appointments

Senator Perata placed the following Governor's appointments before the Senate:

Barbara Gothard, Ph.D., Member, California Community Colleges, Board of Governors.

Deborah Malumed, M.D., Member, California Community Colleges, Board of Governors.

Louis G. Monville, III, Member, California Community Colleges, Board of Governors.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Perata placed the following Governor's appointment before the Senate:

Candice A. Traeger, Member, Occupational Safety and Health Appeals Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.



Consideration of Insurance Commissioner's Appointment

Senator Perata placed the following Insurance Commissioner's appointment before the Senate:

David E. Wilson, Chief Executive Officer, Conservation and Liquidation Office, Department of Insurance

The President put the question: "Will the Senate advise and consent to the appointment by the Insurance Commissioner?"

Roll Call

The roll was called and the appointment was confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

State Bar Appointment

Senator Perata placed the following State Bar appointment before the Senate:

Scott J. Drexel, State Bar Chief Trial Counsel

The President put the question: "Will the Senate advise and consent to the appointment by the State Bar?"

Roll Call

The roll was called and the appointment was confirmed 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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 third time and presented by Senator Escutia.

Roll Call

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

AYES (24)—Senators Alarcón, Alquist, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal,



Machado, Maldonado, Migden, Ortiz, Perata, Scott, 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.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 899)**

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

Roll Call

The names of the absentees were called and AB 899 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 938)**

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 938 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

SPECIAL CONSENT CALENDAR

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

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

(NOTE: See Consent Calendar Roll Call)



Assembly Concurrent Resolution 15—Relative to In-Home Supportive Services Home Care Worker Recognition Week.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 36—Relative to Breast Cancer Awareness and Prevention Month.

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

(NOTE: See Consent Calendar Roll Call)

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

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

(NOTE: See Consent Calendar Roll Call)

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 179—An act to amend Section 1569.885 of, and to add Section 1569.889 to, the Health and Safety Code, relating to residential care facilities for the elderly.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 424—An act to amend Sections 530.5, 530.6, and 530.8 of the Penal Code, relating to crime.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 437—An act to amend Section 290.46 of the Penal Code, relating to sex offenders.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 460—An act to amend Section 481 of the Food and Agricultural Code, relating to contagious diseases.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 740—An act to amend Sections 41540, and 47634.3 of, to amend and repeal Section 47634 of, to amend, repeal, and add Section 47636 of, to add Sections 47634.1 and 47634.4 to, and to repeal Section 47634.5 of, the Education Code, and to amend Item 6110-211-0001 of



Section 2.00 of Chapter 38 of the Statutes of 2005, relating to charter schools, 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 980—An act to add Article 4 (commencing with Section 345) to Chapter 5 of Part 1 of Division 2 of the Military and Veterans Code, relating to the state militia.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1325—An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 258—An act to add Section 14105.485 to the Welfare and Institutions Code, relating to Medi-Cal.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1061—An act to add Sections 40535 and 56382.8, and Article 3 (commencing with Section 54442) of Chapter 2 of Division 20 to, the Food and Agricultural Code, relating to agriculture omnibus.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 316—An act to amend Sections 7122.2, 7159, 7159.5, 7159.10, 7159.11, and 7167 of, and to repeal Sections 7159.3, 7159.4, 7159.12, and 7159.13 of, the Business and Professions Code, and to amend Sections 1689.6, 1689.7, and 1689.15 of the Civil Code, relating to contractors.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 496—An act to amend Section 22350 of the Business and Professions Code, to amend Sections 412.10, 417.30, 583.210, 1010.6, 1985.3, and 1985.6 of the Code of Civil Procedure, and to amend Section 4013 of the Penal Code, relating to service of process.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Bill 1170—An act to amend Sections 29031.1 and 29034 of the Public Utilities Code, relating to transportation, 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 779—An act to add Section 14018.15 to the Welfare and Institutions Code, relating to Medi-Cal.

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

(NOTE: See Consent Calendar Roll Call)

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

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

NOES (0)—None.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **AB 632** was referred to the Committee on Rules.

SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was suspended to permit bills that are amended on Friday, September 2, 2005, to be in print, and properly before the Senate on Tuesday, September 6, 2005.

REQUEST TO BE ADDED TO ROLL CALL

September 1, 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:

AB 444—No	AB 688—Aye	AB 689—No
AB 739—No	AB 723—No	AB 897—Aye
AB 1107—No	AB 1110—Aye	AB 1168—No
AB 1374—No	AB 1439—Aye	AB 1466—Aye
AB 1593—No		

DICK ACKERMAN, Minority Floor Leader

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

At 1 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 Friday, September 2, 2005.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 1, 2005

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 478 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, September 1, 2005

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

AB 873

ACR 70

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

MIGDEN, Chair

Above measures ordered to second reading.

Senate Chamber, September 1, 2005

Madam President: The Committee on Appropriations, to which was referred:

AB 1351

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended, but first amend, and re-refer to the Committee on Rules.

MIGDEN, Chair

Above measure ordered to second reading.



Committee on Environmental Quality

Date of Hearing, September 1, 2005

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

AB 1011

Reports the same back with the recommendation: Do pass.

LOWENTHAL, Chair

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing, August 25, 2005

Madam President: The Committee on Appropriations, to which was referred:

AB 1383

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

MIGDEN, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, September 1, 2005

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SCA 16

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

DUNN, Chair

Second Reading of Bills—Author's Amendments

Senate Constitutional Amendment 16—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 4 and 16 of, and adding and repealing Section 4.5 of, Article VI thereof, relating to judicial districts.

Resolution read second time.

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 62: By Senator Torlakson (Principal coauthor: Assembly Member Wolk) (Coauthors: Senators Chesbro, Machado, and Ortiz) (Coauthor: Assembly Member Jones)—Relative to the California Delta Trail.



MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1165** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules;

AB 436 was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules; and

AB 1161 was withdrawn from the Committee on Business, Professions and Economic Development and re-referred to the Committee on Rules.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **AB 417** was withdrawn from the Committee on Rules and placed on third reading;

AB 1116 was withdrawn from the Committee on Banking, Finance and Insurance and placed on second reading; and

AB 635 was withdrawn from the Committee on Governmental Organization and placed on second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1542)

Senator Alquist asked for, and was granted, unanimous consent that AB 1542 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1542

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

Bill read second time.

Motion to Amend

Amendments to AB 1542 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 649)

Senator Maldonado asked for, and was granted, unanimous consent that AB 649 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 649

Assembly Bill 649—An act to amend Sections 78611, 78627, 78632, and 78700 of, and to add Article 8 (commencing with Section 78750) to Chapter 24 of Part 2 of Division 22 of, the Food and Agricultural Code, relating to agriculture.

Bill read second time.

Motion to Amend

Amendments to AB 649 proposed by Senator Maldonado were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 728)

Senator Escutia asked for, and was granted, unanimous consent that AB 728 be taken from the inactive file and taken up at this time.



Consideration of Assembly Bill 728

Assembly Bill 728—An act to amend Section 2827.9 of the Public Utilities Code, relating to electricity.

Bill read second time.

Motion to Amend

Amendments to AB 728 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1031)

Senator Alarcón asked for, and was granted, unanimous consent that AB 1031 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1031

Assembly Bill 1031—An act to amend Section 7232 of the Revenue and Taxation Code, relating to vehicles.

Bill read second time.

Motion to Amend

Amendments to AB 1031 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1227)

Senator Alarcón asked for, and was granted, unanimous consent that AB 1227 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1227

Assembly Bill 1227—An act to amend Sections 65008 and 65858 of the Government Code, relating to housing discrimination.

Bill read second time.

Motion to Amend

Amendments to AB 1227 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 754)

Senator Lowenthal asked for, and was granted, unanimous consent that AB 754 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 754

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

Bill read second time.



Motion to Amend

Amendments to AB 754 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1060)

Senator Lowenthal asked for, and was granted, unanimous consent that AB 1060 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1060

Assembly Bill 1060—An act to amend Section 21641 of the Business and Professions Code, to amend Section 12101 of the Health and Safety Code, to amend Sections 171b, 11106, 11108, 11108.3, 12001, 12021, 12021.3, 12026.2, 12028.5, 12035, 12036, 12070, 12072, 12076, 12078, 12082, 12086, 12132, and 12305 of, to amend, renumber, and add Sections 12071.1 and 12071.4 of, to add Sections 12071.2, 12071.3, 12071.5, 12071.6, and 12071.7 to, to repeal Section 12084 of, and to repeal and add Section 12071 of, the Penal Code, and to amend Section 26 of Chapter 23 of the Statutes of 1994, relating to firearms.

Bill read second time.

Motion to Amend

Amendments to AB 1060 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 439)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 439 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 439

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.

Motion to Amend

Amendments to AB 439 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1150)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1150 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1150

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.

Motion to Amend

Amendments to AB 1150 proposed by Senator Runner were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 761—An act to add Section 1276.15 to the Health and Safety Code, relating to health facilities.

Bill read third time.

Amendments Adopted

Amendments to AB 761 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to second 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 third time.

Amendments Adopted

Amendments to AB 462 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Amendments Adopted

Amendments to AB 67 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1097—An act to add Section 46300.8 to the Education Code, relating to pupils.

Bill read third time.

Amendments Adopted

Amendments to AB 1097 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 354—An act to add and repeal Section 14132.725 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time.

Amendments Adopted

Amendments to AB 354 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second 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 third time.

Amendments Adopted

Amendments to AB 1623 proposed by Senator Migden were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1666—An act to add Chapter 3.3 (commencing with Section 820) to Division 4 of the Military and Veterans Code, relating to military service.

Bill read third time.

Amendments Adopted

Amendments to AB 1666 proposed by Senator Soto were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 113—An act to amend Section 3003 of the Penal Code, relating to parole.

Bill read third time.

Amendments Adopted

Amendments to AB 113 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1067—An act to amend Sections 369b and 1463.12 of, and to add Section 218.1 to, the Penal Code, to amend Section 2454 of the Streets and Highways Code, and to amend Sections 22526, 42001.1, and 42001.16 of the Vehicle Code, relating to railroads.

Bill read third time.

Amendments Adopted

Amendments to AB 1067 proposed by Senator Scott were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 118—An act to amend Section 3100 of the Family Code, and to amend Section 136.2 of the Penal Code, relating to protective orders.

Bill read third time.

Amendments Adopted

Amendments to AB 118 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.



Amendments Adopted

Amendments to AB 240 proposed by Senator Margett were read and adopted and the measure ordered printed and to second reading.

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

Bill read third time.

Amendments Adopted

Amendments to AB 163 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 256—An act to add Sections 20432.6, 22849, and 31485.12 to the Government Code, relating to public employees' benefits.

Bill read third time.

Amendments Adopted

Amendments to AB 256 proposed by Senator Migden were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Education**

AB 1758—Do pass

AYES (8)—Senators Alquist, Denham, Lowenthal, Maldonado, Scott, Simitian, Soto, and Speier.

NOES (0)—None.

Date of Hearing: 9/1/2005

Scott (Chair)

Committee on Environmental Quality

AB 1011—Do pass

AYES (5)—Senators Chesbro, Cox, Figueroa, Kuehl, and Lowenthal.

NOES (0)—None.

Date of Hearing: 9/1/2005

Lowenthal (Chair)

Committee on Labor and Industrial Relations

AB 1734—Do pass as amended

AYES (5)—Senators Ackerman, Alarcón, Dunn, Kuehl, and Lowenthal.

NOES (1)—Senator Campbell.

Date of Hearing: 9/1/2005

Alarcón (Chair)

Committee on Veterans Affairs

SB 310—That the Assembly amendments be concurred in

AYES (4)—Senators Chesbro, Denham, Dunn, and Soto.

NOES (0)—None.

Date of Hearing: 9/1/2005

Morrow (Chair)



REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of Walter “Gene” J. Beck Jr. of Plymouth.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Charles “Chuck” Frederick Gadke of Tulare.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Friday, September 2, 2005.

PAULA K. ROSSETTO, Minute Clerk

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