

CALIFORNIA LEGISLATURE

2005–06 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED TWENTY-NINTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, August 17, 2006

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

### QUORUM CALL OF THE SENATE

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

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

#### ROLL CALL

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

Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent—40.

Quorum present.



**PRAYER**

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

*Lord, Keep this nation under Your care, and guide us in the way of justice and truth. Let Your way be known upon earth; Your saving health among all nations. Let not the needy, O Lord, be forgotten, nor the hope of the poor be taken away. Show us Your love and mercy, for we put our trust in You.—AMEN.*

(from: *The Book of Common Prayer*)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, August 16, 2006

Mr. President: The Committee on Rules has examined:

SCR 127

SJR 13

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 16th day of August, 2006, at 4:45 p.m.

PERATA, Chair

State Capitol, August 16, 2006

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3–0, has returned AB 71 (Chan), to the Senate Floor.

PERATA, Chair

State Capitol, August 16, 2006

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

William H. Wade, II, State Director and California Adjutant General of the Military Department (4–1)

PERATA, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 16, 2006

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

Sandra L. Bryson, Member, Board of Parole Hearings, Adult Parole (4–0)

Jack E. Garner, Member, Board of Parole Hearings, Adult Parole (4–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.



Senate Chamber, August 17, 2006

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

ACR 96

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

PERATA, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Concurrent Resolution 96**—Relative to Tall Ships Festival 2008.

Resolution read second time.

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

State Capitol, August 16, 2006

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

Stan L. Dixon, Member, State Board of Forestry and Fire Protection (4–0)

Pamela A. Giacomini, Member, State Board of Forestry and Fire Protection (4–0)

James J. Ostrowski, Member, State Board of Forestry and Fire Protection (4–0)

Bruce Saito, Member, State Board of Forestry and Fire Protection (4–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, August 17, 2006

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

Robert H. Alvarado, Member, California Transportation Commission (4–0)

John E. Chalker, Member, California Transportation Commission (4–0)

Eric F. Sandel, Member, California Regional Water Quality Control Board, Lahontan Region (4–0)

Susan E. Ritschel, Member, California Regional Water Quality Control Board, San Diego Region (4–0)

Richard D. Wright, Ph.D., Member, California Regional Water Quality Control Board, San Diego Region (4–0)

PERATA, Chair

Above appointments ordered placed on unfinished business file.



**Committee on Appropriations**

Senate Chamber, August 17, 2006

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

AB 2193

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

MURRAY, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 2193**—An act to add Section 10609.9 to the Welfare and Institutions Code, relating to child welfare.

Bill read second time.

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

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

**Senate Concurrent Resolution 129**—Relative to Los Angeles Police Officer Steven Gajda Memorial Highway.

Resolution read second time and ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 87**—An act to amend Sections 8564, 8565, 8565.5, and 8566 of, and to add Sections 8565.7 and 8565.8 to, the Business and Professions Code, and to amend Section 4005 of the Fish and Game Code, and to amend Sections 11702, 12203, and 14153 of, and to add Sections 14153.2 and 14153.3 to, the Food and Agricultural Code, relating to trapping licenses.

Bill read second time and ordered to third reading.

**Assembly Bill 839**—An act to add Article 17 (commencing with Section 19985) to Chapter 5 of Division 8 of the Business and Professions Code, relating to gambling.

Bill read second time and ordered to third reading.

**Assembly Bill 2264**—An act to add Section 25722.7 to the Public Resources Code, relating to state purchases.

Bill read second time and ordered to third reading.

**Assembly Bill 2917**—An act to add and repeal Chapter 5 (commencing with Section 3430) of Title 2 of Part 3 of the Penal Code, relating to inmates.

Bill read second time and ordered to third reading.

**Assembly Bill 1852**—An act to amend Sections 128454 and 128456 of the Health and Safety Code, relating to mental health.

Bill read second time and ordered to third reading.



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

Bill read second time and ordered to third reading.

**Assembly Bill 1900**—An act to amend Sections 290 and 290.95 of the Penal Code, relating to sex offenders.

Bill read second time and ordered to third reading.

**Assembly Bill 1950**—An act to add Section 51220.7 to the Education Code, relating to pupil instruction.

Bill read second time and ordered to third reading.

**Assembly Bill 2968**—An act to add Section 14132.24 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

**Assembly Bill 1969**—An act to add Section 399.20 to the Public Utilities Code, relating to energy.

Bill read second time and ordered to third reading.

**Assembly Bill 3026**—An act to add Article 7.5 (commencing with Section 4860) to Chapter 2 of Part 3 of Division 4 of the Labor Code, relating to workers' compensation.

Bill read second time and ordered to third reading.

**Assembly Bill 594**—An act to amend Sections 1812.622, 1812.623, 1812.624, 1812.632, and 1812.644 of the Civil Code, relating to personal property.

Bill read second time and ordered to third reading.

**Assembly Bill 2593**—An act to add Section 512.7 to the Labor Code, relating to compensation.

Bill read second time and ordered to third reading.

**Assembly Bill 1643**—An act relating to public employee benefits.

Bill read second time and ordered to third reading.

**Assembly Bill 2401**—An act to add Sections 175 and 4000.5 to the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 768**—An act to add Section 54.9 to the Civil Code, relating to touch-screen devices.

Bill read second time and ordered to third reading.

#### **MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SR 34**, **SCR 131**, and **SCR 132** were withdrawn from Committee and placed on today's Special Consent Calendar;

**AB 2399** was withdrawn from Committee and placed on second reading.



**MOTION TO RE-REFER TO COMMITTEE**

Senator Perata moved that **AB 3026** be re-referred to the Committee on Rules.

Motion carried.

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Perata moved that **AB 1516** be placed on the inactive file.

Motion carried.

**JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Public Employment and Retirement to hear AB 386 without notice in the Daily File.

**SENATE RULE 55 WAIVED**

Without objection, Senate Rule 55 was waived to allow a lobbyist on the floor for a special presentation.

**TRIBUTE TO SENATE FELLOWS**

Senator Torlakson and Senator Runner asked the Senate to pay tribute to the 2005–2006 Senate Fellows who will be departing at the end of this legislative Session.

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

**Senate Concurrent Resolution 96**—Relative to the Deputy Sheriff Sandra Powell-Larson Memorial Highway.

Resolution presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SCR 96?

**Roll Call**

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

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

NOES (0)—None.

Above resolution ordered enrolled.



**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 2212**—An act to add and repeal Section 1252.5 of the Health and Safety Code, relating to health facilities.

Bill read third time and presented by Senator Figueroa.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Perata:

Senate Chamber, August 17, 2006

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rules 61(b)(14) and (15) in order that AB 386, AB 275, AB 2945, AB 3056, ACR 73 and SCA 32 may be reported by the Committee on Appropriations after the deadline.

SENATOR PERATA

**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 Rules 61(b)(14) and (15) 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 (37)—Senators Aanestad, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

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

**Assembly Bill 2227**—An act to add Section 68565.5 of the Government Code, relating to courts.

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2260**—An act to amend Sections 2111, 2113, 2168, 2168.1, 2168.2, and 2168.5 of, and to add Section 2220.7 to, the Business and Professions Code, relating to physicians and surgeons, and making an appropriation therefor.

Bill read third time and presented by Senator Figueroa.

**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2251**—An act to add Chapter 3.25 (commencing with Section 6218) to Division 7 of Title 1 of the Government Code, relating to reproductive health care services.

Bill read third time.

**Motion to Amend**

Senator Hollingsworth moved the adoption of amendments to AB 2251. Amendments read.

**MOTION TO LAY ON THE TABLE**

Senator Romero moved that the amendments to AB 2251 be laid on the table.

**Roll Call**

The roll was called and the motion carried by the following vote:

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





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

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

**Assembly Bill 2251**—An act to add Chapter 3.25 (commencing with Section 6218) to Division 7 of Title 1 of the Government Code, relating to reproductive health care services.

Bill read third time and presented by Senator Kuehl.

#### Roll Call

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

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

NOES (9)—Senators Aanestad, Ashburn, Battin, Cox, Dutton, Harman, Hollingsworth, Margett, and Morrow.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2283**—An act to amend Section 2425.3 of the Business and Professions Code, relating to medicine.

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 2327**—An act to amend Section 226 of the Labor Code, relating to employment.

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 2387**—An act to amend Section 1749 of the Insurance Code, relating to agents.

Bill read third time and presented by Senator Machado.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 2429**—An act to amend Sections 10151, 10153.3, 10153.4, and 10153.5 of, and to repeal Section 10153.9 of, the Business and Professions Code, relating to real estate salespersons.

Bill read third time and presented by Senator Kehoe.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 2515**—An act to add Section 2714.5 to the Public Utilities Code, relating to water conservation.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2554**—An act to amend Section 1798.200 of, and to add Section 1798.203 to, the Health and Safety Code, relating to emergency medical services.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill 2576**—An act to amend Section 739.1 of the Public Utilities Code, relating to public utilities.

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

NOES (6)—Senators Aanestad, Ackerman, Ashburn, Hollingsworth, Morrow, and Runner.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2582**—An act to add Section 71041 to the Public Resources Code, relating to environmental protection.

Bill read third time and presented by Senator Kehoe.

**Roll Call**

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

AYES (33)—Senators Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Aanestad, Ackerman, Ashburn, Cox, Dutton, and Hollingsworth.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2317**—An act to add and repeal Article 1.6 (commencing with Section 123259) of Part 2 of Division 106 of the Health and Safety Code, relating to maternal health, and making an appropriation therefor.

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.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 2583**—An act to amend Sections 733 and 4122 of the Business and Professions Code, relating to healing arts.

Bill read third time and presented by Senator Ortiz.



**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**Senator Speier Presiding**

**Assembly Bill 2584**—An act to add Section 8607.5 to the Government Code, relating to emergency services.

Bill read third time and presented by Senator Ortiz.

**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2800**—An act to amend Sections 10177 and 23428.20 of the Business and Professions Code, to amend Sections 782, 782.5, 798.20, and 800.25 of the Civil Code, to amend Section 65008 of the Government Code, and to amend Sections 33050, 33435, 33436, 33724, 33769, 35811, 37630, 37923, 50955, and 51602 of the Health and Safety Code, relating to housing.

Bill read third time and presented by Senator Dunn.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 2771**—An act to amend Sections 84602 and 84605 of the Government Code, relating to the Political Reform Act of 1974.

Bill read third time and presented by Senator Bowen.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 2861**—An act to amend Section 105256 of the Health and Safety Code, relating to lead abatement.

Bill read third time and presented by Senator Ortiz.

**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2958**—An act to amend Sections 14992, 15053, 15054, and 15055 of the Food and Agricultural Code, relating to food and agricultural programs.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

*(NOTE: Reconsideration granted later this day)*

**Assembly Bill 2989**—An act to add Section 37254.1 to the Education Code, relating to pupil instruction.

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.



**MOTION TO RECONSIDER (AB 2958)**

Senator Aanestad moved to reconsider the vote whereby AB 2958 was passed and ordered transmitted to the Assembly.

**Roll Call**

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**Reconsideration of Assembly Bill (2958)**

**Assembly Bill 2958**—An act to amend Sections 14992, 15053, 15054, and 15055 of the Food and Agricultural Code, relating to food and agricultural programs.

Measure presented by Senator Maldonado.

**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

**Assembly Bill 3021**—An act to add Chapter 8.1 (commencing with Section 8710) to Division 1 of Title 2 of the Government Code, relating to international relations.

Bill read third time and presented by Senator Ducheny.

**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.



**Assembly Bill 3045**—An act to amend Sections 13386, 14601.2, 14601.4, and 14601.5 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 3051**—An act to repeal and add Section 201.5 of the Labor Code, relating to employment.

Bill read third time and presented by Senator Alarcón.

**Roll Call**

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

AYES (26)—Senators Ackerman, Alarcón, Alquist, Ashburn, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Ortiz, Runner, Scott, Simitian, Soto, Speier, and Torlakson.

NOES (6)—Senators Cox, Denham, Dutton, Hollingsworth, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution 34**—Relative to public higher education.

Resolution read third time and presented by Senator Torlakson.

**Roll Call**

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

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

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

Resolution ordered transmitted to the Assembly.

**Assembly Bill 2084**—An act to amend Sections 26840.7 and 26840.8 of the Government Code, and to repeal and add Chapter 5 (commencing



with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code, relating to domestic violence.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

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

AYES (22)—Senators Alarcón, Alquist, Bowen, Cedillo, Denham, Dunn, Escutia, Figueroa, Florez, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, Migden, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2234**—An act relating to transportation.

Bill read third time and presented by Senator McClintock.

**Roll Call**

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

AYES (26)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dutton, Figueroa, Harman, Hollingsworth, Kehoe, Maldonado, McClintock, Migden, Morrow, Poochigian, Runner, Simitian, Speier, Torlakson, and Vincent.

NOES (5)—Senators Dunn, Machado, Margett, Romero, and Scott.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2289**—An act to add Chapter 24.5 (commencing with Section 22755) to Division 8 of the Business and Professions Code, relating to plastic merchandise containers.

Bill read third time and presented by Senator Harman.

**Roll Call**

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

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

NOES (6)—Senators Ackerman, Denham, Hollingsworth, McClintock, Morrow, and Runner.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2557**—An act to amend Section 43200 of the Health and Safety Code, and to amend Sections 505.2 and 17300 of the Vehicle Code, relating to transportation.

Bill read third time and presented by Senator Runner.





**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 576**—An act to amend Section 120440 of, and to add Section 120476 to, the Health and Safety Code, relating to immunizations.

Bill read third time and presented by Senator Aanestad.

**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, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2542**—An act to add and repeal Section 1659.9 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Kuehl.

**Roll Call**

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senator Perata Presiding**

**Assembly Bill 2555**—An act to amend Section 1197.5 of, and to add and repeal Section 1197.7 to, the Labor Code, relating to wages.

Bill read third time and presented by Senator Kuehl.



**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 971**—An act to amend Section 6126.6 of the Penal Code, relating to corrections.

Bill read third time and presented by Senator Cedillo.

**Roll Call**

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

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

NOES (4)—Senators Aanestad, Ackerman, Ashburn, and Hollingsworth.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2918**—An act to amend Sections 14087.51 and 14087.54 of the Welfare and Institutions Code, relating to county organized health systems.

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 (30)—Senators Ackerman, Alarcón, Alquist, Cedillo, Chesbro, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, Migden, Morrow, Perata, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Aanestad, Ashburn, Cox, Hollingsworth, McClintock, and Poochigian.

Bill ordered transmitted to the Assembly.

**Assembly Bill 372**—An act to amend Sections 20209.5, 20209.7, and 20209.14 of the Public Contract Code, relating to public contracts.

Bill read third time and presented by Senator Lowenthal.



**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 1172**—An act relating to claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Murray.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

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

NOES (2)—Senators Dutton and Hollingsworth.

**Roll Call**

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

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

NOES (2)—Senators Dutton and Hollingsworth.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2043**—An act to amend Sections 1788.2 and 1788.18 of the Civil Code, relating to debt collection.

Bill read third time and presented by Senator Speier.

**Roll Call**

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden,

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

### **Senator Speier Presiding**

**Assembly Bill 2250**—An act to amend Sections 18400.1, 18400.3, and 18424 of, and to amend and repeal Section 18502 of, the Health and Safety Code, relating to mobilehome parks.

Bill read third time and presented by Senator Dunn.

### **Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2324**—An act to add Article 4 (commencing with Section 6361) of Chapter 4 of Part 1 of Division 6 of the Public Resources Code, and to repeal Chapter 214 of the Statutes of 1937, Chapter 1835 of the Statutes of 1961, and Chapter 1828 of the Statutes of 1963, relating to tidelands and submerged lands and to convey certain tidelands and submerged lands to the City of Pittsburg.

Bill read third time and presented by Senator Runner.

### **Roll Call**

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1880**—An act to add and repeal Section 7202.5 of the Welfare and Institutions Code, relating to mental institutions.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton,

Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Lowenthal, Maldonado, Margett, McClintock, Migden, Murray, Ortiz, Poochigian, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2488**—An act to amend Section 9205 of the Family Code, relating to adoption.

Bill read third time and presented by Senator Kuehl.

#### Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1144**—An act to add Section 115755 to, and to repeal and add Article 1 (commencing with Section 115725) of Chapter 4 of Part 10 of Division 104 of, the Health and Safety Code, relating to playground safety.

Bill read third time and presented by Senator Harman.

#### Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2379**—An act to amend Section 14094.3 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time and presented by Senator Dunn.

#### Roll Call

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

AYES (31)—Senators Ackerman, Alarcón, Alquist, Ashburn, Battin, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Machado, Margett, Migden,

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2695**—An act to amend Sections 527.6 and 527.8 of the Code of Civil Procedure, to amend Section 6222 of the Family Code, to amend Section 6103.2 of the Government Code, and to amend and repeal Section 1203.097 of the Penal Code, relating to domestic violence.

Bill read third time and presented by Senator Kuehl.

#### Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2272**—An act to amend Section 1475 of the Penal Code, relating to criminal procedure.

Bill read third time and presented by Senator Alquist.

#### Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2864**—An act to amend Sections 366.2 and 366.3 of the Code of Civil Procedure, relating to civil actions.

Bill read third time and presented by Senator Harman.

#### Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden,

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2268**—An act to amend Section 7151 of the Fish and Game Code, relating to fishing.

Bill read third time and presented by Senator Alquist.

#### Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2140**—An act to add Sections 8685.9 and 65302.6 to the Government Code, relating to local planning.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

#### Senator Perata Presiding

**Assembly Bill 1165**—An act relating to state employees, making an appropriation therefor, 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 (33)—Senators Ackerman, Alarcón, Alquist, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado,

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

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

#### **Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 2212)**

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

#### **Roll Call**

The names of the absentees were called and AB 2212 was refused passage by the following vote:

AYES (18)—Senators Alarcón, Alquist, Bowen, Chesbro, Ducheny, Dunn, Figueroa, Kuehl, Kehoe, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Torlakson, and Vincent.

NOES (18)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Escutia, Florez, Harman, Hollingsworth, Maldonado, Margett, McClintock, Morrow, Poochigian, Runner, and Soto.

#### **Motion to Reconsider**

Senator Figueroa moved to reconsider the vote whereby AB 2212 was refused passage.

#### **Roll Call**

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered returned to third reading.





**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 2283)**

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 2283 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 2327)**

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 2327 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 2387)**

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

**Roll Call**

The names of the absentees were called and AB 2387 was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden,



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

NOES (1)—Senator Speier.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 2429)**

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

**Roll Call**

The names of the absentees were called and AB 2429 was passed by the following vote:

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

NOES (1)—Senator McClintock.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 2317)**

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 2317 was passed by the following vote:

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

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Harman, Maldonado, McClintock, Morrow, Poochigian, and Runner.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 2800)**

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

**Roll Call**

The names of the absentees were called and AB 2800 was passed by the following vote:

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



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

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Cox, Denham, Dutton, Harman, 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 2771)**

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

**Roll Call**

The names of the absentees were called and AB 2771 was passed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, McClintock, Migden, Murray, Ortiz, Perata, Romero, Scott, Simitian, Soto, Speier, and Vincent.

NOES (5)—Senators Cox, Denham, Dutton, Morrow, and Runner.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 2989)**

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 2989 was passed by the following vote:

AYES (33)—Senators Ackerman, Alarcón, Alquist, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (7)—Senators Aanestad, Ashburn, Battin, Hollingsworth, Margett, McClintock, and Runner.

Above bill ordered transmitted to the Assembly.



**SPECIAL CONSENT CALENDAR**

**Senate Concurrent Resolution 131**—Relative to children's vision and learning month.

Resolution read, adopted and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

**Senate Concurrent Resolution 132**—Relative to Hybrid Vehicle Awareness Month.

Resolution read, adopted, and ordered to the Assembly.

(NOTE: See Consent Calendar Roll Call)

**Senate Resolution 34**—Relative to Pain Awareness Month.

Resolution read, adopted.

(NOTE: See Consent Calendar Roll Call)

**Special Consent Roll Call**

The roll was called and the resolutions were adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alquist, Ashburn, Battin, Bowen, Cedillo, Chesbro, Cox, Denham, Ducheny, Dunn, Dutton, Escutia, Figueroa, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Runner, Scott, Simitian, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

**MEASURE ORDERED TO ASSEMBLY**

Without objection, SCA 3 was ordered to the Assembly.

**REQUEST TO BE ADDED TO ROLL CALL**

August 17, 2006

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

AB 2260—No	AB 2387—Aye	AB 2576—No
AB 2582—No	AB 2584—No	AB 2771—Aye
AB 2861—No	AB 3021—No	AB 3045—Aye
AB 2084—No	AB 2557—Aye	AB 2555—No
AB 971—No	AB 372—No	AB 1172—Aye
AB 2250—Aye	AB 1880—Aye	AB 2379—Aye
AB 2695—Aye	AB 2140—Aye	AB 1165—Aye

DICK ACKERMAN, Minority Floor Leader

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

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

**MOTION TO ADJOURN**

Senator Perata moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, August 21, 2006.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, August 17, 2006

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

SB 1380

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.

**REPORTS OF STANDING COMMITTEES****Committee on Public Employment and Retirement**

Date of Hearing, August 17, 2006

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 386

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

SOTO, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Public Safety**

Date of Hearing, August 17, 2006

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

ACR 73

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

MIGDEN, Chair

Above measure re-referred to the Committee on Appropriations.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

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

**Senate Concurrent Resolution 134:** By Senator Ortiz—Relative to Ovarian Cancer Awareness Month.



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

Without objection, **AB 2441** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AB 2922** was withdrawn from Committee and placed on second reading.

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

**Assembly Bill 2125**—An act to amend Sections 673, 677, 923.5, 1063.1, 1063.5, 1215.13, 1656, 1676, 1679, 1707, 1733, 1775.4, 1808, 11521.6, and 11629.85 and to add Sections 881.2, 1064.13, and 11549 to, the Insurance Code, and to amend Section 12253 of the Revenue and Taxation Code, relating to insurance.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2125 proposed by Senator Speier were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2012**—An act to amend Section 1367.18 of the Health and Safety Code, and to amend Section 10123.7 of the Insurance Code, relating to health care coverage.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2012 proposed by Senator Migden were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2416**—An act to add Section 22317.2 to the Financial Code, relating to loans.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2416 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2804**—An act to amend Section 40425 of, and to add Section 40982 to, the Health and Safety Code, relating to air resources, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2804 proposed by Senator Cox were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2054**—An act to amend Section 44280 of, and to add Section 44280.5 to, the Education Code, relating to certified personnel.

Bill read third time.



**Amendments Adopted**

Amendments to AB 2054 proposed by Senator Alquist were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1407**—An act to amend Sections 30914 and 30914.5 of the Streets and Highways Code, and to amend Sections 5205.5 and 21655.9 of the Vehicle Code, relating to transportation.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1407 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2310**—An act to amend Sections 12700 and 12721 of the Health and Safety Code, relating to public safety.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2310 proposed by Senator Romero were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2752**—An act to amend Section 42001 of, to add Section 42001.25 to, and to repeal Section 13390 of, the Vehicle Code, relating to vehicles.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2752 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 695**—An act to add Sections 1724 and 1724.5 to the Civil Code, relating to retail sales.

Bill read third time.

**Amendments Adopted**

Amendments to AB 695 proposed by Senator Speier were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2683**—An act to amend Section 5588 of the Business and Professions Code, relating to architects.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2683 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2404**—An act to add Section 7550.7 to the Government Code, relating to state reports.

Bill read third time.



**Amendments Adopted**

Amendments to AB 2404 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2701**—An act to amend Section 61105 of, and to add Section 25825.5 to, the Government Code, and to amend Sections 1, 2, 5, 7, 8, 13, 28, 36.8, and 36.16 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to San Luis Obispo County.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2701 proposed by Senator Maldonado were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 339**—An act to amend Sections 16601, 16602.5, and 17900 of the Business and Professions Code, to amend Sections 167.5, 171.05, 1107.5, 1113, 1152, 1157, 2113, 6019.1, 6020.5, 8019.1, 8020.5, 12540.1, 12550.5, 15800, 16101, 16901, 16903, 16908, 16911, 16915.5, 17001, 17540.3, 17540.8, 17554.5, 17555, and 25005.1 of, to add Chapter 5.5 (commencing with Section 15900) to Title 2 of, and to add and repeal Sections 15534 and 15724 of, the Corporations Code, to amend Section 12197 of, and to repeal and add Section 12188 of, the Government Code, and to amend Section 17935 of the Revenue and Taxation Code, relating to business entities.

Bill read third time.

**Amendments Adopted**

Amendments to AB 339 proposed by Senator Harman were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 3060**—An act to amend Sections 83109, 84605, 87406, and 89513 of the Government Code, relating to the Political Reform Act of 1974.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 3060 pursuant to Joint Rule 58.

ASSEMBLY MEMBER UMBERG





**Permission of Rules Committee**

Senate Chamber, August 17, 2006

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 3060.

PERATA, Chair

**Amendments Adopted**

Amendments to AB 3060 proposed by Senator Bowen were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED  
TO RESCIND ACTION (AB 2263)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 2263 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

**Consideration of Assembly Bill 2263**

**Assembly Bill 2263**—An act to amend Section 290.95 of the Penal Code, relating to sex offenders.

Bill read.

**Motion to Amend**

Amendments to AB 2263 proposed by Senator Battin were read and adopted and the measure ordered printed and to second reading.

**SENATE COMMITTEE ROLL CALLS****Committee on Public Employment and Retirement**

**AB 386**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alarcón, Ashburn, Dunn, and Soto.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 8/17/2006

Soto (Chair)

**Committee on Public Safety**

**ACR 73**—Be adopted and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Margett, Migden, Perata, Poochigian, and Romero.

NOES (0)—None.

Date of Hearing: 8/17/2006

Migden (Chair)



**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Dutton requested that when the Senate adjourns this day it do so in memory of Beecher Medlin of Ontario.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Kelly J. Purcell of Chino.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Carmela Josephine Anton, Jacob Haig Cannon, and Gilbert Lavanice Johnson of Fresno, Edna Kaprielian of Fresno County, John Arakelian of Long Beach, and Fred Cecil Hill, Jr. of Clovis.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of CHP Officer Brent Clearman of Concord.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Perata, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Monday, August 21, 2006.

PAULA K. ROSSETTO, Minute Clerk

