

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, September 8, 2005

The Senate met at 10 a.m.
Hon. Gloria Romero, of the 24th 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, and Torlakson—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day to attend a funeral.)



PRAYER

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

Make us worthy, Lord, to serve others throughout the world who live and die in poverty or hunger. Give them, through our hands, this day their daily bread, and by our understanding love, give peace and joy.

(Mother Teresa, Indian Missionary)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 8, 2005

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

SB 1039

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 1039—An act to amend Section 4369.2 of the Welfare and Institutions Code, relating to compulsive gambling.

Bill 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 measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Constitutional Amendment 19: By Senator Battin—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 11 of Article IV thereof, relating to the Legislature.

Senate Concurrent Resolution 63: By Senator Florez (Principal coauthors: Senators Perata and Speier) (Coauthors: Senators Alquist, Ducheny, Escutia, Figueroa, Kuehl, Lowenthal, Machado, Ortiz, Romero, and Torlakson)—Relative to California school bus emissions reduction.



MOTIONS TO REFER MEASURES TO INACTIVE FILE

Without objection, **SB 821, AB1220, AB 1252, AB 1333, AB 1279** and **AB 1535** were placed on the inactive file.

Senator Dunn moved that **AB 352** and **AB 1405** be placed on the inactive file.

Motions carried.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill 962—An act to amend Sections 1507.3, 1524, 1538, 1562, 1562.3, and 1562.4 of, to add Section 1538.55 to, and to add and repeal Article 9 (commencing with Section 1567.50) to Chapter 3 of Division 2 of, the Health and Safety Code, and to add and repeal Article 3.5 (commencing with Section 4684.50) to Chapter 6 of Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 962?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 962)**

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 the Senate concurred in Assembly amendments to SB 962 by the following vote:

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

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

Above bill ordered enrolled.



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

Senate Bill 689—An act to amend Section 12811 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 689?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 616—An act to amend Section 6254.14 of the Government Code, and to amend Section 6126 of, and to add Sections 5024.3 and 5024.4 to the Penal Code, relating to health care services.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 616?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 618—An act to add Section 1203.8 to the Penal Code, relating to sentencing.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 618?



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, Campbell, Cedillo, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Murray, Ortiz, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 367—An act to amend Sections 10123.13, 10123.147, 12921.1, and 12921.3 of, and to add Sections 10123.137, 10133.66, and 10133.67 to, the Insurance Code, relating to health care coverage.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 367?

Roll Call

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

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

NOES (8)—Senators Ackerman, Battin, Cox, Denham, Dutton, Hollingsworth, Margett, and McClintock.

Above bill ordered enrolled.

Senate Bill 611—An act to add Article 6.5 (commencing with Section 110806) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 611?

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, Murray, Ortiz, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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

Above bill ordered enrolled.

(NOTE: Reconsideration granted later this day.)



Senate Bill 688—An act to add Section 51211 to the Education Code, relating to pupil health.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 688?

Roll Call

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

AYES (25)—Senators Alarcón, Alquist, Bowen, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Murray, Ortiz, Poochigian, Romero, Scott, Simitian, Speier, and Torlakson.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Hollingsworth, and McClintock.

Above bill ordered enrolled.

Senate Bill 360—An act to add Chapter 3.2 (commencing with Section 1916.50) to Title 4 of Part 4 of Division 3 of, the Civil Code, relating to loans.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 360?

Roll Call

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

AYES (21)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Murray, Ortiz, Romero, Scott, Simitian, Soto, and Torlakson.

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

Above bill ordered enrolled.

Senate Bill 567—An act to add Section 49535 to the Education Code, relating to pupil wellness.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 567?

Roll Call

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

AYES (30)—Senators Aanestad, Alarcón, Alquist, Bowen, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray,



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

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

Above bill ordered enrolled.

Senate Bill 190—An act to amend Section 15438.6 of the Government Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 190?

Urgency Clause

Urgency clause read and adopted by the following vote:

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

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

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, Battin, Bowen, Cedillo, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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

Above bill ordered enrolled.

Senate Bill 279—An act to add Article 18.5 (commencing with Section 2418) to Chapter 5 of Division 2 of the Business and Professions Code, relating to physicians and surgeons.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 279?

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, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Ortiz,



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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 581—An act to amend Sections 1812.80, 1812.84, 1812.85, and 1812.86 of, and to add Sections 1812.96 and 1812.97 to, the Civil Code, relating to health studios.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 581?

Roll Call

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

AYES (30)—Senators Alarcón, Alquist, Bowen, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

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

Above bill ordered enrolled.

Senate Bill 672—An act to amend Section 84810.5 of the Education Code, relating to community colleges.

Bill presented by Senator Cox.

The question being: Shall the Senate concur in the Assembly amendments to SB 672?

Roll Call

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

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

NOES (2)—Senators Ashburn and Hollingsworth.

Above bill ordered enrolled.

Senate Bill 61—An act to amend Section 1357.120 of, to amend the heading of Article 2 (commencing with Section 1363.05) of Chapter 4 of Title 6 of Part 4 of Division 2 of, and to add Sections 1363.03, 1363.04, and 1363.09 to, the Civil Code, relating to common interest developments.

Bill presented by Senator Battin.

The question being: Shall the Senate concur in the Assembly amendments to SB 61?



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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 675—An act to add Section 14607.9 to the Vehicle Code, relating to vehicles.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 675?

Roll Call

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

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

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

Above bill ordered enrolled.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 377** was referred to the Committee on Rules.

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

Senate Bill 755—An act to amend Sections 60611 and 60640, and to amend, repeal, and add Section 8669 of, of the Education Code, relating to pupils, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Poochigian.

The question being: Shall the Senate concur in the Assembly amendments to SB 755?



Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 780—An act to add Article 6.6 (commencing with Section 92675) to Chapter 6 of Part 57 of the Education Code, relating to the University of California.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 780?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 70—An act to add Section 88532 to the Education Code, and making an appropriation therefor.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 70?

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

NOES (0)—None.

Above bill ordered enrolled.



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 and presented by Senator Ortiz.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 644—An act to amend Sections 4314 and 4315 of, and to add Section 733 to, the Business and Professions Code, relating to healing arts.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 644?

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, Maldonado, Migden, Ortiz, Perata, Romero, Simitian, Speier, and Torlakson.

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

Above bill ordered enrolled.

Consideration of Governor's Appointment

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

Edward Cazalet, Ph.D., Member, Independent System Operator Governing 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 (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,

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

NOES (0)—None.

Consideration of Governor's Appointment

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

Kenneth Wiseman, Member, Independent System Operator Governing 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 (21)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Escutia, Florez, Hollingsworth, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Perata, Poochigian, Runner, and Simitian.

NOES (9)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Dunn, Kuehl, Ortiz, and Romero.

Consideration of Governor's Appointments

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

Loretta Doon, Member, California Lottery Commission;

John M. Mass, Member, California Lottery Commission.

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, 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, and Torlakson.

NOES (0)—None.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, September 8, 2005

Madam President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 4–0, has referred the following bill to committee:

SB 377 (Ortiz)—Health

PERATA, Chair

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

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

Mary Ann Lutz, Member, California Regional Water Quality Control Board, Los Angeles 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 (35)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointments

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

Kenny G. Chering, Ph.D., Member, Acupuncture Board;

Steven Tan, M.D., Member, Acupuncture Board;

Richard B. Rogers, Member, Fish and Game Commission;

Erin Garner, Member, Mining and Geology;

Seena N. Hoose, Member, Mining and Geology;

Julian C. Isham, Member, Mining and Geology;

Robert E. Tepel, Member, Mining and Geology;

Sophia D. Scherman, Member, Parks and Recreation Commission;

Acquanetta Warren, Member, Parks and Recreation Commission;

Nancy L. Wagner, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun;

David I. Wainwright, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun;

Catherine Banker, Member, Teacher Credentialing Commission;

Maytte Bustillos, Member, Teacher Credentialing Commission;

Paul Clopton, Member, Teacher Credentialing Commission;

Guillermo Gomez, Member, Teacher Credentialing Commission;

Gloria Grant, Member, Teacher Credentialing Commission;

Aida Molina, Member, Teacher Credentialing Commission;

Leslie Schwarze, Member, Teacher Credentialing Commission;

Jon Stordahl, Member, Teacher Credentialing Commission;

John W. Corbett, Member, California Regional Water Quality Control Board, North Coastal Region;

Eric T. Anderson, Member, California Regional Water Quality Control Board, San Diego Region;

Alan L. Barrett, Member, California Regional Water Quality Control Board, San Diego Region;

Daniel E. Johnson, Member, California Regional Water Quality Control Board, San Diego Region;

Jennifer L. Kraus, Ph.D., Member, California Regional Water Quality Control Board, San Diego Region;

Susan E. Ritschel, Member, California Regional Water Quality Control Board, San Diego Region;

John Muller, Member, California Regional Water Quality Control Board, San Francisco Bay Region;

John B. Withers, Member, California Regional Water Quality Control Board, Santa Ana Region.

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, 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, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

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

Bonny L. Herman, Member, California Regional Water Quality Control Board, Los Angeles 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 (24)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Campbell, Cedillo, Cox, Denham, Ducheny, Dunn, Dutton, Hollingsworth, Maldonado, Margett, McClintock, Migden, Morrow, Perata, Poochigian, Romero, Runner, Scott, and Speier.

NOES (2)—Senators Bowen and Soto.



**Consideration of Appointments by the Governor
Division of Question Demanded**

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

Robert Pacheco, Member Occupational Safety and Health Appeals Board
be taken up separately.

Consideration of Governor's Appointment

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

Joseph M. Miller, Member, Workers' Compensation 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 (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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

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

Robert Pacheco, 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 (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Soto, Speier, and Torlakson.

NOES (1)—Senator Simitian.



Consideration of Governor's Appointments

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

Elizabeth Lowe, Member, Independent System Operator Governing Board;

Mason Willrich, Member, Independent System Operator Governing 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 (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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

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

Hamid D. Nahai, Member, California Regional Water Quality Control Board, Los Angeles 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 (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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

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

Joan Borucki, Director of Motor Vehicles.

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

Consideration of Governor's Appointment

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

Donna L. Earley, Member, Southwest Low-Level Radioactive Waste 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 (26)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cedillo, Cox, Denham, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Maldonado, Margett, McClintock, Migden, Morrow, Perata, Poochigian, Romero, Runner, Scott, Speier, and Torlakson.

NOES (7)—Senators Chesbro, Ducheny, Dunn, Kuehl, Lowenthal, Machado, and Ortiz.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 466—An act to amend Section 12997.5 of, and to add and repeal Section 79452.3 of, the Water Code, relating to natural resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Speier.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

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



Roll Call

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

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

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

Bill ordered transmitted to the Assembly.

Assembly Bill 73—An act to add Article 5 (commencing with Section 110242) to Chapter 2 of Part 5 of Division 104 of the Health and Safety Code, relating to prescription drugs.

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.

REQUEST FOR UNANIMOUS CONSENT (ACR 37)

Senator Chesbro asked for, and was granted, unanimous consent that ACR 37 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 37

Assembly Concurrent Resolution 37—Relative to public broadcasting.

Resolution read.

Roll Call

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

AYES (22)—Senators Alquist, Bowen, Chesbro, Cox, Denham, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Romero, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1597—An act to add Chapter 1.5 (commencing with Section 120780) to Part 4 of Division 105 of the Health and Safety Code, relating to drug paraphernalia.

Bill read third time and presented by Senator Migden.

The roll was called.



CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1297—An act to add Section 17591.5 to the Education Code, relating to school facilities.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1385—An act to add Section 49561 to the Education Code, relating to pupil 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 (27)—Senators Ackerman, Alarcón, Alquist, Bowen, Campbell, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Kehoe, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (5)—Senators Ashburn, Cox, Hollingsworth, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

Assembly Bill 1655—An act to amend Section 68120 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Dunn.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (2)—Senators Aanestad and McClintock.



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, Florez, Hollingsworth, Kehoe, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (2)—Senators Aanestad and McClintock.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Dutton.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1235—An act to amend Section 1337.6 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 (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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 7, 2005

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

SB 674

Above measure ordered enrolled.



Assembly Chamber, September 7, 2005

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

SB 159	SB 347	SB 399
SB 1102	SB 60	

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

Above measures ordered to unfinished business file.

Assembly Chamber, September 7, 2005

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

ACR 92

Assembly Chamber, September 7, 2005

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

AB 405

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 92—Relative to California Rice Month.

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

Senate Chamber, September 8, 2005

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

AB 1037

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

MACHADO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1037—An act to amend Section 25120 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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



Committee on Health

September 8, 2005

Madam President: The Committee on Health, to which were referred:

SB 131

SB 377

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

ORTIZ, Chair

Above measures ordered to unfinished business.

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

Assembly Bill 1383—An act to add and repeal Chapter 5.6 (commencing with Section 25460) of Division 15 of the Public Resources Code, relating to energy.

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

Bill read third time and presented by Senator Speier.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 13—An act to add Article 3.5 (commencing with Section 221.2) to Chapter 2 of Part 1 of the Education Code, relating to schools.

Bill read third time and presented by Senator Alarcón.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 216—An act to amend Section 14556.30 of the Government Code, and to amend Sections 30914 and 30914.5 of the Streets and Highways Code, relating to transportation.

Bill read third time and presented by Senator Torlakson.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1011—An act to amend Sections 12400, 12401, 12406, and 12811.5 of, to add Sections 12836.5 and 12836.6 to, and to repeal Section 12404 of the Food and Agricultural Code, relating to pesticides.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1351—An act to amend Section 170070 of the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 67—An act to amend Section 2827.10 of, and to add Section 747 to, the Public Utilities Code, relating to energy.

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 (29)—Senators Ackerman, Alarcón, Alquist, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock,



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

NOES (3)—Senators Aanestad, Ashburn, and Battin.

Bill ordered transmitted to the Assembly.

Assembly Bill 593—An act to add and repeal Chapter 11.7 (commencing with Section 66970) of Part 40 of the Education Code, to amend Sections 11011 and 54221 of, and to add and repeal Part 11.5 (commencing with Section 15870) of Division 3 of Title 2 of, the Government Code, relating to state property.

Bill read third time and presented by Senator Alquist.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1045—An act to amend Sections 1339.56 and 1339.59 of, to add Section 1339.585 to, and to repeal Section 1339.57 of, the Health and Safety Code, relating to the Payers' Bill of Rights.

Bill read third time and presented by Senator Speier.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1357—An act to amend Section 25722.5 of the Public Resources Code, relating to state purchases.

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

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

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

NOES (2)—Senators Campbell and McClintock.

Bill ordered transmitted to the Assembly.

Senator Perata Presiding**REQUEST FOR UNANIMOUS CONSENT (ACR 86)**

Senator Lowenthal asked for, and was granted, unanimous consent that ACR 86 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 86

Assembly Concurrent Resolution 86—Relative to emergency assistance.

Resolution read.

Roll Call

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly

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

Senate Bill 771—An act to amend Sections 39630, 39631, and 39632 of, and to amend the heading of Chapter 3.3 (commencing with Section 39630) of Part 2 of Division 26 of, the Health and Safety Code, and to amend Sections 72410, 72420, 72440, and 72441 of, to amend the heading of Division 38 (commencing with Section 72400) of, to amend and repeal Sections 72400 and 72430 of, to add Sections 72420.2, 72423, and 72440.1 to, to add and repeal Sections 72401 and 72420.1 of, to repeal Division 39 (commencing with Section 72500) of, and to repeal and add Sections 72421 and 72425 to, the Public Resources Code, relating to vessels.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 771?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 314—An act to amend Section 10214.5 of the Unemployment Insurance Code, relating to employment training.

Bill presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 314?

Roll Call

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

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

NOES (10)—Senators Aanestad, Ackerman, Battin, Cox, Dutton, Hollingsworth, Margett, McClintock, Morrow, and Runner.

Above bill ordered enrolled.

Senate Bill 800—An act to amend, repeal, and add Section 25253 of, and to add and repeal Section 21089 of, the Vehicle Code, relating to vehicles.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 800?

Roll Call

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

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

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

Above bill ordered enrolled.



Senate Bill 833—An act to add Section 17538.43 to the Business and Professions Code, relating to advertising.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 833?

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, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 319—An act to amend Section 47660 of, and to add Section 42241.3 to, the Education Code, relating to public education funding.

Bill presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 319?

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, Denham, Ducheny, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Ortiz, Perata, Romero, Scott, Soto, Speier, and Torlakson.

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

Above bill ordered enrolled.

Senate Bill 954—An act to add Sections 12103.5, 12104, and 12104.5 to the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 954?

Urgency Clause

Urgency clause to SB 954 read and adopted 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 776—An act to amend Section 32127.3 of, and to add Section 32130.6 to the Health and Safety Code, relating to health care districts.

Bill presented by Senator Runner.

The question being: Shall the Senate concur in the Assembly amendments to SB 776?

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

NOES (0)—None.

Above bill ordered enrolled.

COMMUNICATION

The following letter of intent was ordered printed in the Journal:

September 7, 2005

Mr. Gregory Schmidt
Secretary of the Senate

Dear Mr. Schmidt:

I am respectfully submitting this letter to the Senate Journal to clarify the intent of Senate Bill 776 that was introduced in the 2005–06 legislative session.

The purpose of Senate Bill 776 is to provide California healthcare districts access to federally insured loans through the United States Department of Housing and Urban Development. Other states and private



hospitals currently have access to these loans, which have as their first priority seismic retrofitting.

To further clarify what this legislation will not do, I would like to note the view of the Antelope Valley Healthcare District (AVHD) expressed in a letter dated August 24, 2005, "AVHD is concerned that recent confusion surrounding a local political issue could impede the progress of SB 776. We would like to take this opportunity to clarify the situation. Antelope Valley Healthcare District has no intention of applying for the federally insured hospital loans specified in SB 776 ("Section 242" and "Section 243" loans) for the purpose of acquiring land via eminent domain in the City of Palmdale, California. AVHD wishes to avoid any adverse impact this issue may have had on the passage of SB 776, and hopes that this serves to clear up any lingering misunderstanding."

This should clarify the issue surrounding the Antelope Valley Healthcare District and the purpose and intent of the Senate Bill 776.

Sincerely,

GEORGE C. RUNNER, JR.
State Senator, 17th District

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

Senate Bill 854—An act to amend Section 8484.8 of, and to add Sections 8484.75 and 8484.9 to, the Education Code, relating to afterschool programs, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ashburn.

The question being: Shall the Senate concur in the Assembly amendments to SB 854?

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

NOES (2)—Senators Hollingsworth and McClintock.

Above bill ordered enrolled.

Senator Speier Presiding

TRIBUTE TO KEITH FELTE

Senator Perata requested the Senate pay tribute to Keith Felte, Deputy Executive Officer of the Senate Committee on Rules, on the occasion of his retirement after many years of service to the legislature.



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

Senate Bill 137—An act to amend Sections 1365.1 and 1367.1 of, to add Sections 1363.001, 1367.4, and 1367.5 to, and to repeal Section 1366.3 of, the Civil Code, and to amend Section 116.540 of, and to add Section 729.035 to, the Code of Civil Procedure, relating to common interest developments.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 137?

Roll Call

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

AYES (29)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Denham, Ducheny, Dunn, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (3)—Senators Ackerman, Cox, and Dutton.

Above bill ordered enrolled.

Senate Bill 941—An act to amend Sections 1797.98a and 1797.98c of, and to amend and repeal Section 1797.98e of, the Health and Safety Code, and to amend Sections 16952, 16953.3, 16955, and 16956 of, and to add Sections 16952.1 and 16956.5 to, the Welfare and Institutions Code, relating to emergency medical services.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 941?

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 8—An act to add Section 87406.3 to the Government Code, relating to the Political Reform Act of 1974.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 8?



Roll Call

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

AYES (27)—Senators Alarcón, Alquist, Battin, Bowen, Cedillo, Denham, Dunn, Dutton, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (7)—Senators Aanestad, Ackerman, Ashburn, Campbell, Cox, Hollingsworth, and Runner.

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Date of Hearing, September 8, 2005

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

AB 1179

Reports the same back with the recommendation: Do pass.

DUNN, Chair

Above bill ordered to second reading.

Committee on Rules

State Capitol, September 8, 2005

Madam President: The Senate Rules Committee, on a vote of 3–2, has withdrawn AB 54 (Negrete McLeod) from committee and returns it to the Senate Floor for consideration.

PERATA, Chair

SECOND READING OF ASSEMBLY BILLS OUT OF ORDER

Assembly Bill 1179—An act to add Title 1.2A (commencing with Section 1746) to Part 4 of Division 3 of the Civil Code, relating to violent video games.

Bill read second time and ordered to third reading.

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

Senate Bill 20—An act to amend Sections 11629.7, 11629.71, 11629.72, 11629.73, 11629.731, 11629.74, 11629.75, 11629.76, 11629.77, 11629.78, 11629.79, 11629.8, 11629.81, 11629.84, and 11629.85 of, to amend the heading of Article 5.5 (commencing with Section 11629.7) of, and to repeal Article 5.6 (commencing with Section 11629.9) of Chapter 1 of Part 3 of Division 2 of, the Insurance Code, and to amend Sections 4000.37, 4000.38, 16020.1, 16020.2, and 16056.1 of the Vehicle Code, relating to auto insurance.

Bill presented by Senator Escutia.



The question being: Shall the Senate concur in the Assembly amendments to SB 20?

Roll Call

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

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

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

Above bill ordered enrolled.

Senator Perata Presiding

Senate Bill 23—An act to amend Sections 12693.43 and 12693.92 of, and to add Section 12693.335 to, the Insurance Code, and to add Article 7.5 (commencing with Section 1120) to Chapter 4 of Part 1 of Division 1 of the Unemployment Insurance Code, relating to children's health insurance.

Bill presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 23?

Roll Call

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

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

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

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 60)

Senator Cedillo asked for, and was granted, unanimous consent to take up SB 60 at this time, without reference to file.

Consideration of Senate Bill 60

Consideration of Assembly Amendments

Senate Bill 60—An act to amend, repeal, and add Section 12801.5 of, to add Sections 1653.6 and 12801.1 to, to add and repeal Section 12801.9 of, and to repeal Section 14610.7 of, the Vehicle Code, relating to vehicles.

Measure presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 60?



Roll Call

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

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

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Machado, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Above measure ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 37—An act to amend Section 35179.1 of, and to add Article 6.5 (commencing with Section 49030) to Chapter 6 of Part 27 of, the Education Code, relating to pupils.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 37?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 967—An act to add Section 56328.5 to the Government Code, relating to local agency formation commissions.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 967?

Roll Call

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

AYES (34)—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, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 316—An act to add Section 2250 to the Elections Code, and to add Section 1679 to the Vehicle Code, relating to voter registration information.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 316?

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 798—An act to add Division 116 (commencing with Section 150200) to the Health and Safety Code, relating to pharmaceuticals.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 798?

Roll Call

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

AYES (30)—Senators Aanestad, Alarcón, Alquist, Ashburn, Bowen, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (5)—Senators Ackerman, Battin, Hollingsworth, McClintock, and Morrow.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2005

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

SB 1100



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

Above measure ordered to unfinished business file.

Assembly Chamber, September 8, 2005

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

AB 721	AB 1001	AB 1199	AB 1565
AB 823	AB 1086	AB 1349	
AB 953	AB 1097	AB 1462	
AB 962	AB 1136	AB 1480	

E. DOTSON WILSON, Chief Clerk of the Assembly

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 500—An act to amend Sections 300, 362.1, 11400, 11401, and 11465 of, and to add Section 16501.25 to, the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 500?

Roll Call

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

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

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

Above bill ordered enrolled.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 1100** was re-referred to the Committee on Rules.

MOTION TO RE-REFER TO COMMITTEE

Without objection, pursuant to Senate Rule 29.10 **SB 1100** was re-referred to the Committee on Health.



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

Senate Bill 820—An act to amend Sections 5000, 5001, 5003, 5004, 5005, 5009, 5101, 5107, 10004.5, 10004.6, 10620, 10631, 10642, 10644, 10645, 10656, 10753.7, 10814, 10816, 10840, 10841, 10844, and 12924 of, to add Sections 142, 5010, 5011, 10826.1, and 10826.2 to, to repeal Sections 4999, 10822, 10823, 10824, and 10855 of, and to repeal and add Sections 10657, 10811, 10820, 10821, 10825, 10826, 10845, 10853, and 10854 of, the Water Code, relating to water.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 820?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (AB 54)

Senator Chesbro asked for, and was granted, unanimous consent to take up AB 54 at this time, without reference to file.

Consideration of Assembly Bill 54

Assembly Bill 54—An act to amend Section 11011.21 of the Government Code, to amend Section 12 of Chapter 1087 of the Statutes of 1985, and to amend Section 10 of Chapter 974 of the Statutes of 2002, relating to state property, and making an appropriation therefor.

Roll Call

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

AYES (27)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Perata, Poochigian, Scott, and Soto.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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

Senate Bill 65—An act to amend Sections 2558.46, 42238.146, 56836.11, and 56836.165 of the Education Code, to amend Section 17581.5 of the Government Code, to amend Items 6110-001-0890, 6110-107-0001, 6110-156-0890, 6110-161-0001, 6110-161-0890, 6110-228-0001, 6110-243-0001, and 8860-001-0001 of Section 2.00 of, to



amend Section 12.75 of Section 2.00 of, to add Item 6110-493 to Section 2.00 of, and to repeal Item 6110-182-0001 of Section 2.00 of, Chapter 38 of the Statutes of 2005, to amend Sections 20 and 21 of Chapter 39 of the Statutes of 2005, and to amend Sections 30, 31, and 32 of Chapter 73 of the Statutes of 2005, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 65?

Urgency Clause

Urgency clause read and adopted 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 67—An act to amend Sections 68085, 68085.7, and 68085.8 of, and to add Section 68085.9 to, the Government Code, and to amend Sections 1203.4, 1203.45, and 1214.1 of the Penal Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 67?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Runner, Scott, Soto, and Torlakson.

NOES (0)—None.



Roll Call

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

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Runner, Scott, Soto, and Torlakson.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 72—An act to add Article 8 (commencing with Section 60120) to Chapter 1 of Part 33 of the Education Code, relating to instructional materials, and making an appropriation therefor.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 72?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Health**

September 8, 2005

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

SB 1100

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

ORTIZ, Chair

Above measure ordered to unfinished business.

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

Senate Bill 73—An act relating to public postsecondary education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 73?



Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, Ortiz, Perata, Poochigian, Romero, Scott, Soto, and Torlakson.

NOES (2)—Senators Aanestad and McClintock.

Roll Call

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

AYES (27)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, Ortiz, Perata, Poochigian, Romero, Scott, Soto, and Torlakson.

NOES (2)—Senators Aanestad and McClintock.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 1100)

Senator Perata asked for, and was granted, unanimous consent to take up SB 1100 at this time, without reference to file.

Consideration of Senate Bill 1100

Consideration of Assembly Amendments

Senate Bill 1100—An act to add and repeal Article 5.2 (commencing with Section 14166) of Chapter 7 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to hospitals, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 1100?

Urgency Clause

Urgency clause read and adopted by the following vote:

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

Roll Call

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

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl,



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

NOES (0)—None.

Above measure ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill 36—An act to add Section 85310.7 to the Government Code, relating to the Political Reform Act of 1974, 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.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 159—An act to add and repeal Section 4011.10 of the Penal Code, relating to health care.

Bill presented by Senator Runner.

The question being: Shall the Senate concur in the Assembly amendments to SB 159?

Roll Call

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

AYES (32)—Senators Aanestad, Alarcón, Alquist, Ashburn, Battin, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Ortiz, Perata, Poochigian, Runner, Scott, Soto, and Torlakson.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 347—An act to amend Section 12670.11 of the Water Code, relating to water.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 347?



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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 399—An act to amend Section 23004.1 of the Government Code, and to amend Section 14124.791 of, and to add Section 14124.792 to, the Welfare and Institutions Code, relating to health services.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 399?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 1102—An act to amend Section 8690.6 of the Government Code, relating to emergencies, and making an appropriation therefor.

Bill presented by Senator Hollingsworth.

The question being: Shall the Senate concur in the Assembly amendments to SB 1102?

Roll Call

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

AYES (33)—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, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Soto, and Torlakson.

NOES (0)—None.

Above bill ordered enrolled.



Senate Bill 131—An act to add Sections 14132.101 and 14132.102 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 131?

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, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, and Torlakson.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 385—An act to amend Sections 60640 and 60850 of the Education Code, relating to pupil assessment.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 385?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 73)

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 73 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1597)**

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

Roll Call

The names of the absentees were called and AB 1597 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1297)**

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

Roll Call

The names of the absentees were called and AB 1297 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1383)**

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 1383 was passed by the following vote:

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



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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 873)**

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

Roll Call

The names of the absentees were called and AB 873 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, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 216)**

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

Roll Call

The names of the absentees were called and AB 216 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, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Morrow, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 593)**

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



Roll Call

The names of the absentees were called and AB 593 was passed by the following vote:

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

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, 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 (AB 1045)**

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

Roll Call

The names of the absentees were called and AB 1045 was passed by the following vote:

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

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.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2005

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

SB 536	SB 643	SB 455	SB 586
SB 580	SB 650	SB 457	SB 826
SB 658	SB 186	SB 701	SB 959
SB 231	SB 283	SB 436	
SB 666	SB 365	SB 453	

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

Above measures ordered to unfinished business file.

Assembly Chamber, September 8, 2005

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

SCR 61

Above resolution ordered enrolled.



Assembly Chamber, September 8, 2005

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

AB 7	AB 338	AB 1098	AB 1104
AB 1698	AB 1721	AB 1736	

E. DOTSON WILSON, Chief Clerk of the Assembly

REQUESTS TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Perata:

Senate Chamber, September 8, 2005

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(14) in order that AB 1662, AB 1735, and AB 1576 may be amended on the floor after the deadline.

SENATOR PERATA

The following request was presented by Senator Alquist:

Senate Chamber, September 8, 2005

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(14) in order that AB 632 may be amended on the floor after the deadline.

SENATOR ALQUIST

The following request was presented by Senator Kuehl:

Senate Chamber, September 7, 2005

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(14) in order that AB 22 and AB 1179 may be amended on the floor after the deadline.

SENATOR KUEHL

Recommendation of Rules Committee

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

PERATA, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(14) be dispensed with as requested.

Resolution read and presented by Senator Perata.

Roll Call

The roll was called and the resolution was adopted 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.



CONSIDERATION OF DAILY FILE (RESUMED)**Consideration of Assembly Bill 1179**

Assembly Bill 1179—An act to add Title 1.2A (commencing with Section 1746) to Part 4 of Division 3 of the Civil Code, relating to violent video games.

Bill read third time and presented by Senator Kuehl.

Motion to Amend

Senator Kuehl moved the adoption of amendments to AB 1179.

Amendments read and adopted.

Consideration of Assembly Bill 1179 as Amended

Assembly Bill 1179—An act to add Title 1.2A (commencing with Section 1746) to Part 4 of Division 3 of the Civil Code, relating to violent video games.

Roll Call

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

AYES (22)—Senators Aanestad, Alarcón, Alquist, Bowen, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Maldonado, Margett, Migden, Ortiz, Perata, Scott, Soto, Speier, and Torlakson.

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

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)**Consideration of Assembly Bill 22**

Assembly Bill 22—An act to add Sections 52.5 and 1670.7 to the Civil Code, to add Article 8.8 (commencing with Section 1038) to Chapter 4 of Division 8 of the Evidence Code, to amend Section 13956 of the Government Code, and to amend Sections 186.2, 273.7, 1202.4, and 14023 of, to add Sections 236.1 and 236.2 to, and to add and repeal Title 6.7 (commencing with Section 13990) to Part 4 of, the Penal Code, relating to human trafficking.

Bill read third time and presented by Senator Kuehl.

Motion to Amend

Senator Kuehl moved the adoption of amendments to AB 22.

Amendments read and adopted.

Consideration of Assembly Bill 22 as Amended

Assembly Bill 22—An act to add Section 52.5 to the Civil Code, to add Article 8.8 (commencing with Section 1038) to Chapter 4 of Division 8 of the Evidence Code, to amend Section 13956 of the Government Code, and to amend Sections 186.2, 273.7, 1202.4, and 14023 of, to add



Sections 236.1 and 236.2 to, and to add and repeal Title 6.7 (commencing with Section 13990) to Part 4 of, the Penal Code, relating to human trafficking.

Bill read.

Roll Call

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

AYES (28)—Senators Alarcón, Alquist, Ashburn, Bowen, Cedillo, Chesbro, Cox, Denham, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Soto, Speier, and Torlakson.

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

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 377—An act relating to health care coverage, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 377?

Roll Call

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

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

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

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1576—An act to add Section 454.6 to the Public Utilities Code, relating to public utilities.

Bill read third time.

Motion to Amend

Senator Dunn moved the adoption of amendments to AB 1576.

Amendments read and adopted.

Consideration of Assembly Bill 1576 as Amended

Assembly Bill 1576—An act to add Section 454.6 to the Public Utilities Code, relating to public utilities.

Bill read.



Roll Call

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

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1351)**

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

Roll Call

The names of the absentees were called and AB 1351 was passed by the following vote:

AYES (29)—Senators Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Migden, Morrow, Ortiz, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Campbell, Machado, Maldonado, Margett, McClintock, and Poochigian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)**Consideration of Assembly Bill 1263**

Assembly Bill 1263—An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.

Bill read third time.

Motion to Amend

Senator Alquist moved the adoption of amendments to AB 1263.

Amendments read and adopted.

Consideration of Assembly Bill 1263 as Amended

Assembly Bill 1263—An act to add Section 7350.1 to the Business and Professions Code, relating to barbering and cosmetology.

Bill read.

Roll Call

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

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

Machado, Migden, Ortiz, Perata, Romero, Scott, Simitian, Speier, and Torlakson.

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

Bill ordered transmitted to the Assembly.

Consideration of Assembly Bill 1735

Assembly Bill 1735—An act to amend Section 14105.19 of, and to add and repeal Section 14105.195 of, the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1735.

Amendments read and adopted.

Consideration of Assembly Bill 1735 as Amended

Assembly Bill 1735—An act to amend Section 14104.19 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Bill read.

Urgency Clause

Urgency clause read and adopted 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, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (1)—Senator McClintock.

Roll Call

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

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

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.



Consideration of Assembly Bill 632

Assembly Bill 632—An act to add and repeal Chapter 3 (commencing with Section 9000) to Title 9 of Part 3 of the Penal Code, relating to sex offenders.

Bill read third time.

Motion to Amend

Senator Alquist moved the adoption of amendments to AB 632.

Amendments read and adopted.

Consideration of Assembly Bill 632 as Amended

Assembly Bill 632—An act to add and repeal Chapter 3 (commencing with Section 9000) to Title 9 of Part 3 of the Penal Code, relating to sex offenders.

Bill read.

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, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.
NOES (0)—None.

Bill ordered transmitted to the Assembly.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 701** was re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)****Consideration of Assembly Bill 1662**

Assembly Bill 1662—An act to amend Sections 33590, 56001, 56028, 56028.5, 56043, 56138, 56171, 56172, 56173, 56175, 56176, 56177, 56205, 56301, 56304, 56320, 56321, 56325, 56329, 56341, 56341.1, 56341.5, 56344, 56345.1, 56363, 56380, 56381, 56385, 56500.2, 56500.3, 56500.4, 56502, 56506, 56507, 56515, 56838, and 56841 of, to amend, repeal, and add Section 56505 of, to add Sections 56020.5, 56033.5, 56040.5, 56302.1, 56321.1, 56380.1, 56501.5, 56509, and 56844 to, to add Article 3.9 (commencing with Section 56058) to Chapter 1 of Part 30 of, to repeal Sections 56435 and 56449 of, and to repeal and add Sections 56337, 56345, 56346, 56837, and 56842 of, the Education Code, and to amend Section 7579.5 of, and to add Section 7579.6 to, the Government Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

Bill read third time.



Motion to Amend

Senator Scott moved the adoption of amendments to AB 1662.
Amendments read and adopted.

Consideration of Assembly Bill 1662 as Amended

Assembly Bill 1662—An act to amend Sections 33590, 56001, 56028, 56028.5, 56043, 56138, 56171, 56172, 56173, 56175, 56176, 56177, 56205, 56301, 56304, 56320, 56321, 56325, 56329, 56341, 56341.1, 56341.5, 56344, 56345.1, 56363, 56380, 56381, 56385, 56500.2, 56500.3, 56500.4, 56502, 56506, 56507, 56515, 56838, and 56841 of, to amend, repeal, and add Section 56505 of, to add Sections 56020.5, 56033.5, 56040.5, 56302.1, 56321.1, 56380.1, 56501.5, 56509, and 56844 to, to add Article 3.9 (commencing with Section 56058) to Chapter 1 of Part 30 of, to repeal Sections 56435 and 56449 of, and to repeal and add Sections 56337, 56345, 56346, 56837, and 56842 of, the Education Code, and to amend Section 7579.5 of, and to add Section 7579.6 to, the Government Code, relating to special education, and declaring the urgency thereof, to take effect immediately.

Bill read.

Roll Call

The roll was called and the bill was passed 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER (SB 611)

Senator Speier moved to reconsider the vote whereby the Senate concurred in Assembly amendments to SB 611.

Roll Call

The roll was called and reconsideration was granted 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Measure ordered returned to unfinished business.



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

Senate Bill 1081—An act relating to resources, and making an appropriation therefor.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 1081?

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, Machado, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (ACR 74)

Senator Kehoe asked for, and was granted, unanimous consent that ACR 74 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 74

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

Resolution read.

Roll Call

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

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

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

Resolution ordered transmitted to the Assembly

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 820)

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 the Senate concurred in Assembly amendments to SB 820 by the following vote:

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

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Maldonado, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 13)**

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

Roll Call

The names of the absentees were called and AB 13 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 72)**

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 the Senate concurred in Assembly amendments to SB 72 by the following vote:

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

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

Above bill ordered enrolled.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 385)**

On motion of Senator Ducheny, 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 385 by the following vote:

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

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

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, September 8, 2005

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3–2, has recommended that SB 701 (Migden) be taken up for consideration on the Senate Floor.

PERATA, Chair

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

Senate Bill 231—An act to amend Sections 125.3, 802, 802.1, 805.2, 2001, 2020, 2027, 2220.08, 2225, 2343, and 2435 of, to add Sections 473.16, 2026, 2334, 2435.2, and 2435.3 to, to add and repeal Sections 2006 and 2358 of, and to repeal Article 14 (commencing with Section 2340) of Chapter 5 of Division 2 of, the Business and Professions Code, to repeal Section 364.1 of the Code of Civil Procedure, and to amend Sections 11371, 11508, and 11523 of, to amend, repeal, and add Sections 12529 and 12529.5 to add Section 12529.7 to, and to add and repeal Section 12529.6 of, the Government Code, relating to healing arts, and making an appropriation therefor.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 231?

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, Machado,

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

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

Above bill ordered enrolled.

Senate Bill 536—An act to amend Section 25354.5 of the Health and Safety Code, relating to hazardous substances, and making an appropriation therefor.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 536?

Roll Call

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

AYES (33)—Senators Aanestad, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Romero, Runner, Scott, Simitian, Speier, and Torlakson.

NOES (1)—Senator Ackerman.

Above bill ordered enrolled.

Senate Bill 580—An act to add Section 12803.4 to the Government Code, and to amend Sections 382.1 and 739.1 of the Public Utilities Code, relating to low-income utility assistance programs.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 580?

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, Cox, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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

Above bill ordered enrolled.

Senate Bill 658—An act to add and repeal Chapter 10 (commencing with Section 31500) of Division 21 of the Public Resources Code, and to



add and repeal Sections 9250.25 and 9250.26 of the Vehicle Code, relating to coastal resources, and making an appropriation therefor.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 658?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 666—An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

Bill presented by Senator Aanestad.

The question being: Shall the Senate concur in the Assembly amendments to SB 666?

Roll Call

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

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Runner, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator Chesbro.

Above bill ordered enrolled.

Senate Bill 643—An act to amend Section Sections 4688.5 and 14043.26 of, and to add Section 14132.99 to, the Welfare and Institutions Code, relating to health care.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 643?

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, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Machado,



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

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 650—An act to amend Section 104322 of the Health and Safety Code, relating to prostate cancer, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 650?

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (6)—Senators Aanestad, Ashburn, Campbell, Hollingsworth, McClintock, and Runner.

Roll Call

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

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

NOES (6)—Senators Aanestad, Ashburn, Campbell, Hollingsworth, McClintock, and Runner.

Above bill ordered enrolled.

Senate Bill 436—An act to amend Section 10609.4 of the Welfare and Institutions Code, relating to foster care.

Bill presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 436?

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,



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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 453—An act to amend Section 30063 of the Government Code, and to amend Sections 14171, 14173, and 14175 of, to amend and renumber Section 14174.3 of, and to repeal Sections 14172 and 14174 of, the Penal Code, relating to local law enforcement, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Poochigian.

The question being: Shall the Senate concur in the Assembly amendments to SB 453?

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 586—An act to add and repeal Section 60852.3 to the Education Code, relating to pupils.

Bill presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 586?

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, Machado, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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

Above bill ordered enrolled.



Senate Bill 826—An act to amend Section 12878.1 of the Water Code, relating to water.

Bill presented by Senator Maldonado.

The question being: Shall the Senate concur in the Assembly amendments to SB 826?

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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 959—An act to amend Sections 20340 and 20341 of the Public Contract Code, and to amend Sections 120100, 120105, 120220, 120224.1, 120224.3, 120224.4, 120260, 120264, 120300, 120301, 120302, 120351, 120352, 120355, 120400, 120452, 120508, 120540, 120630, and 120631 of, to add Section 120220.5 to, to repeal Sections 120262 and 120353 of, and to repeal and add Sections 120202, 120222, and 120350 of, the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 959?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 186—An act to amend Sections 374 and 411 of the Streets and Highways Code, relating to highways.

Bill presented by Senator Battin.

The question being: Shall the Senate concur in the Assembly amendments to SB 186?



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

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 365—An act to repeal and add Section 6307 of the Public Resources Code, relating to tidelands and submerged lands, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 365?

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (1)—Senator McClintock.

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, Campbell, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Speier, and Torlakson.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 455—An act to amend Sections 12996.5, 12997.5, and 12999.5 of, and to add Section 12999.3 to the Food and Agricultural Code, relating to pest control.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 455?



Roll Call

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

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

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Dutton, Hollingsworth, Machado, Maldonado, Margett, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered enrolled.

Senate Bill 457—An act to amend Section 8686 of the Government Code, and to amend Sections 218, 17207, and 24347.5 of, and to add Sections 195.98, 195.99, and 195.100 to, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 457?

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

NOES (0)—None.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2005

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

AB 23	AB 403	AB 820	AB 1646
AB 118	AB 477	AB 911	AB 1734
AB 137	AB 491	AB 964	AB 1753
AB 240	AB 554	AB 1031	
AB 256	AB 726	AB 1170	
AB 302	AB 795	AB 1623	

Assembly Chamber, September 8, 2005

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

ACR 93

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURE

The following measure was read the first time and held at desk:

Assembly Concurrent Resolution 93—Relative to California Economic Literacy Week.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 701—An act to add and repeal Article 15.2 (commencing with Section 8335) to Chapter 2 of Part 6 of the Education Code, relating to child care, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Migden.

The question being: Shall the Senate concur in the Assembly amendments to SB 701?

Roll Call

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

AYES (28)—Senators Ackerman, Alarcón, Alquist, Ashburn, Bowen, Chesbro, Cox, Denham, Dunn, Escutia, Figueroa, Florez, Kehoe, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (2)—Senators Hollingsworth and McClintock.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (ACR 51)

Senator Romero asked for, and was granted, unanimous consent that ACR 51 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 51

Assembly Concurrent Resolution 51—Relative to State Employee Appreciation Month.

Resolution read.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Bowen, Campbell, Cedillo, Chesbro, Cox, Denham, Dunn, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz,



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

NOES (0)—None.

Resolution ordered transmitted to the Assembly

REQUEST FOR UNANIMOUS CONSENT (ACR 83)

Senator Romero asked for, and was granted, unanimous consent that ACR 83 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 83

Assembly Concurrent Resolution 83—Relative to White Cane Safety Day.

Resolution read.

Roll Call

The roll was called and the measure was adopted 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

REQUEST FOR UNANIMOUS CONSENT (AJR 30)

Senator Speier asked for, and was granted, unanimous consent that AJR 30 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Joint Resolution 30

Assembly Joint Resolution 30—Relative to Women's Equality Day.

Resolution read.

Roll Call

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

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

NOES (1)—Senator Ashburn.

Resolution ordered transmitted to the Assembly

REQUEST FOR UNANIMOUS CONSENT (ACR 92)

Senator Hollingsworth asked for, and was granted, unanimous consent that ACR 92 be withdrawn from committee and taken up at this time, without reference to file.



Consideration of Assembly Concurrent Resolution 92

Assembly Concurrent Resolution 92—Relative to California Rice Month.

Resolution read.

Roll Call

The roll was called and the measure was adopted 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

REQUEST FOR UNANIMOUS CONSENT (ACR 93)

Senator Hollingsworth asked for, and was granted, unanimous consent to take up ACR 93 at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 93

Assembly Concurrent Resolution 93—Relative to California Economic Literacy Week.

Roll Call

The roll was called and the measure was adopted 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, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 36)**

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 36 was refused adoption by the following vote:

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



McClintock, Migden, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 761)**

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

Roll Call

The names of the absentees were called and AB 761 was refused passage by the following vote:

AYES (18)—Senators Alarcón, Alquist, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Kehoe, Kuehl, Lowenthal, Migden, Murray, Ortiz, Perata, Romero, Simitian, Soto, and Torlakson.

NOES (20)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cox, Denham, Ducheny, Dutton, Florez, Hollingsworth, Machado, Maldonado, Margett, McClintock, Morrow, Poochigian, Runner, Scott, and Speier.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1027)**

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

Roll Call

The names of the absentees were called and AB 1027 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 959)**

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

Roll Call

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

AYES (28)—Senators Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Kehoe, Kuehl,



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

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Denham, Hollingsworth, Maldonado, McClintock, and Poochigian.

Above bill ordered enrolled.

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

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

Roll Call

The names of the absentees were called and AB 1011 was passed by the following vote:

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

NOES (2)—Senators McClintock and Morrow.

Motion to Reconsider

Senator Kuehl moved to reconsider the vote whereby AB 1011 was passed.

Roll Call

The roll was called and reconsideration was granted 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, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (0)—None.

Motion to Reconsider Deemed Out of Order

The motion to reconsider the vote whereby AB 1011 was passed was deemed out of order pursuant to Senate Rule 43.

Above bill ordered transmitted to the Assembly.

**REPORTS OF STANDING COMMITTEES
Committee on Natural Resources and Water**

Senate Chamber, September 8, 2005

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

AB 1665



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

KUEHL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1665—An act to amend Section 8521 of, to add Sections 8327, 8523, and 8524 to, and to add Article 8 (commencing with Section 8725) to Chapter 3 of, to add Chapter 9 (commencing with Section 9110) to, and to add Chapter 10 (commencing with Section 9150) to, Part 4 of Division 5 of, the Water Code, relating to flood control, 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.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2005

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

SB 600

SB 239

SB 281

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.

REQUEST FOR UNANIMOUS CONSENT (SB 239)

Senator Romero asked for, and was granted, unanimous consent to take up SB 239 at this time, without reference to file.

Consideration of Senate Bill 239

Consideration of Assembly Amendments

Senate Bill 239—An act to add Section 6357 to the Penal Code, relating to prisoners.

Measure presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 239?

Roll Call

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

AYES (22)—Senators Alquist, Campbell, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Ortiz, Perata, Romero, Scott, Soto, Speier, and Torlakson.



NOES (8)—Senators Aanestad, Ackerman, Ashburn, Cox, Denham, Hollingsworth, Morrow, and Runner.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 600)

Senator Ortiz asked for, and was granted, unanimous consent to take up SB 600 at this time, without reference to file.

Consideration of Senate Bill 600

Consideration of Assembly Amendments

Senate Bill 600—An act to add Chapter 8 (commencing with Section 105440) to Part 5 of Division 103 of the Health and Safety Code, relating to public health.

Measure presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 600?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2005

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

SB 557

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 600)**

On motion of Senator Ortiz, 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 600 by the following vote:

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

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

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 281)

Senator Maldonado asked for, and was granted, unanimous consent to take up SB 281 at this time, without reference to file.

Consideration of Senate Bill 281**Consideration of Assembly Amendments**

Senate Bill 281—An act to add Article 11.5 (commencing with Section 49565) to Chapter 9 of Part 27 of the Education Code, relating to pupil nutrition, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Maldonado.

The question being: Shall the Senate concur in the Assembly amendments to SB 281?

Roll Call

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

AYES (28)—Senators Ackerman, Alquist, Ashburn, Battin, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

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

Above measure ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, September 8, 2005

Mr. President: The Senate Rules Committee has withdrawn AB 1388 (Ridley-Thomas) and AB 1204 (Laird) from the Senate Appropriations Committee and returns them to the Senate Floor for consideration.

PERATA, Chair

REQUEST FOR UNANIMOUS CONSENT (AB 1388)

Senator Escutia asked for, and was granted, unanimous consent to take up AB 1388 at this time, without reference to file.



Consideration of Assembly Bill 1388

Assembly Bill 1388—An act to add and repeal Section 280.1 of the Public Utilities Code, relating to telecommunications.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)****Consideration of Assembly Bill 679**

Assembly Bill 679—An act to add Sections 39616.5 and 43700.1 to the Health and Safety Code, relating to emissions.

Bill read third time.

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 679.

Amendments read and adopted.

Consideration of Assembly Bill 679 as Amended

Assembly Bill 679—An act to add Sections 39616.5 and 43700.1 to the Health and Safety Code, relating to emissions.

Bill read.

Roll Call

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

AYES (26)—Senators Aanestad, Ackerman, Ashburn, Battin, Campbell, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Escutia, Hollingsworth, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Perata, Poochigian, Romero, Runner, Scott, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 1204)

Senator Maldonado asked for, and was granted, unanimous consent to take up AB 1204 at this time, without reference to file.

Consideration of Assembly Bill 1204

Assembly Bill 1204—An act relating to parks.

Roll Call

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

AYES (25)—Senators Ackerman, Alquist, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl,

Lowenthal, Machado, Maldonado, Migden, Ortiz, Perata, Poochigian, Runner, Scott, Soto, Speier, and Torlakson.

NOES (8)—Senators Aanestad, Ashburn, Campbell, Cox, Dutton, Hollingsworth, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 557)

Senator Battin asked for, and was granted, unanimous consent to take up SB 557 at this time, without reference to file.

Consideration of Senate Bill 557

Consideration of Assembly Amendments

Senate Bill 557—An act to add and repeal Section 10062 of the Public Utilities Code, relating to municipal utilities.

Measure presented by Senator Battin.

The question being: Shall the Senate concur in the Assembly amendments to SB 557?

Roll Call

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

AYES (26)—Senators Ackerman, Alquist, Battin, Cedillo, Cox, Denham, Ducheny, Dutton, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Morrow, Perata, Poochigian, Runner, Scott, Simitian, Soto, and Torlakson.

NOES (4)—Senators Ashburn, Bowen, Dunn, and Speier.

Above measure ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1388)

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

Roll Call

The names of the absentees were called and AB1388 was passed by the following vote:

AYES (23)—Senators Alquist, Bowen, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, and Torlakson.

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



REQUEST TO BE ADDED TO ROLL CALL

September 8, 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 688—No	SB 37—No	SB 60—No
ACR 51—Aye	AJR 30—Aye	AB 1297—No
AB 1027—No	AB 1011—Aye	SB 159—Aye
SB 399—No	SB 1102—Aye	SB 689—Aye
SB 616—Aye	SB 367—No	SB 611—No
SB 360—No	SB 567—No	SB 581—No
SB 755—Aye	AB 1385—Aye	AB 1655—Aye
AB 67—Aye	AB 1357—No	AB 688—Aye
ACR 86—Aye	SB 833—Aye	SB 319—No
SB 8—No		

DICK ACKERMAN, Minority Floor Leader

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2005

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

AB 54	AB 439	AB 771	AB 1323
AB 216	AB 649	AB 873	AB 1385
AB 380	AB 688	AB 1045	AB 1666

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 8, 2005

Mr. President: The Committee on Rules has examined:

SB 373	SB 621	SB 894	SB 973
SB 414	SB 706	SB 897	SB 1037
SB 471	SB 724	SB 914	SB 1112

And reports that the same have been correctly enrolled, and presented to the Governor on the 8th day of September, 2005, at 9 p.m.

PERATA, Chair

COMMUNICATIONS

The following letters of intent were ordered printed in the Journal:

September 7, 2005

The Honorable Don Perata
President pro Tempore

RE: SB 511 (Hollingsworth)

Dear Senator Perata:

This letter is submitted to the journal regarding SB 511 (Hollingsworth) relative to the San Diego County Water Authority.

Over the last 12 months the Water Authority has been engaged in a process to implement new procedures governing the meetings and actions of the standing committees of its Board of Directors. These changes have been adopted by the Water Authority Board and will be implemented soon.

It was our intent to pursue legislation requiring the San Diego County Water Authority to report to the Legislature, no sooner than January 1, 2008 and no later than January 1, 2009, on the implementation of these changes. Unfortunately, timing constraints did not allow for us to enact this reporting requirement during the current Legislative Session.

As a result, it is our intent to enact such a requirement to be embodied in SB 511 when the Legislature reconvenes its 2005–2006 session in January, 2006.

Sincerely,

DENNIS HOLLINGSWORTH
Senator, 36th District

CHRISTINE KEHOE
Senator, 39th District

September 8, 2005

The Honorable Don Perata
President pro Tempore

Dear Senator Perata,

I would like to place the following statement regarding SB 37 into the Journal.

Thank you for your consideration of this request.

All the best,

JACKIE SPEIER
State Senator
8th District

“On Page 5, lines 22 and 23, SB 37 contains a grammatically incorrect sentence that may create an ambiguity: ‘An amendment become effective until 60 days after the department posts the amended guide on its Web site.’ Despite this inadvertent drafting error, the intent of this sentence is to state that pupils would not be prohibited from taking a dietary supplement



containing a substance that is added by an amendment to the United States Anti Doping Agency Guide to Prohibited Substances and Prohibited Methods of Doping until 60 days after the State Department of Education posts the amended guide on its Web site. The sentence should read as follows: 'An amendment shall not become effective until 60 days after the department posts the amended guide on its Web site.' "

September 8, 2005

*The Honorable Don Perata, President pro Tempore
California State Senate*

Dear President pro Tempore Perata:

This letter is to reiterate the meaning of various provisions of Senate Bill 798 and to restate the legislative intent of the Act. This measure permits counties to establish voluntary drug repository and distribution program whereby skilled nursing facilities, drug manufacturers, and wholesalers may donate certain unused medications for the purpose of ensuring that the medically indigent can receive free needed pharmaceutical therapies when such are available.

After working diligently on SB 798 throughout this legislative session, staff of a state agency brought forth a few last minute concerns. In my opinion, none of these concerns require holding the bill, especially since the primary state agency directly responsible for state oversight, the Board of Pharmacy, has worked diligently with me to provide amendments appropriate from their viewpoint to clarify critical elements of the bill.

First, let me reiterate that SB 798 does NOT establish a state program for drug repositories. Rather, it ALLOWS counties through ordinances they may choose to adopt to set up such protocols as needed to ensure the legal and safe receipt and dispensing of donated medications, most of which would otherwise be discarded as medical waste materials. These medications under the bill are to be dispensed for free to medically indigent persons who do NOT have any type of (including governmental) health insurance. No third party insurance carriers, including Medi-Cal and Medicare, would be billed under this legislation.

The State of Oklahoma has already established such a program under existing federal law and they have received no challenge to date as to the validity under federal laws governing pharmaceuticals of the method they use. Their legislation is the model upon which SB 798 is based. Once we see the experience within California, I will evaluate any modifications that may arise that are necessary for the smooth operation of this practice.

A question arose about whether or not the nursing homes which may choose to participate in this program will be willing to keep the necessary records and protect any package inserts or other consumer information otherwise required under federal law to be given to the consumer. Another



question arose about whether or not the patient not using the drugs should give consent for the donation if such consent is possible.

I am confident that these issues along with many others will be covered in the local protocols required under the provisions of SB 798 should it be signed into law.

Respectfully submitted,

S. JOSEPH SIMITIAN
Senator, 11th District

SENATE COMMITTEE ROLL CALLS

Committee on Health

SB 131—That the Assembly amendments be concurred in

AYES (6)—Senators Aanestad, Alquist, Chesbro, Cox, Ortiz, and Runner.

NOES (0)—None.

SB 377—That the Assembly amendments be concurred in

AYES (6)—Senators Aanestad, Alquist, Chesbro, Cox, Ortiz, and Runner.

NOES (0)—None.

SB 1100—That the Assembly amendments be concurred in

AYES (9)—Senators Aanestad, Alquist, Chesbro, Cox, Figueroa, Kuehl, Ortiz, Romero, and Runner.

NOES (0)—None.

Date of Hearing: 9/8/2005

Ortiz (Chair)

Committee on Judiciary

AB 1179—Do pass

AYES (4)—Senators Cedillo, Dunn, Escutia, and Kuehl.

NOES (0)—None.

Date of Hearing: 9/8/2005

Dunn (Chair)

Motion carried.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day to attend a funeral: Senator Vincent.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:50 p.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Cox requested that when the Senate adjourns this day it do so in memory of David Cheney of El Dorado County.

Senator Machado requested that when the Senate adjourns this day it do so in memory of LaVor Sessions of Stockton.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Carmen Russo of Arcadia.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Oscar R. Nersesian of Fresno and Denise M. Hickson of Visalia.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Constance Calvert of Palmdale.

ADJOURNMENT

At 9:50 p.m., on motion of Senator Perata, the Senate recessed pursuant to the Senators' requests until 12 p.m., Wednesday, January 4, 2006.

PAULA K. ROSSETTO, Minute Clerk



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