

Volume 2

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2003 2004 Regular Session



HON. CRUZ M. BUSTAMANTE
President of the Senate

HON. JOHN L. BURTON
President pro Tempore

HON. GREGORY P. SCHMIDT
Secretary of the Senate

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Volume 2

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2003–2004 Regular Session

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, July 7, 2003

The Senate met at 9:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—38.

Quorum present.

(NOTE: Senator Battin will be excused this day on legislative business and Senator Vincent will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

O God, We pray today for all in these Chambers. May we be quiet in spirit, clear in judgement, insightful in understanding the complexity of the issues facing us. May we remember that in keeping Your laws is humanity's only good and happiness. Grant us patience, courage, foresight, and great faith. In our anxieties be our security. In our opportunities be our inspiration. By our plans and our actions may Your kingdom come, Your will be done.—AMEN.

(Lilian Cox, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 6, 2003

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

SB 745

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Date of Hearing, July 1, 2003

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

AB 920

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

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 1, 2003

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

AB 1210

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

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 1, 2003

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

AB 418

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

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

Assembly Bill 1677—An act to amend Section 3008 of the Elections Code, relating to absent voter ballots.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 1679—An act to amend Sections 13, 302, 321, 1303, 2187, 2194, 3103, 3304, 4101, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of the Elections Code, relating to elections.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 346—An act to amend Sections 16100 and 16101 of, and to add Sections 16204 and 16402.5 to, the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 461—An act to add Section 14312 to the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 503—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

Bill read second time and ordered to third reading.

Assembly Bill 1405—An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Natural Resources and Wildlife.

Assembly Bill 9—An act to add Part 7 (commencing with Section 106000) to Division 103 of the Health and Safety Code, relating to health care.

Bill read second time and ordered to third reading.

Assembly Bill 429—An act to amend Section 104322 of the Health and Safety Code, relating to cancer.

Bill read second time and ordered to third reading.

Assembly Bill 938—An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4

(commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Business and Professions.

Assembly Bill 158—An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1524—An act to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.61, and 12699.62 of, and to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, the Insurance Code, relating to health care coverage.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Insurance.

Assembly Bill 1745—An act to amend Section 10222 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 493—An act to amend Section 50650.3 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 942—An act to add Section 49414.5 to the Education Code, relating to pupil health.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 109—An act to amend Section 3543.5 of the Government Code, relating to public school employment.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Labor and Industrial Relations.

Assembly Bill 781—An act to add Article 3.5 (commencing with Section 51430) to Chapter 3 of Part 28 of the Education Code, relating to public schools.

Bill read second time.

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

Assembly Bill 798—An act to add Sections 14132.94 and 14598 to the Welfare and Institutions Code, relating to health care.

Bill read second time and ordered to third reading.

Assembly Bill 1083—An act to add Section 10110.3 to the Insurance Code, relating to life insurance.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 996—An act to amend Section 676.10 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1527—An act relating to health care coverage.

Bill read second time and ordered to third reading.

Assembly Bill 1528—An act relating to health care coverage.

Bill read second time and ordered to third reading.

Assembly Bill 1727—An act to amend Sections 2071, 2074.7, 2074.8, 5093, and 6010 of, and to add Section 677.4 to, the Insurance Code, relating to property insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1641—An act to amend Section 68115 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 88—An act to add Section 1670.6 to the Civil Code, relating to contracts.

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 (22)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl,

Morrow, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, and Torlakson.

NOES (8)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Knight, Margett, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 223—An act to amend Section 98.2 of the Labor Code, relating to employment.

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 266—An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

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 (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

Assembly Bill 96—An act to amend Sections 44395, 44396, 44510, 44735, 44751, 44752, 48200.7, 51101, 52054, 52055.52, 52055.600, 52055.605, 52055.610, 52055.615, 52055.620, 52055.625, 52055.650, 52055.655, 52055.656, 52058.1, 58907, 58916, 66941, 69440, 69532, 69612, 69613.1, 69615.4, 70001, 70003, 70005, 99200, 99203, 99220, and 99234 of, to amend the heading of Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of, the Education Code, and to amend Sections 8869.80 and 8869.84 of the Government Code, relating to schools.

Bill read third time and presented by Senator Escutia.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 117—An act to amend Sections 120508 and 120521, and to add Section 120509 to, the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Alpert.

Roll Call

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

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution 31—Relative to pupil fitness.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Resolution ordered transmitted to the Assembly.

Assembly Bill 566—An act to amend Section 8050 of the Fish and Game Code, relating to fish.

Bill read third time and presented by Senator Torlakson.

Roll Call

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

AYES (29)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Kuehl, Machado, Margett, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (5)—Senators Aanestad, Ackerman, Brulte, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1019—An act relating to parks.

Bill read third time and presented by Senator Machado.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 693—An act to amend Section 798.86 of the Civil 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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 348—An act to amend Sections 5152, 5154, 5257, 5259.3, 5264, 5267, and 5270.35 of the Welfare and Institutions Code, relating to mental health.

Bill read third time and presented by Senator Alpert.

Roll Call

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

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (5)—Senators Ackerman, Denham, Hollingsworth, Knight, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1538—An act to add Section 7029.6 to the Business and Professions Code, relating to contractors.

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 (23)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 142—An act to amend Section 32645 of the Public Resources Code, relating to the San Diego River Conservancy.

Bill read third time and presented by Senator Alpert.

Roll Call

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

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 179—An act to amend Sections 130110, 130120, and 130150 of the Health and Safety Code, relating to child development.

Bill read third time and presented by Senator Figueroa.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 365—An act to amend Section 1810.5 of the Vehicle Code, relating to Department of Motor Vehicle records.

Bill read third time and presented by Senator Bowen.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Knight, Kuehl, Machado, Margett,

McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 647—An act to amend Section 1942.4 of the Civil Code, and to add Section 1174.21 to the Code of Civil Procedure, relating to tenancy.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 427—An act to amend Sections 180201 and 180204 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Scott.

Roll Call

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

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

Assembly Bill 504—An act to amend Section 5560 of the Public Resources Code, relating to parks and recreation.

Bill read third time and presented by Senator Sher.

Roll Call

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

AYES (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado,

McPherson, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 935—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Sher.

Roll Call

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

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 464—An act to add Sections 1586.6 and 1586.7 to the Health and Safety Code, relating to care facilities.

Bill read third time and presented by Senator Scott.

Roll Call

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

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (10)—Senators Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 223)

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 223 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, and Torlakson.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 96)**

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

Roll Call

The names of the absentees were called and AB 96 was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution 9—Relative to undocumented students.

Resolution read third time and presented by Senator Cedillo.

Roll Call

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

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 179)**

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 179 was refused passage by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Motion to Reconsider

Senator Figueroa moved to reconsider the vote whereby AB 179 was refused passage.

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered returned to third reading.

CONSENT CALENDAR

Assembly Bill 569—An act to amend Section 156.1 of the Business and Professions Code, to amend Sections 8448, 22217, 22362, 41320, and 62004 of the Education Code, to amend Sections 7604, 8543.1, 8544.2, 8544.3, 8544.5, 8544.6, 8545, 8545.1, 8545.2, 8545.4, 8545.5, 8546.1, 8546.3, 8546.4, 8546.8, 12430, 13297, 13298, 13299, 13299.1, 13405, 16366.7, 53134, and 53138 of, to amend the heading of Article 3 (commencing with Section 8547) of Chapter 6.5 of Division 1 of Title 2 of, to amend and renumber Section 8546.5 of, the Government Code, to amend Section 18052.5 of the Health and Safety Code, to amend Section 10359 of the Public Contract Code, to amend Section 2154 of the Streets and Highways Code, and to amend Section 14100.2 of the Welfare and Institutions Code, relating to the Bureau of State Audits.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 702—An act to amend Sections 12804 and 13901 of the Government Code, relating to state agencies.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 965—An act to add Section 423.5 to the Government Code, relating to state emblems.

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

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Assembly Bill 767—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1125—An act to amend Section 36 of the Alameda County Flood Control and Water Conservation District Act (Chapter 1275 of the Statutes of 1949), relating to water.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 398—An act to amend Sections 31496.3 and 31621.9 of, and to add Section 31485.10 to, the Government Code, relating to county employees' retirement.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1092—An act to amend Section 1749.5 of, and to add Section 1749.45 to, the Civil Code, and to amend Section 1520.5 of the Code of Civil Procedure, relating to gift certificates.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 475—An act to amend Section 20200 of the Government Code, relating to public employees' retirement.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1173—An act to amend Section 798.21 of the Civil Code, relating to mobilehomes.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 690—An act to amend Sections 488.455 and 700.140 of the Code of Civil Procedure, relating to garnishment.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 138—An act to add Section 2076 to the Business and Professions Code, relating to physicians and surgeons.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 362—An act to add Section 1346.1 to the Health and Safety Code, relating to health care service plans.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 583—An act to add Section 377.2 to the Public Utilities Code, relating to public utilities.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 617—An act to amend Section 8880.28 of the Government Code, relating to the California State Lottery.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 853—An act to amend Sections 16429, 16475, 16475.5, and 16480.6 of the Government Code, relating to state funds.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 867—An act to amend Sections 29093, 29109, 53895, and 53895.5 of the Government Code, relating to financial reports.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1043—An act to add and repeal Article 2.5 (commencing with Section 7076) of Chapter 8 of Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1274—An act to amend Sections 12140 and 12142 of, and to add Section 12142.5 to, the Insurance Code, relating to motor clubs.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1106—An act to amend Section 832.7 of the Penal Code, relating to peace officers.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1772—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

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

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Murray moved that **AB 1679** 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 Transportation to hear AB 45 and AB 692; the Committee on Judiciary to hear AB 68; and the Committee on Public Employment and Retirement to hear AB 457 without four days notice in the file.

REQUEST TO BE ADDED TO ROLL CALL

July 7, 2003

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 88—No	AB 566—No	AB 1019—Aye
AB 693—No	AB 464—No	

JAMES L BRULTE, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

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

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 10:47 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, July 8, 2003.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 7, 2003

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

SB 455 SB 496
Above measures ordered enrolled.

Assembly Chamber, July 7, 2003

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

SB 2 SB 59 SB 265 SB 538
And respectfully requests your honorable body to concur in said amendments.
Above measures ordered to unfinished business file.

Assembly Chamber, July 7, 2003

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

SCR 4
Above resolution ordered enrolled.

Assembly Chamber, July 7, 2003

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

AB 374 AB 416 AB 610 AB 805
AB 812 AB 924 AB 1361 ACR 39

Assembly Chamber, July 7, 2003

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

AB 578

Assembly Chamber, July 7, 2003

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

AJR 38

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 for assignment:

Assembly Bill 578—An act to add Section 27362 to, to add Article 6 (commencing with Section 27390) to Chapter 6 of Division 2 of Title 3 of, and to repeal Sections 27279.4 and 27398 of, the Government Code, relating to county recorders, and declaring the urgency thereof, to take effect immediately.

Assembly Joint Resolution 38—Relative to federal formula grants to states.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, July 7, 2003

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

Health and Human Services—AB 923.

Public Employment and Retirement—AB 465.

Rules—AB 480.

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

Education—AB 654.

Committee on Elections and Reapportionment

Senate Chamber, July 7, 2003

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

AB 828

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

PERATA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 828—An act to amend Sections 14299, 15210, and 15211 of, and to add Sections 14299.5, 14299.7, and 14299.9 to, the Elections Code, relating to election day procedures.

Bill read second time.

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

Date of Hearing, July 2, 2003

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

AB 1531

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

PERATA, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 7, 2003

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

AB 212

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 212—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Local Government

Date of Hearing, July 2, 2003

Mr. President: The Committee on Local Government, to which were referred:

AB 197

AB 650

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

TORLAKSON, Chair

Above measures ordered to second reading.

Senate Chamber, July 7, 2003

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

AB 728

AB 768

AB 1182

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 728—An act to amend Sections 11000.1 and 11018.12 of the Business and Professions Code, to amend Section 1675 of the Civil Code, and to amend Sections 66427 and 66452.4 of the Government Code, relating to subdivided lands.

Bill read second time.

Assembly Bill 768—An act to amend Section 16 of, to add Sections 4.5 and 9.5 to, and to repeal and add Section 2 of, Chapter 464 of the Statutes of 2002, relating to the Hunters Point Shipyard.

Bill read second time.

Assembly Bill 1182—An act to amend Section 9109 of the Commercial Code, and to amend Sections 8855, 8856, 53692, and 91555 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Date of Hearing, July 2, 2003

Mr. President: The Committee on Local Government, to which were referred:

AB 170 AB 332 AB 1199

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

TORLAKSON, Chair

Above measures ordered to second reading.

Committee on Public Safety

Date of Hearing, July 1, 2003

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

SB 519 AB 352 AB 1438

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

McPHERSON, Chair

Above measures ordered to second reading.

Committee on Transportation

Senate Chamber, July 7, 2003

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

AB 559

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 559—An act to add Section 1808.27 to the Vehicle Code, relating to vehicles.

Bill read second time.

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

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 361 AB 377 AB 1555

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

MURRAY, Chair

Above measures ordered to second reading.

Committee on Banking, Commerce and International Trade

Senate Chamber, July 9, 2003

Mr. President: The Chair of the Committee on Banking, Commerce and International Trade, to which were referred:

AB 313 AB 1355

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

FLOREZ, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 313—An act to repeal Section 50707 of the Financial Code, relating to mortgage lending.

Bill read second time.

Assembly Bill 1355—An act to add Section 216.3 to the Financial Code, relating to financial institutions.

Bill read second time.

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

Committee on Governmental Organization

Date of Hearing, July 1, 2003

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

AB 59

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

VINCENT, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 1, 2003

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

AB 17 AB 453 AB 1095

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

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, July 1, 2003

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

AB 682 AB 1399

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

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, July 1, 2003

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

AB 394

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Insurance

Date of Hearing, July 2, 2003

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

AB 30

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

SPEIER, Chair

Above measure ordered to second reading.

Committee on Education

Date of Hearing, July 2, 2003

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

AB 46

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Transportation

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which was referred:
AB 1022

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

Above measure ordered to second reading.

Committee on Revenue and Taxation

Senate Chamber, July 7, 2003

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

AB 694

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

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 694—An act to amend Section 6246 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.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1008** was withdrawn from the Committee on
Environmental Quality and re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 302—An act to add Chapter 10 (commencing with
Section 108920) to Part 3 of Division 104 of the Health and Safety Code,
relating to toxic substances.

Bill read third time.

Amendments Adopted

Amendments to AB 302 proposed by Senator Figueroa were read and
adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Rosella Schmit.

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Jeanne Pannell of Hanford.

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

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, July 8, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, July 8, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,
and Vincent—40.

Quorum present.

MESSAGES FROM THE GOVERNOR

Governor’s Office, State Capitol
July 8, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Paula A. Daniels, attorney. Appointed 6/12/03. Effective 6/24/03:
Member, California Bay-Delta Authority, newly created, 2002
Legislation, term ending 1/1/06.

Susan P. Kennedy, member, the Public Utilities Commission. Appointed 6/12/03. Effective 6/30/03:

Member, California Bay-Delta Authority, newly created, 2002 Legislation, term ending 1/1/06.

Alfred G. Montna, owner, rice farming and drying business. Appointed 6/12/03. Effective 6/23/03:

Member, California Bay-Delta Authority, newly created, 2002 Legislation, term ending 1/1/06.

David Rosenberg, serves on the Yolo County Board of Supervisors, Director of Community and Intergovernmental Relations and Director of Operations for the Governor's Office. Appointed 7/2/03. Effective 7/7/03:

Member, Commission on State Mandates vice Joann E. Steinmeier, term expired, term ending four years from date of second commission.

Leo P. Burke, previously served on California Veterans Board. Appointed 6/20/03. Effective 6/30/03:

Member, California Veterans Board, newly created, 2002 legislation, term ending 1/15/07.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Public Employment and Retirement

Date of Hearing, July 7, 2003

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

AB 85

Reports the same back with the recommendation: Do pass.

SOTO, Chair

Above bill ordered to second reading.

Date of Hearing, July 7, 2003

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

AB 91

AB 1253

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

SOTO, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Appropriations

Senate Chamber, July 8, 2003

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

AB 97	AB 248	AB 506
AB 762	AB 852	AB 1145

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

ALPERT, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 97—An act to amend Sections 48209.1, 48209.15, and 48209.16 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 248—An act to amend Sections 6988 and 6989 of the Food and Agricultural Code, relating to advisory boards.

Bill read second time.

Assembly Bill 506—An act to amend Section 13823.11 of the Penal Code, relating to sexual assault victims.

Bill read second time.

Assembly Bill 762—An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

Bill read second time.

Assembly Bill 852—An act to amend Section 1773 of the Labor Code, relating to prevailing wages.

Bill read second time.

Assembly Bill 1145—An act to add Chapter 5.4 (commencing with Section 8455) to Division 1 of Title 2 of the Government Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Environmental Quality

Date of Hearing, July 7, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

AB 1348	AB 1532	AB 1724
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Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 7, 2003

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

AB 151

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

SHER, Chair

Above measure re-referred to the Committee on Energy, Utilities and Communications.

Date of Hearing, July 7, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 701	SB 750	AB 433	AB 677
AB 826	AB 1367	AB 1640	AB 1700

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

SHER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 7, 2003

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

AB 901

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

SHER, Chair

Above measure re-referred to the Committee on Transportation.

Date of Hearing, July 7, 2003

Mr. President: The Committee on Environmental Quality, to which were referred:

AB 314	AB 334
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Reports the same back with the recommendation: Do pass.

SHER, Chair

Above bills ordered to second reading.

Committee on Judiciary

Senate Chamber, July 8, 2003

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

AB 262 AB 1143 AB 1151 AB 1382

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 262—An act to amend Sections 56.05 and 56.10 of the Civil Code, relating to personal information.

Bill read second time.

Assembly Bill 1143—An act to amend Section 1985.3 of the Code of Civil Procedure, relating to Internet communications.

Bill read second time.

Assembly Bill 1151—An act to amend Section 911.4 of the Government Code, to amend Section 1527.6 of the Health and Safety Code, and to amend Sections 827 and 16501.1 of, and to add Section 16000.1 to, the Welfare and Institutions Code, relating to foster care.

Bill read second time.

Assembly Bill 1382—An act to amend Sections 7071.17, 7085.5, 7085.6, 7090.1, 7099.2, 7121, 7122.1, and 7143 of the Business and Professions Code, relating to contractors.

Bill read second time.

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

Committee on Energy, Utilities and Communications

Date of Hearing, June 24, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 653

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

BOWEN, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 1, 2003

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

AB 104

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

Above measure ordered to second reading.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Judiciary, to which was referred:
AB 1302

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 8, 2003

Mr. President: The Committee on Rules has examined:
SCR 10 SCR 37

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 8th day of July, 2003, at 1:30 p.m.

BURTON, Chair

Committee on Natural Resources and Wildlife

Date of Hearing, July 8, 2003

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

AB 482 AB 859 AB 974
AB 1216 AB 1354

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

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which was referred:
AB 260

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

MURRAY, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 8, 2003

Mr. President: The Committee on Rules has examined:
SB 523 SB 745

And reports that the same have been correctly enrolled, and presented to the Governor on the 8th day of July, 2003, at 1 p.m.

BURTON, Chair

Committee on Education

Date of Hearing, July 2, 2003

Mr. President: The Committee on Education, to which was referred:
AB 833

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 3, 2003

Mr. President: The Committee on Education, to which was referred:
AB 310

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 3, 2003

Mr. President: The Committee on Education, to which was referred:
AB 642

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Insurance

Date of Hearing, July 2, 2003

Mr. President: The Committee on Insurance, to which were referred:
AB 81 AB 943

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

SPEIER, Chair

Above measures ordered to second reading.

Committee on Agriculture and Water Resources

Date of Hearing, July 8, 2003

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

AB 514 ACR 69

Reports the same back with the recommendation: Do pass.

MACHADO, Chair

Above bill ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, July 8, 2003

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

AB 1335

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

MACHADO, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

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

AB 185

AB 315

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

MACHADO, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Veterans Affairs

Date of Hearing, July 8, 2003

Mr. President: The Committee on Veterans Affairs, to which were referred:

AB 1036

AB 1736

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

MORROW, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Governmental Organization

Date of Hearing, July 8, 2003

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

AB 14

AB 113

AB 571

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

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 8, 2003

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

AB 401 AB 509 AB 1186 AB 1368

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

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing, July 2, 2003

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

AB 648

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Governmental Organization

Date of Hearing, July 8, 2003

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

AB 1557

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

VINCENT, Chair

Above measure re-referred to the Committee on Rules.

Committee on Public Safety

Date of Hearing, June 17, 2003

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

AB 25

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

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Governmental Organization

Senate Chamber, July 8, 2003

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

SCA 10

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

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Constitutional Amendment 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 19 of Article IV thereof, relating to gaming.

Resolution read second time.

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

Committee on Veterans Affairs

Date of Hearing, July 8, 2003

Mr. President: The Committee on Veterans Affairs, to which were referred:

AB 890

AJR 21

Reports the same back with the recommendation: Do pass.

MORROW, Chair

Above bill ordered to second reading.

Above resolution ordered to third reading.

Committee on Appropriations

Senate Chamber, July 8, 2003

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

AB 183

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 183—An act to add Section 14132.415 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

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

Committee on Veterans Affairs

Date of Hearing, July 8, 2003

Mr. President: The Committee on Veterans Affairs, to which were referred:

AB 214

AB 1416

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

MORROW, Chair

Above measures re-referred to the Committee on Revenue and Taxation.

Date of Hearing, July 8, 2003

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

AB 1179

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

MORROW, Chair

Above measure re-referred to the Committee on Judiciary.

Committee on Public Safety

Date of Hearing, July 1, 2003

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

AB 1504

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

McPHERSON, Chair

Above measure ordered to second reading.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill 519—An act to add Sections 1765.5 and 1765.6 to the Welfare and Institutions Code, relating to controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 920—An act to amend Sections 1102.6a, 1102.17, and 1103.2 of the Civil Code, and to amend Sections 53340.3 and 53754 of the Government Code, relating to real estate disclosures.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1210—An act to amend Sections 8201 and 8203.1 of, and to add Section 8201.2 to, the Government Code, relating to notaries public.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 418—An act to amend Section 415.20 of, and to add Section 415.95 to, the Code of Civil Procedure, relating to civil actions.

Bill read second time.

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

Assembly Bill 1531—An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

Bill read second time.

The amendments proposed by the Committee on Elections and Reapportionment were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 197—An act to amend Section 12419.10 of the Government Code, relating to offset payments.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 650—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 170—An act to add Section 65302.4 to the Government Code, relating to local planning.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 332—An act to amend Sections 21670, 21674.7, 21676, 21676.5, 21677, and 21678 of the Public Utilities Code, relating to airports.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1199—An act to amend Section 2 of Chapter 1338 of the Statutes of 1989, as amended by Section 1 of Chapter 306 of the Statutes of 1993, relating to local government finance.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 352—An act to amend, repeal, and add Section 1203.097 of the Penal Code, relating to domestic violence.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1438—An act to add Section 1536.5 to the Penal Code, relating to business records.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 361—An act to amend Section 132352.6 of, and to add Article 6.5 (commencing with Section 132360) to Chapter 3 of Division 12.7 of the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 377—An act to amend Section 42001 of, and to add Section 27150.3 to, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1555—An act to amend Section 654.05 of the Harbors and Navigation Code, relating to vessels.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 59—An act to add Chapter 4.5 (commencing with Section 8305) to Division 1 of Title 2 of the Government Code, relating to state history and culture.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 453—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 682—An act to amend Section 798.55 of the Civil Code, relating to mobilehomes.

Bill read second time.

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

Assembly Bill 1399—An act to amend Section 1786.20 of the Civil Code, relating to investigative consumer reports.

Bill read second time.

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

Assembly Bill 17—An act to add Section 10295.3 to the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 394—An act to amend Sections 488.460 and 700.150 of the Code of Civil Procedure, and to amend Sections 26738 and 26746

of, and to add Section 26723 to, the Government Code, relating to law enforcement fees.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

Assembly Bill 1095—An act to add Section 70394 to the Government Code, relating to libraries.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 30—An act to add Section 12693.756 to the Insurance Code, relating to health care coverage.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 46—An act to add Section 1798.85.1 to the Civil Code, relating to identity theft.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 1022—An act to amend Sections 21455.5 and 21455.6 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

Assembly Bill 302—An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1168—An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

Bill read third time.

Amendments Adopted

Amendments to AB 1168 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1769—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1769 proposed by Senator Annestad were read and adopted: RN031-4994, 5118, 5304, and 5361.

Amendments to AB 1769 proposed by Senator Ackerman were read and adopted: RN031-4956, 4987, 5115, 5221, 5275, and 5738.

Amendments to AB 1769 proposed by Senator Ashburn were read and adopted: RN031-4982 and 5196.

Amendments to AB 1769 proposed by Senator Brulte were read and adopted: RN031-4983, 4984, 4989, 4991, 4993, 4998, 5103, 5105, 5106, 5108, 5109, 5110, 5116, 5199, 5240, 5660, 5663, 5667, 5669, 5673, 5675, 5676, 5677, 5678, 5714, 5715, 5716, 5718, 5720, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5737, 5740, 5741, 5754, 5756, 5766, 5767, 5812, 5815, and 5918.

Amendments to AB 1769 proposed by Senator Denham were read and adopted: RN031-5104.

Amendments to AB 1769 proposed by Senator Hollingsworth were read and adopted: RN031-4996 and 5114.

Amendments to AB 1769 proposed by Senator Knight were read and adopted: RN031-5315.

Amendments to AB 1769 proposed by Senator McClintock were read and adopted: RN031-4946, 4949, 4961, 5314, and 5588.

Amendments to AB 1769 proposed by Senator McPherson were read and adopted: RN031-5195.

Amendments to AB 1769 proposed by Senator Oller were read and adopted: RN031-4958, 4981 and 5555.

Amendments to AB 1769 proposed by Senator Poochigian were read and adopted: RN031-4980, 5007, 5192, and 5193.

Bill ordered printed and to third reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1701** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

AB 394 and **AB 1774** were withdrawn from the Committee on Public Safety and re-referred to the Committee on Appropriations.

SENATE COMMITTEE ROLL CALLS**Committee on Agriculture and Water Resources**

AB 185—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Ducheny, Florez, Kuehl, Machado, Perata, and Torlakson.

NOES (5)—Senators Aanestad, Denham, Hollingsworth, Margett, and Poochigian.

AB 315—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

AB 426—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Margett, and Perata.

NOES (2)—Senators Machado and Torlakson.

AB 514—Do pass

AYES (8)—Senators Alpert, Bowen, Ducheny, Florez, Kuehl, Machado, Perata, and Torlakson.

NOES (5)—Senators Aanestad, Denham, Hollingsworth, Margett, and Poochigian.

AB 1335—Do pass, to Consent Calendar

AYES (13)—Senators Aanestad, Alpert, Bowen, Denham, Ducheny, Florez, Hollingsworth, Kuehl, Machado, Margett, Perata, Poochigian, and Torlakson.

NOES (0)—None.

AB 1771—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Ducheny, Florez, Kuehl, Machado, Perata, and Torlakson.

NOES (0)—None.

ACR 69—Be adopted

AYES (9)—Senators Aanestad, Alpert, Bowen, Denham, Hollingsworth, Kuehl, Margett, Perata, and Poochigian.

NOES (2)—Senators Ducheny and Florez.

Date of Hearing: 7/8/03

Machado (Chair)

Committee on Environmental Quality

SB 701—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

SB 750—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (1)—Senator Denham.

AB 13—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 121—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (0)—None.

AB 151—Do pass and re-refer to Committee on Energy, Utilities and Communications

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

AB 314—Do pass

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 334—Do pass

AYES (6)—Senators Chesbro, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (1)—Senator Denham.

AB 390—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 433—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 455—Do pass as amended and re-refer to Committee on Rules

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

AB 471—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Denham, Figueroa, Kuehl, Romero, and Sher.

NOES (0)—None.

AB 677—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 826—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 844—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

AB 866—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 897—Do pass as amended and re-refer to Committee on Rules

AYES (4)—Senators Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

AB 901—Do pass and re-refer to Committee on Transportation

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

AB 906—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 998—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

AB 1218—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 1348—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 1360—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 1367—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

AB 1427—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 1468—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

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

AYES (4)—Senators Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator McPherson.

AB 1532—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 1541—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

AB 1640—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

AB 1700—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (1)—Senator Denham.

AB 1724—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 7/7/03

Sher (Chair)

Committee on Governmental Organization**AB 14**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Cedillo, Chesbro, Dunn, Karnette, Machado, Murray, Soto, and Vincent.

NOES (4)—Senators Battin, Brulte, Johnson, and Margett.

AB 113—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Battin, Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (2)—Senators Brulte and Margett.

AB 278—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (2)—Senators Battin and Brulte.

AB 401—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

AB 509—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

AB 571—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Brulte, Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (2)—Senators Battin and Margett.

AB 701—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Chesbro, Dunn, Soto, and Vincent.

NOES (4)—Senators Battin, Brulte, Johnson, and Margett.

Failed passage

AB 701—Reconsideration granted

AYES (9)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Margett, Soto, and Vincent.

NOES (0)—None.

AB 1186—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

AB 1209—Do pass as amended and re-refer to Committee on Judiciary
AYES (9)—Senators Battin, Brulte, Cedillo, Johnson, Karnette, Margett,
Murray, Soto, and Vincent.

NOES (1)—Senator Chesbro.

AB 1368—Do pass and re-refer to Committee on Appropriations, with
the recommendation: To Consent Calendar

AYES (12)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson,
Karnette, Machado, Margett, Murray, Soto, and Vincent.

NOES (0)—None.

AB 1557—Do pass and re-refer to Committee on Rules

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and
Vincent.

NOES (4)—Senators Battin, Brulte, Johnson, and Margett.

Date of Hearing: 7/8/03

Vincent (Chair)

Committee on Natural Resources and Wildlife

AB 47—Do pass as amended and re-refer to Committee on
Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

AB 396—Do pass as amended and re-refer to Committee on
Appropriations

AYES (5)—Senators Alpert, Denham, Hollingsworth, Oller, and Torlakson.

NOES (3)—Senators Bowen, Kuehl, and Sher.

AB 482—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller,
Ortiz, and Torlakson.

NOES (0)—None.

AB 496—Do pass as amended and re-refer to Committee on
Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

AB 847—Do pass as amended and re-refer to Committee on
Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Ortiz,
Sher, and Torlakson.

NOES (1)—Senator Oller.

AB 859—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

AB 974—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Ortiz, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

AB 1216—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Hollingsworth.

AB 1222—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

AB 1354—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

AB 1599—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Denham, Hollingsworth, Kuehl, Oller, Ortiz, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/8/03

Kuehl (Chair)

Committee on Public Employment and Retirement**AB 85**—Do pass

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

AB 91—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

AB 1253—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

Date of Hearing: 7/7/03

Soto (Chair)

Committee on Veterans Affairs**SJR 17**—Do pass as amended

AYES (6)—Senators Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

AB 214—Do pass and re-refer to Committee on Revenue and Taxation

AYES (5)—Senators Denham, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

AB 890—Do pass

AYES (5)—Senators Denham, Ducheny, Dunn, Knight, and Soto.

NOES (1)—Senator Morrow.

AB 1036—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

AB 1179—Do pass and re-refer to Committee on Judiciary

AYES (6)—Senators Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

AB 1416—Do pass and re-refer to Committee on Revenue and Taxation

AYES (5)—Senators Denham, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

AB 1736—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

AJR 21—Do pass

AYES (6)—Senators Denham, Ducheny, Dunn, Knight, Morrow, and Soto.

NOES (0)—None.

Date of Hearing: 7/8/03

Morrow (Chair)

REQUEST TO ADJOURN IN MEMORIAM

Senator Perata requested that when the Senate adjourns this day it do so in memory of Al DeWitt of Alameda.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, July 9, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, July 9, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, July 9, 2003

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

Education—SCR 41; ACR 8.

Judiciary—AJR 35.

Veterans Affairs—AJR 36.

The Committee on Rules has referred the following measure to two committees:

Judiciary and Rules—AB 578.

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

Business and Professions—AB 1721.

Education—AB 1008.

Judiciary—AB 593.

Public Safety—AB 198.

Revenue and Taxation—AB 1239.

Committee on Public Safety

Date of Hearing, July 8, 2003

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

AB 522 AB 1773 AJR 34

Reports the same back with the recommendation: Do pass.

McPHERSON, Chair

Above bills ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, July 8, 2003

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

AB 161 AB 941 AB 1044
AB 1119 AB 1383 AB 1669

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

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations

Committee on Appropriations

Senate Chamber, July 9, 2003

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

SB 98 AB 487 AB 1130 AB 1428

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 98—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 487—An act to amend Section 2105 of the Elections Code, relating to elections.

Bill read second time.

Assembly Bill 1130—An act to amend Section 6254 of the Government Code, and to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.58, 12699.60, 12699.61, and 12699.62 of, and to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2, of the Insurance Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1428—An act to amend Section 20092 of the Government Code, relating to public employees' benefits.

Bill read second time.

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

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 455

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

SHER, Chair

Above measure ordered to second reading.

Committee on Energy, Utilities and Communications

Date of Hearing, July 8, 2003

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 914

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

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations

Committee on Health and Human Services

Date of Hearing, July 2, 2003

Mr. President: The Committee on Health and Human Services, to which were referred:

AB 253

AB 946

AB 1241

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

ORTIZ, Chair

Above measures ordered to second reading.

Committee on Elections and Reapportionment

Date of Hearing, July 9, 2003

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

AB 828

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

PERATA, Chair

Above measure re-referred to the Committee on Appropriations

Committee on Insurance

Senate Chamber, July 9, 2003

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

AB 857

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

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 857—An act to add Section 12734 and 12739.5 to the Insurance Code, relating to health insurance, and making an appropriation therefor.

Bill read second time.

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

Committee on Transportation

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 616 AB 1662 ACR 58 ACR 71

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

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 299 AB 625 AB 1148
 AB 1238 AB 1449

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

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which was referred: AB 1546

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

MURRAY, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which was referred: AB 1625

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

MURRAY, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which was referred: AB 626

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

MURRAY, Chair

Above measure re-referred to the Committee on Education.

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 710 AB 773 AB 792

Reports the same back with the recommendation: Do pass.

MURRAY, Chair

Above bills ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

Mr. President: The Committee on Judiciary, to which was referred: AB 1594

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

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations

Date of Hearing, July 8, 2003

Mr. President: The Committee on Judiciary, to which was referred:
AB 513

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

ESCUTIA, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, July 8, 2003

Mr. President: The Committee on Judiciary, to which were referred:
AB 739 AB 1082 AB 1536 AB 1715

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

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations

Senate Chamber, July 9, 2003

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

AB 1059

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1059—An act to amend Section 1942.5 of the Civil Code, relating to landlord and tenant.

Bill read second time.

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

Date of Hearing, July 1, 2003

Mr. President: The Committee on Judiciary, to which were referred:
AB 1101 AB 1287

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

ESCUTIA, Chair

Above measures ordered to second reading.

Committee on Transportation

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which was referred:
AB 1303

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

Above measure ordered to second reading.

Date of Hearing, July 1, 2003

Mr. President: The Committee on Transportation, to which was referred:
AB 1409

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

MURRAY, Chair

Above measure re-referred to the Committee on Appropriations

Committee on Rules

Senate Chamber, July 9, 2003

Mr. President: The Committee on Rules has examined:

SB 455 SB 496

And reports that the same have been correctly enrolled, and presented to the Governor on the 9th day of July, 2003, at 10 a.m.

BURTON, Chair

Committee on Agriculture and Water Resources

Date of Hearing, July 8, 2003

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

AB 426 AB 1771

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

MACHADO, Chair

Above measures ordered to second reading.

Committee on Appropriations

Senate Chamber, July 9, 2003

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

AB 1248

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1248—An act to amend Section 13264 of, and to add Section 13167.5 to, the Water Code, relating to water.

Bill read second time.

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

Committee on Rules

Senate Chamber, July 9, 2003

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

ACR 106

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

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Concurrent Resolution 106—Relative to children's vision.

Resolution read second time.

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

Committee on Local Government

Date of Hearing, July 2, 2003

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

AB 1208

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

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 518

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bill ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 728

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

TORLAKSON, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, July 9, 2003

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

AB 768

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

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations

Committee on Public Safety

Date of Hearing, July 1, 2003

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

AB 945

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

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, July 9, 2003

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

AB 842

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 842—An act to amend Sections 11018.8, 11018.9, and 11024 of, and to add Section 11003.6 to, the Business and Professions Code, and to amend Sections 1689.5 and 1689.24 of the Civil Code, relating to time-share estates.

Bill read second time.

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

Committee on Public Safety

Date of Hearing, July 1, 2003

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

AB 991

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

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Senate Chamber, July 9, 2003

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

AB 827 AB 938 AB 1079 AB 1553

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

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 827—An act to repeal Section 450.4 of the Business and Professions Code, relating to professions and vocations.

Bill read second time.

Assembly Bill 938—An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1079—An act to amend Sections 9880.1 and 9882 of the Business and Professions Code, relating to automotive repair.

Bill read second time.

Assembly Bill 1553—An act to amend Sections 9855 and 9855.2 of the Business and Professions Code, relating to service contracts.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, July 9, 2003

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

AB 198

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

McPHERSON, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 198—An act to add Section 30807.5 to the Streets and Highways Code, relating to streets and highways.

Bill read second time.

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

Committee on Public Employment and Retirement

Date of Hearing, July 9, 2003

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

AB 459

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

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

Assembly Bill 85—An act to amend Section 31640.5 of the Government Code, relating to county employees’ retirement.

Bill read second time and ordered to third reading.

Assembly Bill 314—An act to amend Section 12947 of the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 334—An act to amend Section 116786 of the Health and Safety Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 653—An act to amend Section 15814.15 of the Government Code, relating to energy efficiency.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

Assembly Bill 104—An act to add Section 1365.2 to the Civil Code, relating to common interest developments.

Bill read second time.

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

Assembly Bill 1302—An act to add Section 1808.11 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

Assembly Bill 260—An act to amend Section 91.5 of, and to add Section 91.6 to, the Streets and Highways Code, relating to highways.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

Assembly Bill 1168—An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

Bill read second time and ordered to third reading.

Assembly Bill 833—An act to amend Sections 230 and 66271.7 of, and to add Sections 66271.6 and 66271.8 to, the Education Code, relating to sex equity in education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 310—An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 642—An act to add Section 60605.4 to the Education Code, relating to curriculum.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

Assembly Bill 81—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

Assembly Bill 943—An act to amend Section 12640.04 of the Insurance Code, relating to mortgage guaranty insurance.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

Assembly Bill 514—An act to add Section 111 to the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 1335—An act to amend Section 12847 of the Food and Agricultural Code, relating to pesticides.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 648—An act to add and repeal Article 7 (commencing with Section 33600) of Chapter 4 of Part 20 of the Education Code, relating to commissions.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 25—An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Section 112 of the Penal Code, relating to government documents.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

Assembly Bill 890—An act to amend Section 66.5 of the Military and Veterans Code, relating to veterans.

Bill read second time and ordered to third reading.

Assembly Bill 1504—An act to amend Section 1603 of the Penal Code, relating to release of committed persons.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1031** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Judiciary.

SENATE COMMITTEE ROLL CALLS**Committee on Elections and Reapportionment**

AB 177—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Escutia, Johnson, Murray, Perata, and Poochigian.

NOES (0)—None.

AB 828—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (2)—Senators Johnson and Poochigian.

AJR 7—Do pass as amended

AYES (3)—Senators Escutia, Murray, and Perata.

NOES (0)—None.

Date of Hearing: 7/9/03

Perata (Chair)

Committee on Energy, Utilities and Communications

SB 703—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Vasconcellos.

NOES (1)—Senator McClintock.

SCR 30—Be adopted as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

AB 151—Do pass as amended and re-refer to Committee on Appropriations

AYES (1)—Senator Alarcón.

NOES (2)—Senators Battin and McClintock.

Failed passage

AB 151—Reconsideration granted

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Vasconcellos.

NOES (0)—None.

AB 425—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Vasconcellos.

NOES (0)—None.

AB 428—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Battin and Morrow.

NOES (3)—Senators Alarcón, Bowen, and Dunn.

Failed passage

AB 428—Reconsideration granted

AYES (8)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Morrow, Murray, and Vasconcellos.

NOES (0)—None.

AB 855—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

AB 909—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

AB 914—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

AB 1214—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

AB 1284—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Battin, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

AB 1379—Do pass as amended

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Vasconcellos.

NOES (2)—Senators Battin and McClintock.

AB 1389—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, McClintock, and Murray.

NOES (1)—Senator Battin.

AB 1685—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Vasconcellos.

NOES (1)—Senator McClintock.

AB 1735—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 7/8/03

Bowen (Chair)

Committee on Judiciary

AB 21—Do pass as amended and re-refer to Committee on Transportation

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 68—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 71—Do pass as amended and re-refer to Committee on Revenue and Taxation

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 95—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 213—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 274—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 277—Do pass as amended and re-refer to Committee on Rules

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 408—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 447—Do pass as amended

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 513—Do pass and re-refer to Committee on Public Safety

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 634—Do pass as amended

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

NOES (1)—Senator Ackerman.

AB 739—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 763—Do pass

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 790—Do pass as amended

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 839—Do pass

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 845—Do pass as amended and re-refer to Committee on Rules

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 862—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 903—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 962—Do pass as amended

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1082—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 1229—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (1)—Senator Ackerman.

AB 1349—Do pass as amended, to Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1536—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 1594—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1708—Do pass as amended

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1715—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

Date of Hearing: 7/8/03

Escutia (Chair)

Committee on Local Government**AB 305**—Do pass as amended

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

AB 518—Do pass

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 728—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 768—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 953—Do pass as amended

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 1182—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 1192—Do pass as amended

AYES (7)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 1492—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (3)—Senators Ackerman, Hollingsworth, and Margett.

Date of Hearing: 7/9/03

Torlakson (Chair)

Committee on Public Employment and Retirement

AB 457—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (1)—Senator Oller.

AB 459—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

Date of Hearing: 7/9/03

Soto (Chair)

Committee on Public Safety

AB 50—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Burton, Romero, and Sher.

NOES (2)—Senators Margett and McPherson.

Failed passage

AB 50—Reconsideration granted

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 161—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

AB 233—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 402—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

AB 522—Do pass

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

AB 608—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 633—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Margett, McPherson, and Vasconcellos.

NOES (2)—Senators Romero and Sher.

Failed passage

AB 633—Reconsideration granted

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 898—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 928—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 941—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 1012—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

AB 1026—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Burton, Margett, and McPherson.

NOES (0)—None.

Failed passage

AB 1026—Reconsideration granted

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 1042—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Margett, McPherson, and Sher.

NOES (1)—Senator Romero.

AB 1044—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 1077—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

AB 1119—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

AB 1301—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (0)—None.

AB 1308—Do pass as amended

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

AB 1314—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

AB 1331—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

AB 1383—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

AB 1669—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 1773—Do pass

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Vasconcellos.
NOES (0)—None.

AJR 34—Be adopted

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.
NOES (0)—None.

Date of Hearing: 7/8/03

McPherson (Chair)

Committee on Transportation

SCR 35—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.
NOES (0)—None.

AB 45—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Florez, Karnette, Murray, and Perata.

NOES (7)—Senators Ashburn, Brulte, McClintock, Morrow, Soto, Speier, and Torlakson.

Failed passage

AB 299—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

AB 327—Do pass as amended

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

AB 557—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Florez, Karnette, and Speier.

NOES (6)—Senators Ashburn, Brulte, McClintock, Murray, Perata, and Torlakson.

Failed passage

AB 575—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Murray and Speier.

NOES (7)—Senators Ashburn, Brulte, Florez, McClintock, Morrow, Perata, and Torlakson.

Failed passage

AB 616—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 625—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 626—Do pass and re-refer to Committee on Education

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

AB 692—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

AB 710—Do pass

AYES (9)—Senators Ashburn, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 773—Do pass

AYES (9)—Senators Ashburn, Brulte, Florez, McClintock, Murray, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 792—Do pass

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator Brulte.

AB 894—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Figueroa, Karnette, Murray, Perata, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

AB 1148—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 1238—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

AB 1449—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 1546—Do pass and re-refer to Committee on Rules

AYES (8)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Speier.

AB 1625—Do pass and re-refer to Committee on Judiciary

AYES (9)—Senators Figueroa, Florez, Karnette, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

AB 1662—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

ACR 58—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

ACR 71—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/8/03

Murray (Chair)

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, July 10, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, July 10, 2003

The Senate met at 8:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Disturb us, Lord, when we are too well pleased with ourselves, when we arrive safely because we have sailed too close to the shore.

Disturb us, Lord, when with our abundance we have lost our thirst for the waters of life.

Disturb us, Lord, to dare more boldly, to venture on wider seas where storms will show Your mastery; where losing sight of land, we shall find the stars. We ask You to push back the horizons of our hopes; and to push us into the future in strength, courage, hope, and love.—AMEN.

(Sir Francis Drake, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Labor and Industrial Relations**

Date of Hearing, July 9, 2003

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

AB 149 AB 1099 AB 1578

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

ALARCÓN, Chair

Above measures ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 109 AB 1038

Reports the same back with the recommendation: Do pass.

ALARCÓN, Chair

Above bills ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 968 AB 1324

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

ALARCÓN, Chair

Above measures ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 76	AB 331	AB 899	AB 1506
AB 276	AB 446	AB 1061	AB 1551
AB 324	AB 807	AB 1418	AB 1723

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

ALARCÓN, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 9, 2003

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

AB 227	AB 1215	AB 1262
AB 1483	AB 1579	

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

ALARCÓN, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, July 9, 2003

Mr. President: The Committee on Rules has examined:

SCR 4

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 10th day of July, 2003, at 4:45 p.m.

BURTON, Chair

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing: the Committee on Business and Professions to meet on July 14; the Committee on Natural Resources and Wildlife to hear AB 1405; and the Committee on Revenue and Taxation to hear AB 574 and AB 1412, without four days notice in the file.

REQUESTS TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Alpert:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(5) in order that SB 593 may be reported by the Committee on Appropriations after the deadline.

SENATOR ALPERT

The following request was presented by Senator Cedillo:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 214, AB 1239 and AB 1416 may be reported by the Committee on Revenue and Taxation after the deadline.

SENATOR CEDILLO

The following request was presented by Senator Escutia:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 159, AB 171, AB 523, AB 534, AB 1020, AB 1277, AB 1371, AB 1382, AB 1386, AB 262, AB 656, AB 842, AB 1059, AB 1143, AB 1151, AB 1180, and AB 1265 may be reported by the Committee on Judiciary after the deadline.

SENATOR ESCUTIA

The following request was presented by Senator Figueroa:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 186, AB 236, AB 746, AB 827, AB 938, AB 984, AB 1286, AB 1458, AB 1467, AB 1553, AB 544, AB 671, and AB 1079 may be reported by the Committee on Business and Profession after the deadline.

SENATOR FIGUEROA

The following request was presented by Senator McPherson:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 513, AB 198 and AB 638 may be reported by the Committee on Public Safety after the deadline.

SENATOR MCPHERSON

The following request was presented by Senator Murray:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 21, AB 184, AB 559, AB 574, AB 872, AB 901, AB 1408, and AB 1479 may be reported by the Committee on Transportation after the deadline.

SENATOR MURRAY

The following request was presented by Senator Ortiz:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 455, AB 490, AB 766, AB 1326,

and AB 1739 may be reported by the Committee on Health and Human Services after the deadline.

SENATOR ORTIZ

The following request was presented by Senator Speier:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 1297, AB 1729 and AB 1005 may be reported by the Committee on Insurance after the deadline.

SENATOR SPEIER

The following request was presented by Senator Sher:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 83 and AB 1076 may be reported by the Committee on Environmental Quality after the deadline.

SENATOR SHER

The following request was presented by Senator Vincent:

Senate Chamber, July 10, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 1486 may be reported by the Committee on Governmental Organization after the deadline.

SENATOR VINCENT

Recommendation of Rules Committee

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

BURTON, Chair

JOINT RULE DISPENSED WITH

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(5) and (a)(9) was dispensed with as requested.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 522—An act to add Section 1227 to the Government Code, relating to Matriculas Consular.

Bill read second time and ordered to third reading.

Assembly Bill 1773—An act to amend Section 1524 of the Penal Code, relating to search warrants.

Bill read second time and ordered to third reading.

Assembly Bill 455—An act to add Article 10.3 (commencing with Section 25214.11) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 253—An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 946—An act to amend Section 11364.7 of, and to add Chapter 16 (commencing with Section 121345) to Part 4 of Division 105 of, the Health and Safety Code, relating to AIDS.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1241—An act to add and repeal Section 128401 of the Health and Safety Code, relating to health professions.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 710—An act to amend Section 130052 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 773—An act to amend Sections 130054.1 and 130054.8 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 792—An act to amend Section 22658 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1287—An act to amend Section 798.71 of, and to add Section 798.74.5 to, the Civil Code, relating to mobilehomes.

Bill read second time.

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

Assembly Bill 1101—An act to amend Section 6068 of the Business and Professions Code, and to amend Section 956.5 of the Evidence Code, relating to attorneys.

Bill read second time.

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

Assembly Bill 1303—An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

Assembly Bill 426—An act to add Section 139 to the Water Code, relating to the State Water Project.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1771—An act to amend Section 11361 of the Government Code, and to add Section 79600 to the Water Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1208—An act to add Section 1091.4 to the Government Code, relating to conflicts of interest.

Bill read second time.

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

Assembly Bill 518—An act to amend Sections 56132 and 56668 of the Government Code, relating to local agency formation.

Bill read second time and ordered to third reading.

Assembly Bill 945—An act to add Section 207.6 to the Welfare and Institutions Code, relating to minors.

Bill read second time.

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

Assembly Bill 991—An act to add Section 13514.1 to the Penal Code, relating to peace officer training.

Bill read second time.

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

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 40—Relative to the City of Compton Planning and Transportation Project Task Force.

Resolution read third time and presented by Senator Vincent.

Roll Call

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

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Dunn, Florez, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 158—An act to add Chapter 4.6 (commencing with Section 1070) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SB 158?

Roll Call

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

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Joint Resolution 10—Relative to Medicare prescription drug coverage.

Resolution presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SJR 10?

Roll Call

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

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Ashburn.

Above resolution ordered enrolled.

Senator Alpert Presiding**REQUESTS TO RETURN BILLS TO SENATE**

Senator Escutia requested that the Secretary of the Senate ask the Governor to return SB 523 to the Senate for further action.

Senator Scott requested that the Secretary of the Senate ask the Governor to return SB 155 to the Senate for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)
MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Machado moved that **AB 944** be placed on the inactive file.

Motion carried.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Johnson moved that **AB 360** be taken from the inactive file and placed on the second reading file.

Motion carried.

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

Senate Bill 2—An act to add Part 8.5 (commencing with Section 2020) to Division 2 of the Labor Code, relating to health care coverage.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 2?

Roll Call

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

AYES (0)—None.

NOES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

REQUEST FOR UNANIMOUS CONSENT (SCR 39)

Senator Johnson asked for, and was granted, unanimous consent that SCR 39 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 39

Senate Concurrent Resolution 39—Relative to municipal utilities. Resolution read third time and presented by Senator Johnson.

Roll Call

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

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

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

Assembly Bill 1527—An act relating to health care coverage.

Bill read third time.

Roll Call

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

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 359—An act to amend Section 70 of the Penal Code, relating to public safety officers.

Bill read third time and presented by Senator McPherson.

Roll Call

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

AYES (31)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Murray,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Governor's Appointments

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

Leroy D. Baca, Member, Commission on Peace Officer Standards and Training.

Louis J. Blanas, Member, Commission on Peace Officer Standards and Training.

James P. Fox, Member, Commission on Peace Officer Standards and Training.

Michael R. Yamaki, Member, Commission on Peace Officer Standards and Training.

Francisco J. Hernandez, Ph.D., Member, Western Interstate Commission for Higher Education.

Robert L. Moore, Member, Western Interstate Commission for Higher Education.

Kristen P. Addicks, Member, California Regional Water Quality Control Board, San Francisco Bay Region.

Josephine T. De Luca, Member, California Regional Water Quality Control Board, San Francisco Bay Region.

Jack L. Clarke, Member, California Regional Water Quality Control Board, Lahontan Region.

Leon M. Lesicka, Member, California Regional Water Quality Control Board, Colorado River Basin Region.

John H. Minan, Member, California Regional Water Quality Control Board, San Diego 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 (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments

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

Phyllis F. Epstein, Marcy Friedman, Barbara George, Jerrold A. Hiura, DDS, and Michael A. Rubel, Members, California Arts Council.

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

Roll Call

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

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1528—An act relating to health care coverage.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 467—An act to add Section 99163 to the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Soto.

Roll Call

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

AYES (29)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

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

Bill ordered transmitted to the Assembly.

Assembly Bill 1168—An act to amend Sections 5093.54 and 5093.545 of the Public Resources Code, relating to rivers.

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 (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Objection Raised

Senator Torlakson objected to **AB 1384** being on the Consent Calendar.

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

Assembly Bill 878—An act to amend Sections 6055 and 6077.6 of, and to add Section 6084.2 to, the Harbors and Navigation Code, and to add Section 69.5 to the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to harbor districts.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1117—An act to amend Section 8555 of the Public Resources Code, relating to grazing lands.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1677—An act to amend Section 3008 of the Elections Code, relating to absent voter ballots.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 781—An act to add Article 3.5 (commencing with Section 51430) to Chapter 3 of Part 28 of the Education Code, relating to public schools.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1083—An act to add Section 10110.3 to the Insurance Code, relating to life insurance.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1641—An act to amend Section 68115 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 418—An act to amend Section 415.20 of, and to add Section 415.95 to, the Code of Civil Procedure, relating to civil actions.

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

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 10, 2003

To the Members of the Senate:

Pursuant to your request, I am returning SB 155 and SB 523 to the Senate for further action.

Sincerely,

Pamela K. Oto
Private Secretary of the Governor

Above bills ordered transmitted to the Assembly on request of the authors.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:30 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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, July 14, 2003.

Motion carried.

IN JOINT CONVENTION

**State Address by Hon. Jose Maria Aznar Lopez
President of the Government of Spain**

Assembly Chamber, Sacramento
Thursday, July 10, 2003

At 9:49 a.m., the Senate and Assembly met in Joint Convention.

Hon. Herb J. Wesson, Jr., Speaker of the Assembly, presiding.

(NOTE: For text of the State Address see Assembly Journal for July 10, 2003.)

ADJOURNMENT OF JOINT CONVENTION

At 10:14 a.m., there being no further business, Speaker Wesson declared the Joint Convention adjourned *sine die*.

IN SENATE

Senate Chamber, Sacramento
Thursday, July 10, 2003

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 10, 2003

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

SB 10	SB 308	SB 637	SB 1068
SB 176	SB 316	SB 873	
SB 242	SB 399	SB 968	

Above measures ordered enrolled.

Assembly Chamber, July 10, 2003

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

SB 79	SB 109	SB 139
SB 181	SB 378	SB 392
SB 660	SB 736	SB 806

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

Above measures ordered to unfinished business file.

Assembly Chamber, July 10, 2003

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

SCR 3

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolution ordered enrolled.

Assembly Chamber, July 10, 2003

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

AB 117	AB 504	AB 690	AB 1092
AB 365	AB 569	AB 706	AB 1538
AB 427	AB 583	AB 965	
AB 464	AB 647	AB 1019	

Assembly Chamber, July 10, 2003

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

AB 685

Assembly Chamber, July 10, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 767 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 685—An act to amend Section 120917 of the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, July 10, 2003

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

Revenue and Taxation—AB 1546.

State Capitol, July 10, 2003

Madam 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:

Ayanna A. Bledsoe, Member, California Student Aid Commission (5-0)

James T. Fousekis, Member, California Student Aid Commission (5-0)

Janet Keller, Member, California Regional Water Quality Control Board, San Diego Region (5-0)

Cynthia Verdugo-Peralta, Member, South Coast Air Quality Management District Board (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Committee on Governmental Organization

Date of Hearing, July 1, 2003

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

AB 28

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

VINCENT, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Wildlife

Date of Hearing, July 10, 2003

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 1405

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

KUEHL, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Housing and Community Development

Date of Hearing, July 7, 2003

Madam President: The Committee on Housing and Community Development, to which was referred:

AB 512

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

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, July 7, 2003

Madam President: The Committee on Housing and Community Development, to which were referred:

AB 668 AB 1086 AB 1217

Reports the same back with the recommendation: Do pass.

DUCHENY, Chair

Above bills ordered to second reading.

Date of Hearing, July 7, 2003

Madam President: The Committee on Housing and Community Development, to which was referred:

AB 1426

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

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, July 7, 2003

Madam President: The Committee on Housing and Community Development, to which were referred:

AB 1462 AB 1576

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

DUCHENY, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Insurance

Date of Hearing, July 9, 2003

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

AB 175 AB 284 AB 652 AB 1524

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

SPEIER, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 9, 2003

Madam President: The Committee on Insurance to which was referred:

AB 1227

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

SPEIER, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, July 9, 2003

Madam President: The Committee on Insurance, to which was referred:
AB 373

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

SPEIER, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

Madam President: The Committee on Insurance, to which was referred:
AB 1252

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

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 9, 2003

Madam President: The Committee on Insurance, to which was referred:
AB 1191

Reports the same back with the recommendation: Do pass.

SPEIER, Chair

Above bill ordered to second reading.

Committee on Public Safety

Senate Chamber, July 10, 2003

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

AB 638

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

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 638—An act to add Section 14602.8 to the Vehicle Code, relating to vehicles.

Bill read second time.

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

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 1541

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

SHER, Chair

Above measure ordered to second reading.

Committee on Health and Human Services

Date of Hearing, July 9, 2003

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

AB 232

AB 436

AB 691

AB 923

AB 1154

AB 1676

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

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 9, 2003

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

AB 380

AB 747

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

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 9, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

AB 83

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

ORTIZ, Chair

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

Date of Hearing, July 9, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

AB 632

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

ORTIZ, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, July 9, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

AB 846

Reports the same back with the recommendation: Do pass.

ORTIZ, Chair

Above bill ordered to second reading.

Committee on Banking, Commerce and International Trade

Date of Hearing, July 9, 2003

Madam President: The Committee on Banking, Commerce and International Trade, to which was referred:

AB 403

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

FLOREZ, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

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

AB 845

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

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

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

AB 213

AB 862

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

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, July 8, 2003

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

AB 21

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

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

Madam President: The Committee on Judiciary, to which was referred:
AB 274

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

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

Madam President: The Committee on Judiciary, to which was referred:
AB 71

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing, July 9, 2003

Madam President: The Committee on Revenue and Taxation, to which were referred:

SB 1067

AB 1666

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

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 9, 2003

Madam President: The Committee on Revenue and Taxation, to which were referred:

AB 1556

AB 1742

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

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, July 10, 2003

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

AB 1239

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

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1239—An act to amend Section 33561 of the Financial Code, relating to payment instruments.

Bill read second time.

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

Committee on Energy, Utilities and Communications

Date of Hearing, July 8, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 1284

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

BOWEN, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 1427

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

SHER, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 10, 2003

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

SB 269

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

ALPERT, Chair

Above measure ordered to second reading.

Committee on Education

Date of Hearing, July 10, 2003

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

AB 296

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

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

AB 277

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

ESCUZIA, Chair

Above measure ordered to second reading.

Committee on Education

Date of Hearing, July 9, 2003

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

AB 654

ACR 85

Reports the same back with the recommendation: Do pass.

VASCONCELLOS, Chair

Above bill ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, July 9, 2003

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

AB 615

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

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 10, 2003

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

AB 490

AB 766

AB 1326

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

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Health and Human Services.

Date of Hearing, July 9, 2003

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

AB 60 AB 235 AB 1631

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

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 10, 2003

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

AB 54 AB 662 AB 1097 AB 1512
AB 163 AB 841 AB 1144
AB 264 AB 1008 AB 1417

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

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Business and Professions

Date of Hearing, July 7, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 663

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

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Public Safety

Date of Hearing, July 1, 2003

Madam President: The Committee on Public Safety, to which were referred:

AB 1131 AB 1290

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

McPHERSON, Chair

Above measures ordered to second reading.

Date of Hearing, July 8, 2003

Madam President: The Committee on Public Safety, to which were referred:

AB 1042

AB 1077

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

McPHERSON, Chair

Above measures ordered to second reading.

Committee on Business and Professions

Date of Hearing, July 7, 2003

Madam President: The Committee on Business and Professions, to which were referred:

AB 123

AB 558

AB 1087

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

FIGUEROA, Chair

Above measures ordered to second reading.

Date of Hearing, July 7, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 1777

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

FIGUEROA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 7, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 1739

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

FIGUEROA, Chair

Above measure re-referred to the Committee on Rules.

Date of Hearing, July 7, 2003

Madam President: The Committee on Business and Professions, to which were referred:

AB 801

AB 948

AB 1196

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

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Natural Resources and Wildlife

Date of Hearing, July 8, 2003

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 47

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

KUEHL, Chair

Above measure ordered to second reading.

Committee on Insurance

Senate Chamber, July 10, 2003

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

AB 1297

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

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1297—An act to amend Sections 1623 and 1625 of, and to add Section 1727.5 to, the Insurance Code, relating to insurance brokers.

Bill read second time.

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

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 648** and **AB 1557** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

AB 857 was withdrawn from the Committee on Insurance and re-referred to the Committee on Rules.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 310** was withdrawn from committee and placed on file.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on July 15:

AB 1273	AB 798	AB 1399
AB 1773	AB 518	AJR 21

SENATE COMMITTEE ROLL CALLS**Committee on Banking, Commerce and International Trade**

AB 313—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Denham, Ducheny, Dunn, Florez, Hollingsworth, Karnette, McClintock, Murray, and Ortiz.

NOES (0)—None.

AB 403—Do pass as amended

AYES (7)—Senators Denham, Ducheny, Dunn, Florez, Karnette, Murray, and Ortiz.

NOES (2)—Senators Hollingsworth and McClintock.

AB 479—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Denham, Ducheny, Dunn, Florez, Hollingsworth, Karnette, McClintock, Murray, and Ortiz.

NOES (0)—None.

AB 679—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Denham, Ducheny, Dunn, Florez, Hollingsworth, Karnette, McClintock, and Murray.

NOES (0)—None.

AB 1355—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ducheny, Dunn, Florez, Karnette, Murray, and Ortiz.

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

AB 1775—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ducheny, Dunn, Florez, Karnette, Murray, and Ortiz.

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

AB 1776—Do pass and re-refer to Committee on Judiciary

AYES (6)—Senators Ducheny, Dunn, Florez, Karnette, Murray, and Ortiz.

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

Date of Hearing: 7/9/03

Florez (Chair)

Committee on Education

AB 60—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 61—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 235—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 264—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 264—Reconsideration granted

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 264—Reconsideration granted

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 298—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 300—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 424—Do pass as amended

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

AB 591—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 598—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 615—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 654—Do pass

AYES (8)—Senators Alarcón, Alpert, Denham, Karnette, McPherson, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

AB 921—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 954—Do pass as amended

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

AB 1017—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1137—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1244—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and McPherson.

AB 1309—Do pass as amended

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (3)—Senators Denham, Knight, and McPherson.

AB 1337—Do pass as amended

AYES (13)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1554—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1631—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AJR 3—Committee amendments

AYES (6)—Senators Alpert, Karnette, Romero, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

AJR 3—Do pass as amended

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Date of Hearing: 7/9/03

Vasconcellos (Chair)

AB 54—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

AB 115—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator McPherson.

AB 153—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, and Vasconcellos.

NOES (3)—Senators Denham, Knight, and McPherson.

AB 163—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Chesbro, Karnette, McPherson, Scott, Sher, and Vasconcellos.

NOES (3)—Senators Denham, Knight, and Romero.

AB 264—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Denham, Karnette, Knight, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 296—Do pass as amended and re-refer to Committee on Rules

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

AB 490—Do pass and re-refer to Committee on Health and Human Services

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

AB 491—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, and Vasconcellos.

NOES (0)—None.

AB 547—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

AB 626—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (3)—Senators Denham, Knight, and McPherson.

AB 655—Do pass as amended and re-refer to Committee on Business and Professions

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (1)—Senator Knight.

AB 662—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 715—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

AB 736—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

AB 745—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alarcón, Karnette, Vasconcellos, and Vincent.

NOES (1)—Senator Scott.

Failed passage

AB 745—Reconsideration granted

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 766—Do pass and re-refer to Committee on Health and Human Services

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

AB 841—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (2)—Senators Knight and McPherson.

AB 990—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

AB 1008—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1051—Do pass as amended and re-refer to Committee on Rules

AYES (7)—Senators Alarcón, Alpert, Karnette, Scott, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

AB 1097—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1144—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (3)—Senators Denham, Knight, and McPherson.

AB 1266—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (3)—Senators Denham, Knight, and McPherson.

AB 1326—Do pass and re-refer to Committee on Health and Human Services

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1330—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Knight.

AB 1350—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Chesbro, Karnette, McPherson, Sher, Speier, and Vincent.

NOES (3)—Senators Denham, Scott, and Vasconcellos.

AB 1417—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1485—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1512—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (0)—None.

AB 1548—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Karnette, Scott, Sher, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

AB 1647—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, Scott, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

AB 1649—Do pass as amended and re-refer to Committee on Rules

AYES (9)—Senators Alarcón, Chesbro, Denham, Karnette, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

ACR 85—Be adopted

AYES (8)—Senators Alarcón, Chesbro, Karnette, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (2)—Senators Denham and Knight.

Date of Hearing: 7/10/03

Vasconcellos (Chair)

Committee on Health and Human Services

AB 43—Do pass as amended and re-refer to Committee on Appropriations

AYES (13)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

AB 83—Do pass and re-refer to Committee on Environmental Quality

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 232—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 256—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 380—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

AB 421—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 436—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Ortiz.

AB 561—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 632—Do pass and re-refer to Committee on Rules

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

AB 691—Do pass and re-refer to Committee on Appropriations

AYES (13)—Senators Aanestad, Alarcón, Ashburn, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

AB 747—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

AB 846—Do pass

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 879—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 923—Committee amendments

AYES (2)—Senators Aanestad and Battin.

NOES (5)—Senators Alarcón, Chesbro, Escutia, Ortiz, and Vincent.

Failed passage

AB 923—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

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

AB 1154—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

AB 1470—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 1627—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Escutia, Florez, Romero, Vasconcellos, and Vincent.

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

AB 1629—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Romero, and Vincent.

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

AB 1676—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (0)—None.

Date of Hearing: 7/9/03

Ortiz (Chair)

Committee on Housing and Community Development

AB 512—Do pass as amended and re-refer to Committee on Judiciary

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

AB 668—Do pass

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

AB 1086—Do pass

AYES (5)—Senators Alarcón, Cedillo, Ducheny, Florez, and Hollingsworth.

NOES (2)—Senators Ackerman and Torlakson.

AB 1217—Do pass

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

AB 1400—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

AB 1426—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

AB 1462—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (1)—Senator Ackerman.

AB 1576—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

Date of Hearing: 7/7/03

Ducheny (Chair)

Committee on Insurance

AB 175—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Scott, Soto, and Speier.

NOES (0)—None.

AB 226—Do pass as amended

AYES (6)—Senators Figueroa, Johnson, Morrow, Oller, Scott, and Soto.

NOES (2)—Senators Escutia and Speier.

AB 284—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Scott, Soto, and Speier.

NOES (0)—None.

AB 373—Do pass, to Consent Calendar

AYES (8)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Scott, Soto, and Speier.

NOES (0)—None.

AB 652—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Scott, Soto, and Speier.

NOES (0)—None.

AB 1049—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Escutia, Figueroa, Johnson, Morrow, Scott, Soto, and Speier.

NOES (1)—Senator Oller.

AB 1191—Do pass

AYES (5)—Senators Escutia, Figueroa, Scott, Soto, and Speier.

NOES (2)—Senators Morrow and Oller.

AB 1227—Do pass and re-refer to Committee on Judiciary

AYES (8)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Scott, Soto, and Speier.

NOES (0)—None.

AB 1252—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Scott, Soto, and Speier.

NOES (0)—None.

AB 1524—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Escutia, Figueroa, Scott, Soto, and Speier.

NOES (2)—Senators Morrow and Oller.

AB 1628—Do pass as amended and re-refer to Committee on Rules

AYES (8)—Senators Escutia, Figueroa, Johnson, Morrow, Oller, Scott, Soto, and Speier.

NOES (0)—None.

Date of Hearing: 7/9/03

Speier (Chair)

Committee on Labor and Industrial Relations**AB 76**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 109—Do pass

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 135—Do pass as amended

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 149—Do pass as amended, to Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 227—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 276—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 290—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 324—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 331—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 446—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, and Romero.

NOES (2)—Senators McClintock and Oller.

AB 572—Do pass as amended and re-refer to Committee on Judiciary

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 807—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 899—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 968—Do pass as amended and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 978—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1038—Do pass

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1061—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, and Romero.

NOES (2)—Senators McClintock and Oller.

AB 1093—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1099—Do pass as amended, to Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 1133—Do pass as amended and re-refer to Committee on Judiciary

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1215—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 1262—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 1324—Do pass as amended and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 1418—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1483—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 1506—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1507—Do pass as amended

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1551—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1578—Do pass as amended, to Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 1579—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alarcón, Dunn, Figueroa, Kuehl, Margett, Oller, and Romero.

NOES (0)—None.

AB 1688—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1719—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

AB 1723—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Dunn, Figueroa, Kuehl, and Romero.

NOES (3)—Senators Margett, McClintock, and Oller.

Date of Hearing: 7/9/03

Alarcón (Chair)

Committee on Revenue and Taxation**SB 1067**—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (3)—Senators Ashburn, Knight, and Poochigian.

AB 205—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (3)—Senators Ashburn, Knight, and Poochigian.

AB 574—Do pass and rerefer to Committee on Appropriations.

AYES (3)—Senators Alpert, Burton, and Cedillo.

NOES (3)—Senators Ashburn, Knight, and Poochigian.

Failed passage

AB 574—Reconsideration granted

AYES (6)—Senators Alpert, Ashburn, Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 986—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alpert, Ashburn, Bowen, Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 1412—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Alpert and Cedillo.

NOES (2)—Senators Ashburn and Poochigian.

Failed passage

AB 1412—Reconsideration granted

AYES (4)—Senators Alpert, Ashburn, Cedillo, and Poochigian.

NOES (0)—None.

AB 1556—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alpert, Ashburn, Bowen, Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 1601—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (2)—Senators Ashburn and Knight.

AB 1666—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 1690—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (3)—Senators Ashburn, Knight, and Poochigian.

AB 1742—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Alpert, Ashburn, Bowen, Burton, Cedillo, Knight, and Poochigian.

NOES (0)—None.

Date of Hearing: 7/9/03

Cedillo (Chair)

AB 574—Do pass as amended and re-refer to Committee on Transportation

AYES (4)—Senators Alpert, Ashburn, Bowen, and Cedillo.

NOES (0)—None.

Date of Hearing: 7/10/03

Cedillo (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Jim Moody of San Diego.

Senator Battin requested that when the Senate adjourns this day it do so in memory of Ed Frisch of Beaumont.

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Lorraine Southard of Flint, Michigan.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Harry Wartnick of San Francisco.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of noted actor Buddy Ebsen of Palos Verdes, Josephine Murley of Woodland Hills and Bernard "Bunny" Plotkin of Encino.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Wayne Franklin Statham of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, July 14, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, July 14, 2003

The Senate met at 9 a.m.
Hon. Betty Karnette, of the 27th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton,
Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson,
Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson,
Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto,
Speier, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

(NOTE: Senators Brulte, Hollingsworth, and Oller will be excused this day on legislative business and Senator Cedillo will be excused this day on personal business.)

REQUEST TO RETURN BILL TO SENATE

Senator Karnette requested that the Secretary of the Senate ask the Governor to return SB 187 to the Senate for further action.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 14, 2003

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

SB 487

Above measure ordered enrolled.

Assembly Chamber, July 14, 2003

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

SB 116 SB 812 SB 1063

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

Above measures ordered to unfinished business file.

Assembly Chamber, July 14, 2003

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

AB 418 AB 781 AB 878
AB 1117 AB 1168 AB 1173

Assembly Chamber, July 14, 2003

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

AB 1527 AB 1528

Assembly Chamber, July 14, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day withdrew AB 1347 from Enrollment and rescinded the action whereby Senate amendments to the bill were concurred in.

Pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Pursuant to the instructions of the Assembly, I am herewith returning AB 1641 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

REPORTS OF STANDING COMMITTEES
Committee on Labor and Industrial Relations

Date of Hearing, July 9, 2003

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

AB 135

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

ALARCÓN, Chair

Above measure ordered to second reading.

Committee on Local Government

Date of Hearing, July 9, 2003

Madam President: The Committee on Local Government, to which was referred:

AB 1492

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

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

Madam President: The Committee on Local Government, to which were referred:

AB 305

AB 1192

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

TORLAKSON, Chair

Above measures ordered to second reading.

Committee on Public Safety

Date of Hearing, July 8, 2003

Madam President: The Committee on Public Safety, to which were referred:

AB 233

AB 928

AB 1301

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

McPHERSON, Chair

Above measures ordered to second reading.

Committee on Health and Human Services

Date of Hearing, July 2, 2003

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

AB 1220

AB 1453

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

ORTIZ, Chair

Above measures ordered to second reading.

Committee on Banking, Commerce and International Trade

Date of Hearing, July 9, 2003

Madam President: The Committee on Banking, Commerce and International Trade, to which was referred:

AB 1776

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

FLOREZ, Chair

Above measure re-referred to the Committee on Judiciary.

Committee on Labor and Industrial Relations

Date of Hearing, July 9, 2003

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

AB 1093

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

ALARCÓN, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

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

AB 903

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

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

AB 447

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

ESCUTIA, Chair

Above measure ordered to second reading.

Senate Chamber, July 14, 2003

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

AB 371

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests.

Bill read second time.

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

Date of Hearing, July 8, 2003

Madam President: The Committee on Judiciary, to which was referred:
AB 408

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Banking, Commerce and International Trade

Date of Hearing, July 9, 2003

Madam President: The Committee on Banking, Commerce and International Trade, to which were referred:

AB 479 AB 679 AB 1355 AB 1775

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

FLOREZ, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Rules

Senate Chamber, July 11, 2003

Madam President: The Committee on Rules has examined:

SB 158

And reports that the same has been correctly enrolled, and presented to the Governor on the 11th day of July, 2003, at 2 p.m.

BURTON, Chair

Committee on Public Safety

Date of Hearing, July 1, 2003

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

AB 568

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

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Date of Hearing, July 7, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 1423

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Transportation

Date of Hearing, July 8, 2003

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

AB 327

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

MURRAY, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 14, 2003

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

AB 1739

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

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1739—An act to amend Sections 1300, 1971, 2154.2, 2201, and 3516.1 of, and to repeal and add Article 3.5 (commencing with Section 1247) of Chapter 3 of Division 2 of, the Business and Professions Code, to amend Section 92725 of the Education Code, and to amend Sections 124425, 124760, 124765, 127755, 127928, 128040, 128205, 128215, 128235, 128260, 128330, and 128385 of, and to add Section 128207 to, the Health and Safety Code, relating to health care.

Bill read second time.

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

Committee on Education

Date of Hearing, July 10, 2003

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

AB 655

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Labor and Industrial Relations

Date of Hearing, July 9, 2003

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

AB 1133

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

ALARCÓN, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

Madam President: The Committee on Labor and Industrial Relations, to which were referred:

AB 1688

AB 1719

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

ALARCÓN, Chair

Above measures ordered to second reading.

Committee on Education

Date of Hearing, July 9, 2003

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

AB 954

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 921

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 390

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

SHER, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

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

AB 1349

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

ESCUZIA, Chair

Above measure ordered to second reading.

Committee on Local Government

Date of Hearing, July 9, 2003

Madam President: The Committee on Local Government, to which was referred:

AB 1182

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

TORLAKSON, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 11, 2003

Madam President: The Committee on Rules has examined:

SJR 10

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 11th day of July, 2003, at 4 p.m.

BURTON, Chair

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 897

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

SHER, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

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

AB 68 AB 95 AB 763 AB 839

Reports the same back with the recommendation: Do pass.

ESCUZIA, Chair

Above bills ordered to second reading.

Date of Hearing, July 1, 2003

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

AB 292

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

ESCUZIA, Chair

Above measure ordered to second reading.

Committee on Elections and Reapportionment

Date of Hearing, July 9, 2003

Madam President: The Committee on Elections and Reapportionment, to which was referred:

AJR 7

Reports the same back with the recommendation: Be adopted as amended.

PERATA, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

Madam President: The Committee on Elections and Reapportionment, to which was referred:

AB 177

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

PERATA, Chair

Above measure ordered to second reading.

Committee on Public Employment and Retirement

Date of Hearing, July 9, 2003

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

AB 457

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

SOTO, Chair

Above measure ordered to second reading.

Committee on Insurance

Date of Hearing, July 9, 2003

Madam President: The Committee on Insurance, to which was referred:
AB 1049

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

SPEIER, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 14, 2003

Madam President: The Committee on Rules has examined:

SB 10	SB 308	SB 637	SB 1068
SB 176	SB 316	SB 873	
SB 242	SB 399	SB 968	

And reports that the same have been correctly enrolled, and presented to the Governor on the 14th day of July, 2003, at 1:15 p.m.

BURTON, Chair

Committee on Governmental Organization

Date of Hearing, July 8, 2003

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

AB 278

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

VINCENT, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

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

AB 1209

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

VINCENT, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 866

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

SHER, Chair

Above measure ordered to second reading.

Date of Hearing, July 7, 2003

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

AB 998

AB 1468

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

SHER, Chair

Above measures ordered to second reading.

Committee on Local Government

Date of Hearing, July 9, 2003

Madam President: The Committee on Local Government, to which was referred:

AB 953

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

TORLAKSON, Chair

Above measure ordered to second reading.

Committee on Insurance

Date of Hearing, July 9, 2003

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

AB 1628

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

SPEIER, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing, July 10, 2003

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

AB 574

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

CEDILLO, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 986

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

CEDILLO, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

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

AB 634

AB 962

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

ESCUTIA, Chair

Above measures ordered to second reading.

Committee on Energy, Utilities and Communications

Date of Hearing, July 8, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 1379

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

BOWEN, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which were referred:

AB 909

AB 1214

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

BOWEN, Chair

Above measures ordered to second reading.

Committee on Labor and Industrial Relations

Date of Hearing, July 9, 2003

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

AB 290

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

ALARCÓN, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 572

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

ALARCÓN, Chair

Above measure ordered to second reading.

Committee on Local Government

Senate Chamber, July 14, 2003

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

AB 658

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

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 658—An act relating to local government reorganization and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Labor and Industrial Relations

Date of Hearing, July 9, 2003

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

AB 1507

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

ALARCÓN, Chair

Above measure ordered to second reading.

Committee on Public Safety

Date of Hearing, July 1, 2003

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

AB 1313

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

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

Madam President: The Committee on Public Safety, to which were referred:

AB 402	AB 608	AB 898
AB 1012	AB 1314	AB 1331

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

McPHERSON, Chair

Above measures ordered to second reading.

Committee on Education

Date of Hearing, July 9, 2003

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

AB 1244

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Health and Human Services

Date of Hearing, July 9, 2003

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

AB 256	AB 421	AB 561	AB 879
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Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

Committee on Education

Date of Hearing, July 10, 2003

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

AB 990

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 8, 2003

Madam President: The Committee on Judiciary, to which was referred:
AB 1708

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

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 14, 2003

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

- | | | | |
|--------|---------|---------|---------|
| AB 378 | AB 786 | AB 1212 | AB 1710 |
| AB 458 | AB 1069 | AB 1294 | |
| AB 777 | AB 1080 | AB 1584 | |

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

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, July 14, 2003

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

- | | | | |
|--------|--------|---------|---------|
| AB 32 | AB 414 | AB 902 | AB 1343 |
| AB 44 | AB 524 | AB 908 | AB 1402 |
| AB 132 | AB 535 | AB 915 | AB 1413 |
| AB 134 | AB 540 | AB 922 | AB 1430 |
| AB 187 | AB 542 | AB 936 | AB 1455 |
| AB 188 | AB 577 | AB 967 | AB 1472 |
| AB 196 | AB 579 | AB 976 | AB 1501 |
| AB 218 | AB 587 | AB 1034 | AB 1505 |
| AB 245 | AB 643 | AB 1048 | AB 1521 |
| AB 255 | AB 709 | AB 1132 | AB 1544 |
| AB 287 | AB 716 | AB 1153 | AB 1570 |
| AB 301 | AB 718 | AB 1156 | AB 1583 |
| AB 317 | AB 722 | AB 1166 | AB 1606 |
| AB 322 | AB 738 | AB 1211 | AB 1618 |
| AB 323 | AB 762 | AB 1230 | AB 1689 |
| AB 330 | AB 776 | AB 1247 | AB 1712 |
| AB 347 | AB 794 | AB 1248 | AB 1743 |
| AB 355 | AB 820 | AB 1263 | AB 1778 |
| AB 385 | AB 836 | AB 1296 | ACR 66 |
| AB 388 | AB 852 | AB 1304 | AJR 32 |

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

ALPERT, Chair

Above measures ordered to second reading.

Committee on Rules

State Capitol, July 14, 2003

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

Health and Human Services—AB 857, AB 1739.

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 45: By Senator Chesbro—Relative to the Frank and Elly Hartmann Memorial Bridge.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 269—An act to add Section 22212.5 to the Education Code, and to amend Section 20098 of the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 149—An act to amend Section 5406.5 of the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 1099—An act to amend Sections 1877.1 , 1877.3, 1877.4, and 1877.5 of the Insurance Code, relating to insurance fraud.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 1578—An act to add Section 1871.4 to the Insurance Code, relating to workers' compensation insurance.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 109—An act to amend Section 3543.5 of the Government Code, relating to public school employment.

Bill read second time and ordered to third reading.

Assembly Bill 1038—An act to amend Sections 45207 and 88207 of, and to add Section 45120.2 to, the Education Code, relating to classified school employees.

Bill read second time and ordered to third reading.

Assembly Bill 968—An act to add Section 3600.7 to the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 1324—An act to add Section 3212.86 to the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 227—An act to add Section 5307.22 to the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1215—An act to add Section 11861 to the Insurance Code, relating to insurance.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1262—An act to add Article 5 (commencing with Section 11761) to Chapter 3 of Part 3 of Division 2 of the Insurance Code, relating to workers' compensation insurance.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1483—An act to add Sections 139.7, 139.71, 139.72, 139.73, and 139.74 to the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1579—An act to amend Sections 139.3, 139.5, 3201.5, 3202, 3208, 3208.1, 3208.3, 3600, 4600, 4603.2, 4637, 4639, 4642, 4646, 5307.1, 5410, and 5502 of, to add Sections 139.15, 139.7, 139.71, 139.72, 139.73, 139.74, 3201.6, 3821, 4062.7, 4453.1, 4600.31, 4600.37, 4635.15, 5307.27, and 5705.1 to, to repeal Sections 3201.7, 5307.21, and 5814.5 of, and to repeal and add Sections 4600.1 and 5814 of, the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 360—An act to amend Section 330b of the Penal Code, relating to gaming.

Bill read second time and ordered to third reading.

Assembly Bill 28—An act to add Article 3.9 (commencing with Section 8574.30) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to firefighting equipment.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 512—An act to amend Sections 1363, 1368, and 1373 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) and Article 2 (commencing with Section 1378.010) to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 668—An act to amend Section 65584 of the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

Assembly Bill 1086—An act to amend Section 1368 of the Civil Code, relating to common interest developments.

Bill read second time and ordered to third reading.

Assembly Bill 1217—An act to amend Sections 7060 and 7060.1 of the Government Code, relating to rental property.

Bill read second time and ordered to third reading.

Assembly Bill 1426—An act to add and repeal Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code, relating to land use.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

Assembly Bill 373—An act to add Section 12693.515 to the Insurance Code, relating to the Healthy Families Program.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 1191—An act to amend Section 678 of, and to add Chapter 11.5 (commencing with Section 679.9) to Part 1 of Division 1 of, the Insurance Code, relating to property insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1541—An act to amend Section 13385 of the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 846—An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco.

Bill read second time and ordered to third reading.

Assembly Bill 403—An act to amend Section 12104 of the Financial Code, relating to check sellers and proraters.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 403 pursuant to Joint Rule 58.

ASSEMBLY MEMBER CORREA

Permission of Rules Committee

Senate Chamber, July 14, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 403.

BURTON, Chair

The amendments proposed by the Committee on Banking, Commerce and International Trade were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 862—An act to add Section 11045 to the Government Code, relating to state contracts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 845—An act to amend Sections 5102, 5111, 5133, 5311, and 5316 of, to add Sections 5142, 5143, and 5317.5 to, and to add Article 5.4 (commencing with Section 5243) to Chapter 7 of Division 2 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 213—An act to add Section 9951 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 21—An act relating to housing.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Transportation.

Assembly Bill 274—An act to add Section 1182.9 to the Labor Code, relating to employment.

Bill read second time.

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

Assembly Bill 71—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and

30481 of, to add Sections 30019, 30165.1, 30166.1, 30177.5, 30435, 30474.1, and 30482 to, to add Article 2.5 (commencing with Section 30210) to Chapter 4 of Part 13 of Division 2 of, and to add Article 5 (commencing with Section 30355) to Chapter 5 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to cigarettes and tobacco products, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Revenue and Taxation.

Assembly Bill 310—An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

Bill read second time and ordered to third reading.

Assembly Bill 1284—An act to add and repeal Section 80110.2 of the Water Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1427—An act relating to biological solids.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 296—An act to add Section 17215.3 to the Education Code, relating to school facilities.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 277—An act to amend Section 17526 of, and to add Section 17528.5 to, the Business and Professions Code, and to amend Section 8040 of, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of, the Elections Code, relating to fraudulent practices.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 654—An act to add Section 87482.8 to the Education Code, relating to community colleges.

Bill read second time and ordered to third reading.

Assembly Bill 663—An act to add Section 2281 to the Business and Professions Code, relating to the healing arts.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1131—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1290—An act to amend Sections 646.91, 836, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1042—An act to add Title 8.5 (commencing with Section 7560) to Part 3 of the Penal Code, relating to inmates.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1077—An act to amend Sections 148.6, 832.5, and 13012 of the Penal Code, relating to peace officers.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 123—An act to amend Sections 1800 and 1805 of the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 558—An act to amend Section 1812.86 of the Civil Code, relating to health studios.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture.

Bill read second time and ordered to Consent Calendar.

Assembly Bill 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1755—An act to amend Sections 33020, 33333.2, 33333.6, and 33683 of, and to add Sections 33681.9 and 33681.10 to, the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1755 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 668—An act to amend Section 65584 of the Government Code, relating to local planning.

Bill read third time.

Amendments Adopted

Amendments to AB 668 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 1303** was referred to the Committee on Appropriations.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Select Committee on Citizen Participation to meet on July 15 at 9:30 a.m., without four days notice in the file.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 632**, **AB 296** and **AB 455** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations;

AB 1426 was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Appropriations;

AB 968 and **AB 1324** were withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

SCR 41 was withdrawn from the Committee on Education and re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 371** was withdrawn from committee and placed on file.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 14, 2003

To the Members of the Senate:

Pursuant to your request, I am returning SB 187, on behalf of the Governor, for further action by the Senate.

Sincerely,

Pamela K. Oto
Private Secretary of the Governor

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (SB 187)**

Without objection, the action was rescinded whereby the Senate concurred in Assembly amendments to SB 187 and the bill ordered enrolled, and the measure was returned to the Assembly for further action.

SENATE COMMITTEE ROLL CALLS**Committee on Natural Resources and Wildlife**

AB 1405—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Denham, Kuehl, Sher, and Torlakson.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 7/10/03

Kuehl (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Brulte, Hollingsworth, and Oller.

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator McPherson requested that when the Senate adjourns this day it do so in memory of June Handley of Salinas.

Senator Murray requested that when the Senate adjourns this day it do so in memory of Jeff Nicholson of Los Angeles.

Tony Beard Jr., Sergeant at Arms of the Senate requested that when the Senate adjourns this day it do so in memory of Ross Michael Mandalla of Sacramento.

July 14, 2003

SENATE JOURNAL

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ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Tuesday, July 15, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, July 15, 2003

The Senate met at 1:30 p.m.
Hon. Dede Alpert, of the 39th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Your Name is our healing, O God, and remembrance of You is our remedy. Nearness to You is our hope, and love for You is our companion. Your mercy on us is Your gift and our light in both this world and the world to come. To You, Who are the All-Bountiful, the All-Knowing, and the All-Wise we offer thanks.—AMEN.

(baha'i prayer, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Date of Hearing, July 8, 2003

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

SCR 35

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

Committee on Banking, Commerce and International Trade

Date of Hearing, July 9, 2003

Madam President: The Committee on Banking, Commerce and International Trade, to which was referred:

AB 313

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

FLOREZ, Chair

Above measure ordered to second reading.

Committee on Appropriations

Date of Hearing, July 14, 2003

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

AB 97	AB 1098	AB 1420	AB 1741
AB 137	AB 1102	AB 1498	
AB 190	AB 1201	AB 1509	
AB 900	AB 1370	AB 1697	

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Date of Hearing, July 14, 2003

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

SB 98

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

ALPERT, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing, July 9, 2003

Madam President: The Committee on Revenue and Taxation, to which were referred:

AB 205

AB 1601

AB 1690

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

CEDILLO, Chair

Above measures ordered to second reading.

Committee on Business and Professions

Senate Chamber, July 15, 2003

Madam President: The Chair of the Committee on Business and Professions, to which was referred:

AB 1286

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

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1286—An act to add Sections 733 and 17500.6 to the Business and Professions Code, to amend Sections 1373.65, 1373.95, 1373.96, 1392, and 1393 of, and to add Sections 1324, 1373.66 and 1373.67 to, the Health and Safety Code, and to amend Sections 10133.55 and 10133.56 of, and to add Sections 10133.57, 10133.58, and 10133.59 to, the Insurance Code, relating to health care coverage.

Bill read second time.

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

Committee on Housing and Community Development

Date of Hearing, July 7, 2003

Madam President: The Committee on Housing and Community Development, to which was referred:

AB 1400

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

DUCHENY, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 15, 2003

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

AB 1196

AB 1744

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1196—An act to amend Section 2836.1 of the Business and Professions Code, relating to nurse practitioners.

Bill read second time.

Assembly Bill 1744—An act to amend Section 15606 of the Government Code, and to amend Sections 75.21, 271, 441, and 442 of the Revenue and Taxation Code, relating to property tax.

Bill read second time.

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

Committee on Labor and Industrial Relations

Date of Hearing, July 9, 2003

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

AB 978

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

ALARCÓN, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, July 15, 2003

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

AB 1398

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1398—An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

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

Date of Hearing, July 8, 2003

Madam President: The Committee on Judiciary, to which was referred:
AB 790

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

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

Madam President: The Committee on Judiciary, to which was referred:
AB 1229

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Public Safety

Date of Hearing, July 15, 2003

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

AB 513

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

McPHERSON, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Environmental Quality

Date of Hearing, June 23, 2003

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

AB 1545

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

SHER, Chair

Above measure ordered to second reading.

Date of Hearing, July 7, 2003

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

AB 13

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

SHER, Chair

Above measure ordered to second reading.

Date of Hearing, July 7, 2003

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

AB 471 AB 844 AB 1218 AB 1497

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

SHER, Chair

Above measures ordered to second reading.

Committee on Education

Date of Hearing, July 9, 2003

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

AB 424 AB 1309 AJR 3

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

VASCONCELLOS, Chair

Above measures ordered to second reading.

Committee on Judiciary

Senate Chamber, July 15, 2003

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

AB 473

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 473—An act to amend Sections 7071.17, 7085.5, 7085.6, and 7090.1 of the Business and Professions Code, relating to contractors.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 473 pursuant to Joint Rule 58.

ASSEMBLY MEMBER CORREA

Permission of Rules Committee

Senate Chamber, July 15, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 473.

BURTON, Chair

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

Committee on Education

Date of Hearing, July 9, 2003

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

AB 300 AB 591 AB 598

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

VASCONCELLOS, Chair

Above measures ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 1017 AB 1137 AB 1554

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

VASCONCELLOS, Chair

Above measures ordered to second reading.

Committee on Insurance

Date of Hearing, July 9, 2003

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

AB 226

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

SPEIER, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 121 AB 906

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

SHER, Chair

Above measures ordered to second reading.

Committee on Education

Date of Hearing, July 10, 2003

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

AB 115	AB 626	AB 1266	AB 1485
AB 153	AB 715	AB 1330	AB 1647
AB 547	AB 736	AB 1350	

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

VASCONCELLOS, Chair

Above measures ordered to second reading.

Committee on Appropriations

Senate Chamber, July 15, 2003

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

SB 901	AB 571	AB 920
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 901—An act to add Chapter 10.5 (commencing with Section 15600) to Division 5 of the Financial Code, relating to financial institutions.

Bill read second time.

Assembly Bill 571—An act to amend Section 19601 of the Business and Professions Code, relating to horse racing.

Bill read second time.

Assembly Bill 920—An act to amend Sections 1102.6a, 1102.17, and 1103.2 of the Civil Code, and to amend Sections 53340.3 and 53754 of the Government Code, relating to real estate disclosures.

Bill read second time.

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

REQUESTS TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Cedillo:

Senate Chamber, July 15, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 1546 may be reported by the Committee on Revenue and Taxation after the deadline.

SENATOR CEDILLO

The following request was presented by Senator Burton:

Senate Chamber, July 15, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(9) in order that AB 1297 may be reported by the Committee on Insurance after the deadline.

SENATOR BURTON

Recommendation of Rules Committee

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

BURTON, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(9) be dispensed with as requested.

Resolution read and presented by Senator Knight.

Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 135—An act to add Chapter 6.5 (commencing with Section 1111) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read second time.

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

Assembly Bill 1492—An act to amend Section 51257 of, and to add Section 51250 to, the Government Code, relating to agricultural land conservation.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 305—An act to amend Section 65915 of the Government Code, relating to housing.

Bill read second time.

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

Assembly Bill 1192—An act to amend Section 65863 of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Assembly Bill 233—An act to amend Section 11379.7 of the Health and Safety Code, and to amend Section 666.7 of the Penal Code, relating to controlled substances.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 928—An act to add Section 487.8 to the Penal Code, relating to vessels.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1301—An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1220—An act to add and repeal Section 104141 of the Health and Safety Code, relating to disease prevention.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1453—An act relating to long-term care.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1093—An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 903—An act to amend Sections 911, 916, and 941 of, and to amend, renumber, and add Section 942 to, the Civil Code, relating to construction defects.

Bill read second time.

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

Assembly Bill 447—An act to amend Section 3154 of the Civil Code, relating to lien claims.

Bill read second time.

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

Assembly Bill 408—An act to amend Sections 349, 366, 366.1, 366.21, 366.22, 366.26, 366.3, 391, 10609.4, 16206, 16500.1, and 16501.1 of, and to add Section 362.05 to, the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 568—An act to amend Section 14006 of the Penal Code, relating to the Community Law Enforcement and Recovery Demonstration Project.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1423—An act to amend Sections 11500, 11502, and 11504 of, and to add Section 11502.5 to, the Business and Professions Code, and to amend Section 1363.5 of the Civil Code, relating to common

interest development managers, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 327—An act to amend Sections 4461 and 42001.5 of, and to add Section 42001.7 to, the Vehicle Code, relating to vehicles.

Bill read second time.

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

Assembly Bill 655—An act to add Sections 66901.5, 69510.5, and 94770.5 to, and to add Chapter 11.1 (commencing with Section 66910) to Part 40 of, the Education Code, relating to postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Business and Professions.

Assembly Bill 1133—An act to add Section 241 to the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 1688—An act to add and repeal Part 8.5 (commencing with Section 2050) to Division 2 of the Labor Code, relating to car washes.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1719—An act to amend Sections 515.6, 6309, and 6315 of, and to add Section 1172 to, the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 954—An act to amend Sections 44500 and 44664 of the Education Code, relating to teachers.

Bill read second time.

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

Assembly Bill 921—An act to add Sections 60200.8 and 60220.5 to the Education Code, relating to instructional materials

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 390—An act to add and repeal Section 41514.1 of the Health and Safety Code, relating to air resources.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1349—An act to amend Section 21350 of the Probate Code, relating to wills and trusts.

Bill read second time.

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

Assembly Bill 1182—An act to amend Section 9109 of the Commercial Code, to amend Section 15147 of the Education Code, to amend Sections 8855, 8856, 53692, and 91555 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, to add Section 91555.5 to, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 897—An act to amend Sections 13264, 13268, 13321, 13350, 13372, 13383, 13385, and 13387 of the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 68—An act to add Chapter 22 (commencing with Section 22575) to Division 8 of the Business and Professions Code, relating to privacy.

Bill read second time and ordered to third reading.

Assembly Bill 95—An act to add Sections 17204.7 and 17204.8 to the Business and Professions Code, relating to unfair competition.

Bill read second time and ordered to third reading.

Assembly Bill 763—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

Bill read second time and ordered to third reading.

Assembly Bill 839—An act to amend Sections 26202.6, 34090.6, and 34090.7 of, to add Sections 26206.7, 26206.8, and 34090.8 to, to add Article 9 (commencing with Section 53160) to Chapter 1 of Part 1 of Division 2 of Title 5 of, and to repeal Section 26202.3 of, the Government Code, and to add Section 99163 to the Public Utilities Code, relating to local government records.

Bill read second time and ordered to third reading.

Assembly Bill 292—An act to add Section 36 to the Business and Professions Code, to add Section 21.5 to the Civil Code, to add Section 33.5 to the Code of Civil Procedure, to add Article 8 (commencing with Section 95) to Chapter 1 of Part 1 of Division 1 of Title 1 of the Education Code, to add Section 755.6 to the Evidence Code, to add Part 8 (commencing with Section 296) to Division 2 of the Family Code, to add Section 27 to the Government Code, to add Section 29 to the Health and Safety Code, to add Section 49 to the Insurance Code, to add Section 30 to the Labor Code, to add Section 24.5 to the Penal Code, to add Chapter 5 (commencing with Section 1070) to Part 1 of Division 3 of the Probate Code, to add Section 22 to the Unemployment Insurance Code, and to add Section 26.5 to the Welfare and Institutions Code, relating to interpreters.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Joint Resolution 7—Relative to candidates for elective office.

Resolution read second time.

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

Assembly Bill 177—An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing

with Section 2300) to Division 2 of, the Elections Code, relating to elections.

Bill read second time.

The amendments proposed by the Committee on Elections and Reapportionment were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 457—An act to add and repeal Sections 20901.5 , 20902.6, 20904.5, and 31641.06 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Employment and Retirement were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1049—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 278—An act to amend Section 19817 of the Business and Professions Code, and to amend Section 337j of the Penal Code, relating to gaming.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1209—An act to amend Section 6254 of, and to amend and repeal Section 11126 of, the Government Code, relating to public agency security.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 866—An act to amend Sections 30940 and 30947 of the Public Resources Code, and to amend Section 79543 of, and add Section 79563.5 to, the Water Code, relating to water quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 998—An act to add Article 9.1 (commencing with Section 41998) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1468—An act to add Article 8 (commencing with Section 41985) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 953—An act to amend Sections 66462.5 and 66499.35 of the Government Code, relating to land use.

Bill read second time.

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

Assembly Bill 1628—An act to amend Sections 1262.5 and 1371.4 of the Health and Safety Code, relating to health care.

Bill read second time.

The amendments proposed by the Committee on Insurance were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 574—An act to add Section 9250.16 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Transportation.

Assembly Bill 986—An act to add Section 38 to the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 634—An act to add Sections 2031.1 and 2031.2 to the Code of Civil Procedure, relating to civil actions.

Bill read second time.

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

Assembly Bill 962—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

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

Assembly Bill 1379—An act to amend Section 2890.2 of the Public Utilities Code, and to amend Section 1 of Chapter 286 of the Statutes of 2002, relating to telecommunications.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 909—An act to add and repeal Section 2898 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1214—An act to add and repeal Section 2827.10 of the Public Utilities Code, relating to energy resources.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 290—An act to amend Sections 45117 and 88017 of the Education Code, relating to education.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 572—An act to amend Sections 6310 and 6312 of, to add Sections 6312.2, 6312.3, and 6312.5 to, and to repeal and add Section 6311 of, the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Assembly Bill 1507—An act to amend Section 7901 of the Labor Code, relating to employment.

Bill read second time.

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

Assembly Bill 1313—An act to amend Sections 290 and 290.01 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 402—An act to amend Section 290.4 of, to add Section 290.45 to, and to add and repeal Section 290.41 of, the Penal Code, relating to crime.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 608—An act to amend Section 11591 of the Health and Safety Code, and to amend Sections 291 and 291.1 of the Penal Code, relating to crimes.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 898—An act to add Section 680 to the Penal Code, relating to DNA evidence.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1012—An act to add Section 48906.5 to the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1314—An act to amend Sections 290 and 290.3 of, to amend, repeal, and add Section 290.4 of, to add Section 290.45 to, and to add and repeal Section 290.41 of, the Penal Code, relating to sex offenders.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1331—An act to add Chapter 4.8 (commencing with Section 832.91) to Title 3 of Part 2 of the Penal Code, relating to peace officers.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1244—An act to amend Sections 17073.15, 17073.20, and 17074.10 of the Education Code, relating to school facilities.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 256—An act to add Section 105307 to the Health and Safety Code, relating to lead.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 421—An act to add Section 109297 to the Health and Safety Code, relating to cancer.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 561—An act to add Sections 14504, 14504.1, 14504.2, and 14504.3 to the Welfare and Institutions Code, relating to family planning.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 879—An act to add Chapter 17 (commencing with Section 121348) to Part 4 of Division 105 of the Health and Safety Code, relating to health care.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 990—An act to add Article 7 (commencing with Section 79250) to Chapter 9 of Part 48 of the Education Code, relating to community colleges.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1708—An act to amend Sections 6031.5, 6065, 6079.5, 6086.10, 6140, 6140.5, 6141.1, 6145, and 6234 of the Business and Professions Code, relating to attorneys.

Bill read second time.

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

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests.

Bill read second time and ordered to third reading.

Assembly Bill 668—An act to amend Section 65584 of the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

Assembly Bill 378—An act to amend Sections 1513, 1520, 1530, and 1577 of, and to add Section 1515.5 to, the Code of Civil Procedure, relating to escheat.

Bill read second time.

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

Assembly Bill 458—An act to amend Sections 1522.41, 1529.2, and 1563 of the Health and Safety Code, and to amend Sections 16001.9 and 16003 of, and to add Section 16013 to, the Welfare and Institutions Code, relating to human services.

Bill read second time.

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

Assembly Bill 777—An act to add and repeal Section 7155.7 of the Health and Safety Code, relating to dead bodies.

Bill read second time.

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

Assembly Bill 786—An act to add and repeal Chapter 14 (commencing with Section 15800) of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

Bill read second time.

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

Assembly Bill 1069—An act to amend Sections 27541, 27551, and 27553 of, and to add Sections 27503.5, 27519.5, 27680, 27681, 27682, 27683, 27684, 27685, 27686, 27687, 27688, 27688.5, 27689, and 27690 to, the Food and Agricultural Code, relating to eggs.

Bill read second time.

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

Assembly Bill 1080—An act to amend Section 52482 of, and to add Section 52489 to, the Food and Agricultural Code, relating to agriculture.

Bill read second time.

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

Assembly Bill 1212—An act to add Section 30607.7 to the Public Resources Code, relating to public resources.

Bill read second time.

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

Assembly Bill 1294—An act to add Section 1788.18 to the Civil Code, relating to debt collection.

Bill read second time.

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

Assembly Bill 1584—An act to amend Sections 20057, 20161, 20501, 20585, 20588, 20590, 20610, 20611, 20752, 20816, 20890.2, 20907, 21013, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22018, 22156, 22502, 22754, and 22825 of, to add Sections 20672.5 and 21220.5 to, to repeal Sections 20677.1, 20732, 21253, 21431, and 22216 of, to repeal Chapter 10 (commencing with Section 20860) of Part 3 of Division 5 of Title 2 of, and to repeal and add Section 21252 of, the Government Code, relating to the Public Employees' Retirement System.

Bill read second time.

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

Assembly Bill 1710—An act to amend Section 7121 of the Family Code, to amend Sections 68087 and 77209 of the Government Code, to amend Sections 1465.7 and 11105.04 of the Penal Code, and to amend Sections 213.5 and 355 of, and to add Section 213.6 to, the Welfare and Institutions Code, relating to courts.

Bill read second time.

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

Assembly Bill 32—An act to amend Section 50517.11 of, and to add and repeal Section 50517.15 of, the Health and Safety Code, relating to housing.

Bill read second time and ordered to third reading.

Assembly Bill 44—An act to amend Section 2625 of the Penal Code, and Sections 294 and 366.21 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 132—An act to amend Section 18871 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

Bill read second time and ordered to third reading.

Assembly Bill 134—An act to amend Section 273.5 of the Penal Code, relating to crime.

Bill read second time and ordered to third reading.

Assembly Bill 187—An act to add Sections 241.8 and 243.10 to the Penal Code, relating to crime.

Bill read second time and ordered to third reading.

Assembly Bill 188—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3107, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

Bill read second time and ordered to third reading.

Assembly Bill 196—An act to amend Section 12926 of, and to add Section 12949 to, the Government Code, relating to discrimination.

Bill read second time and ordered to third reading.

Assembly Bill 218—An act to add Section 65584.1 to the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

Assembly Bill 245—An act to add Section 243.83 to the Penal Code, relating to crimes.

Bill read second time and ordered to third reading.

Assembly Bill 255—An act to add Section 18304 to the Elections Code, and to repeal Section 25004.5 of the Government Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 287—An act to amend Section 15372.61 of the Government Code, relating to tourism.

Bill read second time and ordered to third reading.

Assembly Bill 301—An act to amend Section 27602 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 317—An act to amend Section 78636 of the Food and Agricultural Code, relating to food and agriculture.

Bill read second time and ordered to third reading.

Assembly Bill 322—An act to amend Sections 205.5 and 279 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Assembly Bill 323—An act to add Article 7 (commencing with Section 999.50) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to veterans.

Bill read second time and ordered to third reading.

Assembly Bill 330—An act to amend Section 512 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 347—An act to add Section 4158 to the Food and Agricultural Code, relating to district agricultural associations, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 355—An act to amend Section 871 of the Welfare and Institutions Code, relating to minors.

Bill read second time and ordered to third reading.

Assembly Bill 385—An act to amend Section 19849.7 of the Government Code, relating to state employment.

Bill read second time and ordered to third reading.

Assembly Bill 388—An act to add Section 19610.8 to the Business and Professions Code, relating to horse racing.

Bill read second time and ordered to third reading.

Assembly Bill 414—An act to amend Section 1569.616 of the Health and Safety Code, relating to care facilities.

Bill read second time and ordered to third reading.

Assembly Bill 524—An act to add Section 361.1 to the Welfare and Institutions Code, relating to minors.

Bill read second time and ordered to third reading.

Assembly Bill 535—An act to repeal and add Section 319 of the Streets and Highways Code, relating to streets and highways.

Bill read second time and ordered to third reading.

Assembly Bill 540—An act to add Section 103265 to the Health and Safety Code, relating to vital statistics.

Bill read second time and ordered to third reading.

Assembly Bill 542—An act to amend Section 1563 of the Code of Civil Procedure, and to amend Section 179 of the Military and Veterans Code, relating to military artifacts.

Bill read second time and ordered to third reading.

Assembly Bill 577—An act to add Section 18941 to the Government Code, relating to civil service.

Bill read second time and ordered to third reading.

Assembly Bill 579—An act to amend Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 366.21 of the Welfare and Institutions Code, relating to dependent children.

Bill read second time and ordered to third reading.

Assembly Bill 587—An act to amend Section 2150 of the Elections Code, relating to voters.

Bill read second time and ordered to third reading.

Assembly Bill 643—An act to amend Sections 140 and 141 of the Labor Code, relating to occupational safety and health standards.

Bill read second time and ordered to third reading.

Assembly Bill 709—An act to add Section 11106.7 to the Health and Safety Code, relating to controlled substances.

Bill read second time and ordered to third reading.

Assembly Bill 716—An act to amend Sections 14010, 14030, 14034, 14036, 14037, 14038, 14039, 14040, 14041, and 14043 of, to amend and renumber Section 14030.2 of, and to repeal Sections 14031 and 14035 of, the Corporations Code, relating to small business financial development corporations.

Bill read second time and ordered to third reading.

Assembly Bill 718—An act to amend Sections 1301, 4000, 9283, 9285, 13113, 17100, and 17304 of, to repeal Section 1502 of, and to repeal and add Sections 1500 and 1501 of, the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 722—An act to add Sections 10290.3 and 12101.7 to the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 738—An act to amend Sections 5241, 17000, 17600, 17602, 17702, and 17704 of, and to add Section 17701 to, the Family Code, relating to child support.

Bill read second time and ordered to third reading.

Assembly Bill 762—An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 776—An act to amend Section 46013.1 of, and to add Section 32501.5 to the Food and Agricultural Code, and to amend Section 110815 of the Health and Safety Code, relating to agriculture.

Bill read second time and ordered to third reading.

Assembly Bill 794—An act to add Section 12969 to the Insurance Code, relating to the Department of Insurance.

Bill read second time and ordered to third reading.

Assembly Bill 820—An act to add Article 2.75 (commencing with Section 127940) to Chapter 2 of Part 3 of Division 107 of the Health and Safety Code, relating to statewide health planning and development.

Bill read second time and ordered to third reading.

Assembly Bill 836—An act to add Section 591.5 to the Penal Code, relating to wireless telephones.

Bill read second time and ordered to third reading.

Assembly Bill 852—An act to add Section 1773.11 to the Labor Code, relating to prevailing wages.

Bill read second time and ordered to third reading.

Assembly Bill 902—An act to amend Section 4107 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 908—An act to add Section 89536.1 to the Education Code, relating to the California State University.

Bill read second time and ordered to third reading.

Assembly Bill 915—An act to amend Section 18541 of the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 922—An act to amend Section 63040 of the Government Code, relating to economic development.

Bill read second time and ordered to third reading.

Assembly Bill 936—An act to amend Section 602 of the Penal Code, relating to baby stalking.

Bill read second time and ordered to third reading.

Assembly Bill 967—An act to amend Sections 17731, 17733, 19136, 23800, 23800.5, 23801, 23802, 23802.5, 23803, 23804, 23809, and 23811 of, and to repeal Section 23804.5 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 976—An act to amend Section 13952 of the Government Code, relating to victims of crime, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1034—An act to amend Section 54988 of the Government Code, and to amend Sections 17958.8, 17980, 17980.1, 17991, and 17992 of, to amend and renumber Section 17980.8 of, and to add Sections 17960.10 and 17980.11 to, the Health and Safety Code, relating to housing.

Bill read second time and ordered to third reading.

Assembly Bill 1048—An act to amend Section 10089.5 of the Insurance Code, relating to earthquake insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1132—An act to amend Section 2664 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 1153—An act to amend Section 538e of, and to add Section 538g to, the Penal Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1156—An act to amend Sections 3501, 3507, and 3509 of the Government Code, relating to employer-employee relations.

Bill read second time and ordered to third reading.

Assembly Bill 1166—An act to amend Sections 1507.3, 1569.73, and 1569.74 of the Health and Safety Code, relating to care facilities.

Bill read second time and ordered to third reading.

Assembly Bill 1211—An act to amend Sections 8592.1, 8592.2, 8592.3, and 8592.4 of the Government Code, relating to public safety.

Bill read second time and ordered to third reading.

Assembly Bill 1230—An act to amend Sections 3574 and 3577 of the Government Code, relating to higher education labor relations.

Bill read second time and ordered to third reading.

Assembly Bill 1247—An act to amend Section 25247 of the Health and Safety Code, relating to hazardous waste.

Bill read second time and ordered to third reading.

Assembly Bill 1248—An act to amend Section 13264 of, and to add Section 13167.5 to, the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 1263—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time and ordered to third reading.

Assembly Bill 1296—An act to amend Section 8510 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1304—An act to add Section 54451.5 to, and to amend Sections 54452 and 54453 of, the Food and Agricultural Code, relating to cooperative associations.

Bill read second time and ordered to third reading.

Assembly Bill 1343—An act to amend Sections 11104, 12509, 12660, and 12814.6 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1402—An act to amend Section 11265.3 of the Welfare and Institutions Code, and to amend Section 71 of Chapter 1022 of the Statutes of 2002, relating to CalWORKs.

Bill read second time and ordered to third reading.

Assembly Bill 1413—An act to amend Section 102600 of the Health and Safety Code, relating to vital records.

Bill read second time and ordered to third reading.

Assembly Bill 1430—An act to amend Section 634.5 of the Unemployment Insurance Code, relating to unemployment compensation.

Bill read second time and ordered to third reading.

Assembly Bill 1455—An act to amend Sections 417.2 and 12001 of the Penal Code, relating to imitation firearms.

Bill read second time and ordered to third reading.

Assembly Bill 1472—An act to amend Section 12283 of the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 1501—An act to amend Section 85401 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time and ordered to third reading.

Assembly Bill 1505—An act to amend Sections 23356.1 and 25503.4 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

Assembly Bill 1521—An act to repeal Sections 10004, 10005, 10006, 10007, 10008, 10009, and 10031 of, the Food and Agricultural Code, relating to diseased animals.

Bill read second time and ordered to third reading.

Assembly Bill 1544—An act to add Section 4004 to the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 1570—An act to amend Section 10313 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 1583—An act to add Section 19135 to the Government Code, relating to state employees.

Bill read second time and ordered to third reading.

Assembly Bill 1606—An act to add Section 22816.1 to the Government Code, relating to public employees' health benefits, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1618—An act to amend Section 11713 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1689—An act to amend Section 14311 of the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 1712—An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.410, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

Bill read second time and ordered to third reading.

Assembly Bill 1743—An act to amend Section 17539.3 of the Business and Professions Code, to amend Section 32311 of the Education Code, to amend Section 7162 of the Government Code, to amend Section 38040 of the Health and Safety Code, to amend Sections 17020.5, 17020.11, 17054, 17072, 17140.5, 17509, 17510, 17856, 18006, 18036.5, 18037, 18038, 18039, 18155.5, 18171, 18171.5, 18177, 19023, 19182, 23036, 23043.5, 23772, 23809, 24872.4, and 24991 of, and to repeal Sections 17088.5, 17088.6, 18037.3, 18037.5, 18043, 18044, 19022, 19024, 19062, 24871.5, and 24872.5 of, the Revenue and Taxation Code, and to amend Section 5060 of the Vehicle Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 1778—An act to amend Section 90404 of, to amend and repeal Section 41205 of, and to repeal Section 89911 of, the Education Code, and to amend Section 8880.5 of the Government Code, relating to the California State University.

Bill read second time and ordered to third reading.

Assembly Concurrent Resolution 66—Relative to the high school exit examination.

Resolution read second time and ordered to third reading.

Assembly Joint Resolution 32—Relative to Medicaid.

Resolution read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 403** was referred to the Committee on Appropriations.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Chesbro moved that **AB 890** be placed on the inactive file.

Senator Vincent moved that **AB 1570** be placed on the inactive file.

Senator Alarcón moved that **AB 1469** be placed on the inactive file.

Motions carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1769—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Brulte.

Urgency Clause

Urgency clause read and refused adoption by the following vote:

AYES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

NOES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

Motion to Reconsider (AB 1769)

Senator Brulte moved to reconsider the vote whereby the urgency clause to AB 1769 was refused adoption.

Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

CONSENT CALENDAR**Objection Raised**

Senator Hollingsworth objected to **AB 149**, **AB 1099**, and **AB 1578** being on the Consent Calendar.

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

Motion to Refer Measure to Inactive File

Senator Machado moved that **AB 1335** be placed on the inactive file.
Motion carried.

SPECIAL CONSENT CALENDAR

Assembly Bill 1273—An act to amend Sections 1050 and 1050.5 of the Penal Code, relating to criminal procedure.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 798—An act to add Sections 14132.94 and 14598 to the Welfare and Institutions Code, relating to health care.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1399—An act to amend Sections 1786.20 and 1786.50 of the Civil Code, relating to investigative consumer reports.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 21—Relative to lifetime medical benefits provided to retired military personnel.

Resolution read, adopted, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1773—An act to amend Section 1524 of the Penal Code, relating to search warrants.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 518—An act to amend Sections 56132 and 56668 of the Government Code, relating to local agency formation.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the measures were passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measures ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 309—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read third time.

Amendments Adopted

Amendments to AB 309 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 845** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 277** was withdrawn from committee and placed on file.

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

At 3:08 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Wednesday, July 16, 2003.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 15, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Wilson E. Massey, Business Manager/Secretary-Treasurer for the International Union Painters and Allied Trades. Appointed 6/25/03. Effective 7/10/03:

Member, State Athletic Commission, Department of Consumer Affairs vice Tirso del Junco, Jr., M.D., resigned, term ending 6/1/06.

James M. Costa, former member of the California Legislature. Appointed 6/12/03. Effective 7/11/03:

Member, California Bay-Delta Authority, newly created, 2002 legislation term ending 1/1/04.

Patrick Johnston, former member of the California Legislature. Appointed 6/12/03. Effective 7/10/03:

Member, California Bay-Delta Authority, newly created, 2002 legislation, term ending 1/1/04.

Gregory S. Pettis, Mayor pro Tem of Cathedral City. Appointed 7/7/03. Effective 7/14/03: Above appointments referred to the Committee on Rules.

Member, California Regional Water Quality Control Board, Colorado River Basin Region vice Dan Baxley, resigned, term ending 9/30/05.

Governor's Office, State Capitol
July 15, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Leonard Munoz Member, Board of Prison Terms

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

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 46: By Senator Ashburn—Relative to Peace Officer Richard Perkins Memorial Highway.

REPORTS OF STANDING COMMITTEES

Committee on Public Safety

Date of Hearing, July 8, 2003

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

AB 1308

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

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Energy, Utilities and Communications

Date of Hearing, July 8, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which were referred:

SB 703 SCR 30 AB 425 AB 855
 AB 1389 AB 1685 AB 1735

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

BOWEN, Chair

Above measures ordered to second reading.

Committee on Health and Human Services

Date of Hearing, July 2, 2003

Madam President: The Committee on Health and Human Services, to which was referred:

AB 1683

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

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 43 AB 1470 AB 1627 AB 1629

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

ORTIZ, Chair

Above measures ordered to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 98**—Do pass as amended

AYES (9)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (0)—None.

AB 97—Do pass

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 137—Do pass

AYES (7)—Senators Aanestad, Battin, Burton, Karnette, Murray, Poochigian, and Speier.

NOES (2)—Senators Ashburn and Johnson.

AB 190—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 627—Do pass

AYES (6)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, and Poochigian.

NOES (4)—Senators Bowen, Escutia, Karnette, and Speier.

Failed passage

AB 627—Reconsideration granted

AYES (9)—Senators Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 900—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Escutia, Johnson, Karnette, Murray, Poochigian, and Speier.

NOES (1)—Senator Bowen.

AB 1098—Do pass

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 1102—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 1201—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 1370—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 1420—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1498—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1509—Do pass

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 1697—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

AB 1741—Do pass

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 7/14/03

Alpert (Chair)

Committee on Public Safety

AB 198—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

AB 513—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

AB 638—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

AB 1760—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

Date of Hearing: 7/15/03

McPherson (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Burton requested that when the Senate adjourns this day it do so in memory of Helen Baransky.

Senators Ducheny and Alpert requested that when the Senate adjourns this day it do so in memory of Wilfrid Seaman of Coronado.

Senators Karnette, Ducheny, and Knight requested that when the Senate adjourns this day it do so in memory of Robert Fleming of Elk Grove.

Senators Burton and Machado requested that when the Senate adjourns this day it do so in memory of Peter Cooley of Sacramento.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Patti Jo Del Ponte of Folsom and LCpl. Jason Tetrault, USMC of Moreno Valley.

Senator Knight requested that when the Senate adjourns this day it do so in memory of John Calandri of Antelope Valley.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Linda Lee Borba of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, July 16, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, July 16, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos,
and Vincent—40.

Quorum present.

APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President: The Committee on Rules announces the appointment of Senators Burton, Aanestad, and Speier as a Senate Committee on Conference concerning SB 2, AB 1527 and AB 1528 to meet a like committee of the Assembly.

BURTON, Chair

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, July 16, 2003

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

AB 227	AB 968	AB 1215	AB 1262
AB 1324	AB 1483	AB 1579	

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

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, July 16, 2003

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

SB 393	AB 446	AB 627	AB 896
AB 1014	AB 1700	AB 1736	

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 393—An act to add Article 7.6 (commencing with Section 4128) to Chapter 9 of Division 2 of the Business and Professions Code, relating to pharmacists.

Bill read second time.

Assembly Bill 446—An act to amend Sections 210, 215, and 220 of the Labor Code, relating to state employees.

Bill read second time.

Assembly Bill 627—An act to amend Section 5096.686 of the Public Resources Code, relating to land use.

Bill read second time.

Assembly Bill 896—An act to add Sections 20322.5 and 22754.3 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1014—An act to add Section 525.5 to the Harbors and Navigation Code, relating to vessels.

Bill read second time.

Assembly Bill 1700—An act to add Section 25253.5 to the Health and Safety Code, and to add Section 13177.7 to the Water Code, relating to hazardous substances, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1736—An act to amend Sections 987.71 and 987.775 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1736 pursuant to Joint Rule 58.

ASSEMBLY MEMBER PARRA

Permission of Rules Committee

Senate Chamber, July 16, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1736.

BURTON, Chair

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

Committee on Judiciary

Date of Hearing, July 15, 2003

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

AB 171

ACR 89

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bill ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, July 15, 2003

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

AB 1180

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

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 15, 2003

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

AB 1151

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

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Transportation

Date of Hearing, July 15, 2003

Mr. President: The Committee on Transportation, to which were referred:

AB 184

AB 1479

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

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 15, 2003

Mr. President: The Committee on Transportation, to which was referred:
SCR 43

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which was referred:
AB 894

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

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, July 8, 2003

Mr. President: The Committee on Transportation, to which was referred:
AB 692

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

MURRAY, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Wildlife

Date of Hearing, July 8, 2003

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

AB 396 AB 847 AB 1222

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

KUEHL, Chair

Above measures ordered to second reading.

Committee on Education

Date of Hearing, July 10, 2003

Mr. President: The Committee on Education, to which was referred:
AB 1548

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

Mr. President: The Committee on Education, to which was referred:
AB 1337

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

Mr. President: The Committee on Education, to which was referred:
AB 298

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Wildlife

Date of Hearing, July 8, 2003

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

AB 496

AB 1599

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

KUEHL, Chair

Above measures ordered to second reading.

Committee on Environmental Quality

Date of Hearing, July 7, 2003

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

AB 1360

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

SHER, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Date of Hearing, July 14, 2003

Mr. President: The Committee on Business and Professions, to which were referred:

AB 746

AB 1458

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

FIGUEROA, Chair

Above measures ordered to second reading.

Committee on Governmental Organization

Date of Hearing, July 16, 2003

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

AB 1486

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

VINCENT, Chair

Above measure re-referred to the Committee on Rules.

Committee on Education

Date of Hearing, July 10, 2003

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

AB 1649

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, July 9, 2003

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

AB 61

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Date of Hearing, July 7, 2003

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

AB 539

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

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 14, 2003

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

AB 1284

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

ALPERT, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Senate Chamber, July 16, 2003

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

AB 984

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

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 984—An act to amend Sections 9855, 9855.2, and 9855.5 of the Business and Professions Code, and to amend Section 1794.41 of the Civil Code, and to amend Sections 116, 116.5, and 1634 of, and to add Part 8 (commencing with Section 12800) to Division 2 of, the Insurance Code, relating to service contracts.

Bill read second time.

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

Committee on Education

Date of Hearing, July 10, 2003

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

AB 491

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 16, 2003

Mr. President: The Committee on Rules has examined:

SCR 3

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 16th day of July, 2003, at 1:15 p.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, July 16, 2003

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

AB 35

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 35—An act to amend Section 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

Bill read second time.

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

Committee on Rules

Senate Chamber, July 16, 2003

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

AB 1680

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

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1680—An act to amend Sections 6768 and 6786 of the Elections Code, relating to presidential primaries.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1680 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LONGVILLE

Permission of Rules Committee

Senate Chamber, July 16, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1680.

BURTON, Chair

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

Committee on Rules

State Capitol, July 16, 2003

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

Health and Human Services—AB 685.

Transportation—SCR 45.

UNANIMOUS CONSENT TO READ BILL SECOND TIME

Without objection, AB 1284 will be given its second reading upon being reported from committee.

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

Senate Concurrent Resolution 35—Relative to United States Navy Lieutenant Commander Otis Vincent Tolbert Memorial Highway.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 98—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Senate Concurrent Resolution 30—Relative to electricity cost refunds.

Resolution read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 703—An act to add Sections 745 and 746 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 313—An act to amend Section 2948.5 of the Civil Code, and to amend Section 50204 of, and to repeal Section 50707 of, the Financial Code, relating to mortgage lending.

Bill read second time.

The amendments proposed by the Committee on Banking, Commerce and International Trade were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 97—An act to amend Sections 48209.1, 48209.15, 48209.16, and 56836.155 of, to amend and repeal Section 47612 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 137—An act to amend Section 18724 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

Bill read second time and ordered to third reading.

Assembly Bill 190—An act to amend Section 14310 of Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 900—An act to amend Section 19617 of, and to add and repeal Section 19441.5 of, the Business and Professions Code, relating to horse racing.

Bill read second time and ordered to third reading.

Assembly Bill 1098—An act to amend Section 290.85 of the Penal Code, relating to sex offenders.

Bill read second time and ordered to third reading.

Assembly Bill 1102—An act to amend Section 13515.25 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1201—An act to add Sections 14132.28 and 14132.29 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

Assembly Bill 1370—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1420—An act to amend Sections 3033, 3951, 4181, 12000, 12002.2, and 12155.5 of, and to add Section 3952 to, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions,

making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1509—An act relating to emergency services.

Bill read second time and ordered to third reading.

Assembly Bill 1697—An act to amend, repeal, and add Section 27360 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1741—An act to amend Sections 8102, 8103, 8104, and 13563 of, and to add and repeal Section 6487.06 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 205—An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, and to amend Section 18521 of the Revenue and Taxation Code, relating to domestic partnerships.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1601—An act to amend Sections 19164, 19166, 19173, 19177, 19179, 19715, 299.2, and 21028 of, to add Section 18407 to, and to add Chapter 9.5 (commencing with Section 19770) to Part 10.2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1690—An act to add Article 4 (commencing with Section 55650) to Chapter 4 of Part 2 of Division 2 of Title 5 of the Government Code, and to amend Sections 17041.5 and 19533 of, to add Section 99.3 to, and to add Part 10.1 (commencing with Section 18201) to, the Revenue and Taxation Code, relating to local government.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1400—An act to add Section 17959.6 to the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 978—An act to amend Section 710.8 of the Unemployment Insurance Code, relating to the California State University, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Labor and Industrial Relations were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 790—An act to amend Sections 21703 and 21705 of the Business and Professions Code, relating to self-service storage facilities.

Bill read second time.

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

Assembly Bill 1229—An act to add Section 12940.5 to the Government Code, relating to sexual harassment.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1545—An act to amend Section 21091 of the Public Resources Code, relating to environmental quality.

Bill read second time.

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

Assembly Bill 13—An act to add Section 118.7 to the Streets and Highways Code, relating to the Department of Transportation.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 471—An act to add Chapter 3.3 (commencing with Section 39630) to Part 2 of Division 26 of the Health and Safety Code, relating to air emissions.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 844—An act to add Chapter 8.7 (commencing with Section 25770) to Division 15 of the Public Resources Code, relating to tire efficiency.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1218—An act to amend Sections 25299.50.1 and 25299.57 of, and to add Article 6.5 (commencing with Section 25299.64) to Chapter 6.75 of Division 20 of, the Health and Safety Code, relating to underground storage tanks, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1497—An act to amend Sections 44004 and 45011 of, and to add Section 43501.5 to, the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 424—An act to amend Section 45272 of, and to add Section 45277.5 to, the Education Code, relating to school employees.

Bill read second time.

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

Assembly Bill 1309—An act to add Article 9.5 (commencing with Section 35277) to Chapter 2 of Part 21 of the Education Code, relating to school facilities.

Bill read second time.

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

Assembly Joint Resolution 3—Relative to student financial aid.

Resolution read second time.

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

Assembly Bill 300—An act to amend Sections 8206, 8206.1, 8206.6, 8242, 8263, 8805, 11021, 35160.5, 35256, 39831.5, 41344, 41402, 41403, 41975, 44505, 45037, 46201, 46202, 48209.16, 48916, 48918, 48980, 52055.600, 52055.640, 56000, 56001, 56028, 56032, 56040, 56043, 56170, 56195.7, 56205, 56301, 56320, 56321, 56329, 56341.5, 56343.5, 56344, 56345, 56345.1, 56346, 56361, 56365, 56366, 56381, 56390, 56391, 56500.3, 56500.4, 56502, 56504.5, 56505, 56506, 56605, 56836.01, 56836.155, 56863, 60040, 60119, and 60640 of, to amend and renumber Section 56364.2 of, to add Sections 56440.5 and 56500.6 to, to add Chapter 5.1 (commencing with Section 56515) to Part 30 of, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 11023, 17912.1, 32211, 41404, 41406, 41407, 45357, 45358, 48209.17, 51132, 51882, 56364, 56364.5, 62002, 62007, and 62008 of, the Education Code, to amend Sections 19050.8 and 54963 of the Government Code, and to amend Section 45 of Chapter 1167 of the Statutes of 2002, relating to education, and declaring the urgency thereof, to take immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 591—An act relating to school curriculum.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 598—An act to add Section 17074.24 to the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1017—An act to add Sections 59001.2, 59001.4, 59009, 59010, 59011, and 59012 to the Education Code, relating to teachers.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1137—An act to amend Sections 44579.1, 44579.2, 44579.5, 47607, 47634, 56205, 56207.5, 60242, and 60421 of, to add Sections 47604.32, 47604.33, 47612.6, and 47648 to, and to amend and repeal Section 47612 of, the Education Code, relating to charter schools, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1554—An act to amend and repeal Section 42285.3 of the Education Code, relating to schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 226—An act to amend Section 10110.1 of, and to add Section 10110.4 to, the Insurance Code, relating to life insurance.

Bill read second time.

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

Assembly Bill 121—An act to add Division 38 (commencing with Section 72400) to the Public Resources Code, relating to vessels.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 906—An act to add Division 39 (commencing with Section 72500) to the Public Resources Code, relating to vessels.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 115—An act to amend Sections 35294.7, 35294.8, and 44276.1 of the Education Code, relating to school safety.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 153—An act to amend Sections 68130.5 and 76300 of, and to add Section 66021.6 to, the Education Code, relating to student financial aid.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 547—An act to add Section 66025.6 to the Education Code, relating to public postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 626—An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 715—An act to amend Sections 17070.15, 17072.10, 17072.30, and 17072.32 of the Education Code, relating to school facilities.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 736—An act to add Section 17077.36 to the Education Code, relating to school facilities.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1266—An act to amend Sections 52055.610, 52055.650, 53081, 53083, 60423, 60601, 60800, 69440, and 84750 of, to amend, repeal, and add Sections 60640 and 60642 of, to add Sections 18866, 52055.54, 60227, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to add and repeal Section 60422.1 of, to repeal Sections 426 and 14044 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, to repeal Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal and add Section 53084 of, the Education

Code, and to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1330—An act to amend Section 8702 of, and to add and repeal Article 6 (commencing with Section 8780) to Chapter 4 of Part 6 of, the Education Code, relating to instructional programs.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1350—An act relating to the Ravenswood City Elementary School District, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1485—An act to amend Section 51700 of, and to add Section 60640.1 to, the Education Code, relating to English learners

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1647—An act to add and repeal Section 17357.5 to the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 309—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill read second time and ordered to third reading.

Assembly Bill 277—An act to amend Section 17526 of, and to add Section 17528.5 to, the Business and Professions Code, and to amend Section 8040 of, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of, the Elections Code, relating to fraudulent practices.

Bill read second time and ordered to third reading.

Assembly Bill 1308—An act to amend Sections 11758.41, 11758.42, and 11880 of, and to add Section 11880.5 to, the Health and Safety Code, and to add Section 4032 to the Penal Code, relating to drug treatment.

Bill read second time.

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

Assembly Bill 425—An act to amend Section 743.1 of the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 855—An act to add Section 14666.8 to the Government Code, and to add Section 709.5 to the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1389—An act to add Section 7912 to the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1685—An act to add Section 379.6 to the Public Utilities Code, relating to energy.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1735—An act to add Sections 1701.5 and 1701.6 to the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1683—An act to add Sections 1596.817 and 1596.8595 to the Health and Safety Code, relating to child day care.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 43—An act to amend Sections 14139.05, 14139.1, 14139.11, 14139.13, 14139.2, 14139.21, 14139.24, 14139.25, 14139.3, 14139.31, 14139.33, 14139.34, 14139.38, 14139.4, 14139.41, 14139.43, 14139.44, 14139.5, 14139.53, 14139.6, and 14139.62 of, to amend the heading of Article 4.3 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9 of, to add Sections 14139.30 and 14139.63 to, to add Article 4.31 (commencing with Section 14139.80) to Chapter 7 of Part 3 of Division 9 of, to repeal Sections 14139.23, 14139.35, 14139.36, and 14139.51 of, and to repeal and add Sections 14139.32, 14139.37, and 14139.42 of, the Welfare and Institutions Code, relating to long-term care.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1470—An act to add Section 12302.35 to the Welfare and Institutions Code, relating to in-home supportive services.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1627—An act to add Article 11 (commencing with Section 1339.50) to Chapter 2 of Division 2 of the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1629—An act to amend Sections 128735, 128740, and 128745 of the Health and Safety Code, relating to statewide health planning and development.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 1284—An act to add and repeal Section 367.3 of the Public Utilities Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 327** was referred to the Committee on Appropriations.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1641)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1641 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1641

Assembly Bill 1641—An act to amend Section 68115 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1641, proposed by Senator Aanestad, were read and adopted and the measure ordered printed and to second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 897** and **AB 1628** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on July 21:

SB 79	SB 269	AB 1069	AB 188
SB 109	AB 360	AB 1080	AB 317
SB 139	AB 447	AB 1294	AB 323
SB 378	AB 763	AB 1584	AB 355
SB 392	AB 953	AB 1710	AB 388
SB 660	AB 962	AB 32	AB 414
SB 736	AB 371	AB 44	AB 524
SB 806	AB 668	AB 132	AB 535
SB 812	AB 777	AB 134	AB 540
SB 1063	AB 786	AB 187	AB 542

AB 579	AB 908	AB 1247	AB 1743
AB 716	AB 922	AB 1248	AB 1778
AB 718	AB 936	AB 1304	AJR 32
AB 722	AB 967	AB 1413	AB 1098
AB 776	AB 976	AB 1430	AB 1102
AB 794	AB 1048	AB 1501	AB 1201
AB 820	AB 1153	AB 1505	AB 1420
AB 836	AB 1166	AB 1521	AB 1509
AB 902	AB 1211	AB 1606	AB 790

SENATE COMMITTEE ROLL CALLS

Committee on Governmental Organization

AB 1486—Do pass and re-refer to Committee on Rules

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (6)—Senators Battin, Brulte, Johnson, Machado, Margett, and Morrow.

Date of Hearing: 7/16/03

Vincent (Chair)

Committee on Judiciary

AB 159—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

AB 171—Do pass

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 262—Do pass as amended and re-refer to Committee on Rules

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

AB 523—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 534—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1020—Do pass as amended

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

NOES (2)—Senators Ackerman and Morrow.

AB 1151—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1180—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1277—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1371—Do pass as amended and re-refer to Committee on Appropriations

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

NOES (1)—Senator Morrow.

AB 1382—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1386—Do pass as amended, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

ACR 89—Be adopted

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

NOES (1)—Senator Morrow.

Date of Hearing: 7/15/03

Escutia (Chair)

Committee on Transportation

SCR 43—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 184—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Karnette, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

AB 559—Do pass and re-refer to Committee on Judiciary

AYES (3)—Senators Morrow, Perata, and Scott.

NOES (3)—Senators Ashburn, Florez, and Karnette.

Failed passage

AB 559—Reconsideration granted

AYES (0)—None.

NOES (0)—None.

Reconsideration refused

AB 872—Do pass as amended

AYES (4)—Senators Figueroa, Murray, Perata, and Scott.

NOES (7)—Senators Ashburn, Karnette, McClintock, Morrow, Soto, Speier, and Torlakson.

Failed passage

AB 872—Reconsideration granted

AYES (0)—None.

NOES (0)—None.

Reconsideration refused

AB 901—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Perata, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

Failed passage

AB 901—Reconsideration granted

AYES (0)—None.

NOES (0)—None.

Reconsideration refused

AB 1479—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Figueroa, Karnette, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

Date of Hearing: 7/15/03

Murray (Chair)

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, July 17, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, July 17, 2003

The Senate met at 8:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Holy Lord, You have promised to guide us when we are truly humble and dependent on You. You have promised to give wisdom generously to those who feel their lack of it. We come to You as Your children asking for wise prompting as we struggle with which course to take. Lead us in the correct path, so that our lives and our work may bring glory and honor to Your Name.—AMEN.

(William Burleigh)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Education**

Date of Hearing, July 10, 2003

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

AB 1051

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

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 17, 2003

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

AB 1740

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1740—An act to amend Sections 17041, 17052.6, 17301.3, and 17302 of, and to add Section 19136.11 to, 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 Rules

Date of Hearing, July 16, 2003

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

SCR 33

Reports the same back with the recommendation: Be adopted.

BURTON, Chair

Above resolution ordered to third reading.

State Capitol, July 16, 2003

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:

Stephan Castellanos, State Architect (4-0)

Warren J. Kessler, Member, California Housing Partnership Corporation, Board of Directors (4-0)

Thomas E. Stringer, Member, Continuing Care Advisory Committee (4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

UNANIMOUS CONSENT TO ADOPT AMENDMENTS

Without objection AB 1051 was given its second reading at this time to adopt the committee amendments.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 1051—An act to amend Section 54999.1 of, and to add Sections 54999.7 and 54999.8 to, the Government Code, relating to local government.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 44**, **ACR 92**, **AJR 28**, and **SR 22** were withdrawn from committee and placed on today's Consent Calendar.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Escutia:

Senate Chamber, July 15, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61 (a)(9) through August 22 only in order that AB 24, AB 46, AB 197, AB 512, AB 572, AB 593, AB 650, AB 728, AB 833, AB 1031, AB 1059, AB 1133, AB 1179, AB 1209, AB 1369, AB 1398, AB 1525, AB 1625, AB 1634, AB 1718, and AB 1776 may be reported by the Committee on Judiciary after the deadline.

SENATOR ESCUTIA

The following request was presented by Senator Speier:

Senate Chamber, July 15, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61 (a)(9) in order that AB 1005 and AB 1729 may be reported by the Committee on Insurance after the deadline.

SENATOR SPEIER

The following request was presented by Senator Sher:

Senate Chamber, July 16, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61 (a)(9) in order that AB 83 may be reported by the Committee on Environmental Quality after the deadline.

SENATOR SHER

Recommendation of Rules Committee

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

BURTON, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61 (a)(9) be dispensed with as requested.

Resolution read and presented by Senator Knight.

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (0)—None.

MOMENT OF SILENCE

Senator Kuehl requested that the Senate observe a moment of silence for those who were killed and injured in a tragic accident in Santa Monica on July 16.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

Assembly Bill 227—An act relating to workers' compensation.

Bill read second time and ordered to third reading.

Assembly Bill 968—An act relating to workers' compensation.

Bill read second time and ordered to third reading.

Assembly Bill 1215—An act relating to workers' compensation.

Bill read second time and ordered to third reading.

Assembly Bill 1262—An act relating to workers' compensation. Bill read second time and ordered to third reading.

Assembly Bill 1324—An act relating to workers' compensation. Bill read second time and ordered to third reading.

Assembly Bill 1483—An act relating to workers' compensation. Bill read second time and ordered to third reading.

Assembly Bill 1579—An act relating to workers' compensation. Bill read second time and ordered to third reading.

Assembly Bill 171—An act to amend Sections 6276.24 and 54956.87 of the Government Code, to amend Sections 14087.31, 14087.35, 14087.36, and 14087.38 of the Welfare and Institutions Code, and to repeal Section 7 of Chapter 642 of the Statutes of 1994, relating to public records and meetings.

Bill read second time and ordered to third reading.

Assembly Bill 894—An act to add Section 662 to the Streets and Highways Code, relating to highways.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 692—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 396—An act to repeal and add Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 of, the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 847—An act to amend Section 31220 of, and to amend the heading of Chapter 5.5 (commencing with Section 31220) of Division 21 of, the Public Resources Code, relating to natural resources.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1222—An act to amend Section 5627 of the Public Resources Code, relating to parks and recreation.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1548—An act to amend Sections 33541 and 51226.4 of the Education Code, to amend Sections 40507, 42622, 42645, and 42647 of, and to add Part 4 (commencing with Section 71300) to Division 34 of, to repeal Section 42603 of, the Public Resources Code, relating to environmental education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1337—An act to amend Section 56505.2 of the Education Code, relating to special education.

Bill read second time.

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

Assembly Bill 298—An act to add and repeal Section 56141 of the Education Code, relating to special education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 496—An act to add and repeal Division 23.6 (commencing with Section 33807) of the Public Resources Code, relating to the Santa Ana River Conservancy.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1599—An act to amend , add, and repeal section 14571 of, and to add and repeal section 14571.05 of, the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1360—An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 746—An act to add Section 490.7 to the Business and Professions Code, relating to the healing arts.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1458—An act to add Section 18640.5 to the Business and Professions Code, relating to boxing.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1649—An act to add Section 48207.5 to the Education Code, relating to pupil attendance.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 61—An act relating to the Compton Community College District, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 539—An act to amend Section 1766 of the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 491—An act to add Article 3 (commencing with Section 89730) to Chapter 6 of Part 55 of the Education Code, and to amend Sections 10295, 10430, and 12100.5 of the Public Contract Code, relating to the California State University.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1641—An act to amend Section 68115 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Sher moved that **SB 806** be placed on the inactive file.

Senator Vasconcellos moved that **AB 786** be placed on the inactive file.

Senator Murray moved that **AB 710** be placed on the inactive file.

Senator Figueroa moved that **AB 558** be placed on the inactive file.

Motions carried.

Senator Alpert Presiding

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1104—An act to amend Sections 722, 723, 727, 1483, 1484, 1485, 1487, and 1488 of, and to add Section 1488.5 to, the Streets and Highways Code, relating to highways.

Bill read third time and presented by Senator Torlakson.

Roll Call

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

AYES (24)—Senators Alarcón, Alpert, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senator Bowen Presiding

Assembly Bill 1207—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Karnette.

Urgency Clause

Urgency clause read.
The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 703—An act to add Section 8315 to the Government Code, relating to racial discrimination.

Bill read third time and presented by Senator Kuehl.

Roll Call

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

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS**Consideration of Governor's Appointment**

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

Scott Rawers, Warden, California State Prison, Avenal.

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 (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointment

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

Allen K. Scribner, Warden, California State Prison, Corcoran.

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 (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments

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

Robert H. Schneider, Member, California Regional Water Quality Control Board, Central Valley Region.

Gerald D. Cochran, Member, California Regional Water Quality Control Board, North Coastal 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 (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointment

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

Alson B. Brizard, Member, California Regional Water Quality Control Board, Central Valley 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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution 10—Relative to pupil health.

Resolution read third time and presented by Senator Karnette.

Roll Call

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

AYES (25)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Margett, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

Assembly Bill 1070—An act to amend Sections 45285 and 88104 of the Education Code, relating to classified school employees.

Bill read third time and presented by Senator Karnette.

Roll Call

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

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

Assembly Bill 887—An act to amend Section 74785 of the Food and Agricultural Code, relating to agriculture.

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, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado,

Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Brulte and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 144—An act to amend Section 31470.10 of the Government Code, relating to county employees' retirement.

Bill read third time and presented by Senator Soto.

Roll Call

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

AYES (22)—Senators Alarcón, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Perata, Sher, Soto, Torlakson, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Battin, Brulte, Hollingsworth, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 23—An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 346—An act to amend Sections 16100 and 16101 of, and to add Sections 16204 and 16402.5 to, the Elections Code, relating to elections.

Bill read third time and presented by Senator Perata.

Roll Call

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

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 268—An act to amend Section 19995.4 of the Government Code, relating to state employment.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 461—An act to add Section 14312 to the Elections Code, relating to elections.

Bill read third time and presented by Senator Perata.

Roll Call

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

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

TRIBUTE TO SENATE FELLOWS

Senator Battin and Senator Romero asked the Senate to pay tribute to the 2002–2003 Senate Fellows who will be departing at the end of the 2003 Session.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 503—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 429—An act to amend Section 104322 of the Health and Safety Code, relating to cancer.

Bill read third time and presented by Senator Ortiz.

Roll Call

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

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 302—An act to add Chapter 10 (commencing with Section 108920) to Part 3 of Division 104 of the Health and Safety Code, relating to toxic substances.

Bill read third time and presented by Senator Figueroa.

Roll Call

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

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1217—An act to amend Sections 7060 and 7060.1 of the Government Code, relating to rental property.

Bill read third time and presented by Senator Burton.

Roll Call

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

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1745—An act to amend Section 10222 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 314—An act to amend Section 12947 of the Water Code, relating to water.

Bill read third time and presented by Senator Alpert.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 334—An act to amend Section 116786 of the Health and Safety Code, relating to water.

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 (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Karnette, Kuehl, Machado,

McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 503)**

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

Roll Call

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

AYES (18)—Senators Alarcón, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Soto, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, Poochigian, and Scott.

Motion to Reconsider (AB 503)

Senator Perata moved to reconsider the vote whereby AB 503.

Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1207)**

On motion of Senator Perata, 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 AB 1207 was refused adoption by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette,

Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Margett, McClintock, Morrow, and Oller.

Motion to Amend

Senator Karnette moved the adoption of amendments to AB 1207 pursuant to Joint Rule 23.5.

Amendments read and adopted and the measure ordered printed and to second reading file.

UNFINISHED BUSINESS (RESUMED)

Consideration of Governor's Appointments

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

Ayanna A. Bledsoe, Member, California Student Aid Commission.

James T. Fousekis, Member, California Student Aid Commission

Janet Keller, Member, California Regional Water Quality Control Board, San Diego Region

Cynthia Verdugo-Peralta, Member, South Coast Air Quality Management District 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 (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

CONSENT CALENDAR

Objections Raised

Senator Chesbro objected to **AB 1201** being on the Special Consent Calendar.

Senator McPherson objected to **AB 32** being on the Special Consent Calendar.

Senator Hollingsworth objected to **AB 1349**, being on the Consent Calendar and to **AB 820** and **AB 371** being on the Special Consent Calendar.

Senator Bowen objected to **AB 317** being on the Special Consent Calendar.

Senator Figueroa objected to **AB 1087** being on the Consent Calendar.

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

Assembly Bill 373—An act to add Section 12693.515 to the Insurance Code, relating to the Healthy Families Program.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 123—An act to amend Sections 1800 and 1805 of the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 903—An act to amend Sections 916 and 941 of, and to amend, renumber, and add Section 942 to, the Civil Code, relating to construction defects.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1423—An act to amend Sections 11500, 11502, and 11504 of, and to add Section 11502.5 to, the Business and Professions Code, and to amend Section 1363.5 of the Civil Code, relating to common interest development managers, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 44—Relative to Truck Driver Appreciation Week.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 92—Relative to Physical Therapy Month.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 28—Relative to first responders.

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

(NOTE: See Consent Calendar Roll Call)

Senate Resolution 22—Relative to the 50th anniversary of the end of the Korean War.

Resolution read and adopted.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

REQUEST TO BE ADDED TO ROLL CALL

July 17, 2003

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 1104—Aye AB 268—Aye AB 1745—Aye
AB 346—Aye

JOHN L BURTON, President pro Tempore

July 17, 2003

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 1070—No AB 887—No AB 144—No
AB 23—No Gov Appts: Rawers—Aye Scribner—Aye

JAMES L BRULTE, Minority Floor Leader

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 11:08 a.m., further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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, July 21, 2003.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 17, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day had AB 935 returned from the Governor.

Pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Above measure ordered held at Desk.

Assembly Chamber, July 17, 2003

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

SB 223	SB 842	SB 1071	SB 255
SB 252	SB 899	SB 110	SB 674
SB 283	SB 1007	SB 182	SB 877

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

Above measures ordered to unfinished business file.

Assembly Chamber, July 17, 2003

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

SB 270	SB 735	SB 237	SB 762
SB 401	SB 787	SB 253	SB 784
SB 644	SB 127	SB 565	SB 841

Above measures ordered enrolled.

Assembly Chamber, July 17, 2003

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

SCR 31	SJR 7
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Above resolutions ordered enrolled.

Assembly Chamber, July 17, 2003

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

AB 169	AB 467
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E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, July 17, 2003

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

AB 1045

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

ALPERT, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, July 17, 2003

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

AB 593

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 593—An act to amend Section 3206 of, and to add Article 3.5 (commencing with Section 2145) to Chapter 2 of Division 2 of, the Elections Code, and to amend Section 12950 of, and to add Section 12950.5 to, the Vehicle Code, relating to voter registration.

Bill read second time.

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

Committee on Business and Professions

Date of Hearing, July 14, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 186

Reports the same back with the recommendation: Do pass.

FIGUEROA, Chair

Above bill ordered to second reading.

Date of Hearing, July 14, 2003

Madam President: The Committee on Business and Professions, to which were referred:

AB 938

AB 1079

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

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, July 14, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 1553

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

FIGUEROA, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Revenue and Taxation

Date of Hearing, July 16, 2003

Madam President: The Committee on Revenue and Taxation, to which were referred:

AB 189 AB 214 AB 694 AB 1239

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

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Transportation

Senate Chamber, July 17, 2003

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

AB 575

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 575—An act to amend Section 40000.19 of, and to add Division 14.75 (commencing with Section 34200) to, the Vehicle Code, relating to motor carriers.

Bill read second time.

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

Committee on Public Safety

Date of Hearing, July 15, 2003

Madam President: The Committee on Public Safety, to which were referred:

AB 198

AB 638

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

McPHERSON, Chair

Above measures ordered to second reading.

Committee on Business and Professions

Date of Hearing, July 14, 2003

Madam President: The Committee on Business and Professions, to which was referred:

AB 544

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

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, July 15, 2003

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

AB 1371

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

ESCUTIA, Chair

Above measure ordered to second reading.

Senate Chamber, July 17, 2003

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

AB 1133

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1133—An act to add Section 241 to the Labor Code, relating to employment.

Bill read second time.

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

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

Assembly Bill 1022—An act to amend Sections 21455.5 , 21455.6, and 21455.7 of the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 1022 proposed by Senator Murray were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1287—An act to amend Section 798.71 of, and to add Section 798.74.5 to, the Civil Code, relating to mobilehomes.

Bill read third time.

Amendments Adopted

Amendments to AB 1287 proposed by Senator Dunn were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 277—An act to amend Section 17526 of, and to add Section 17528.5 to, the Business and Professions Code, and to amend Section 8040 of, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of, the Elections Code, relating to fraudulent practices.

Bill read third time.

Amendments Adopted

Amendments to AB 277 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1384—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read third time.

Amendments Adopted

Amendments to AB 1384 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 473** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules;

AB 574 was withdrawn from the Committee on Transportation and re-referred to the Committee on Appropriations;

AB 692 and **AB 1486** were withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

AB 984 was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Appropriations.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: June 10, 2003, relating to lifer parole hearings was received from the Board of Prison Terms and transmitted to the Committee on Public Safety.

A report dated: June 15, 2003, relating to tax options was received from the Commission on Tax Policy in the New Economy and transmitted to the Committee on Revenue and Taxation.

The annual report dated: June 20, 2003, was received from the State and Consumer Services Agency and transmitted to the Committee on Business and Professions.

An initiative title and summary dated: June 20, 2003, relating to the State Budget. Taxes. Voting Requirements. Initiative Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: June 20, 2003, relating to the State Budget. Related Taxes and Reserves. Voting Requirements. Penalties. Initiative Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: June 23, 2003, relating to the Volunteer Firefighters' Length of Service Award System was received from the CalPERS Board of Administration and transmitted to the Committee on Public Employment and Retirement.

The biennial report dated: June 24, 2003, relating to the Arbitration Certification program was received from the State and Consumer Services Agency and transmitted to the Committee on Business and Professions.

A report dated: June 25, 2003, relating to towing was received from the California Highway Patrol and transmitted to the Committee on Transportation.

A report dated: June 25, 2003, relating to the Mathematics and Reading Professional Development program was received from the Department of Education and transmitted to the Committee on Education.

A report dated: June 27, 2003, relating to the Marine Resources Protection Act of 1990 was received from the Department of Fish and Game and transmitted to the Committee on Natural Resources and Wildlife.

The June 30 quarterly report dated: June 30, 2003, relating to planning and evaluation was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 1, 2003, relating to the 2003–04 strategic plan was received from the Employment Training Panel and transmitted to the Committee on Labor and Industrial Relations.

A report dated: July 1, 2003, relating to Firearms Used in The Commission of Crimes—2003 was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: July 1, 2003, relating to electronic complaint filing procedures was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: July 2, 2003, relating to data used in the second principal apportionment FY 2002–03 was received from the Department of Education and transmitted to the Committee on Education.

A report dated: July 2, 2003, relating to the Crash Part Certification study was received from the Bureau of Automotive Repair and transmitted to the Committee on Business and Professions.

A report dated: July 3, 2003, relating to fuels specification violation penalties was received from the Air Resources Board and transmitted to the Committee on Public Safety.

An audit report dated: July 3, 2003, relating to the Department of Transportation's ability to deliver transportation projects was received from the State Auditor and transmitted to the Committee on Rules.

An initiative title and summary dated: July 3, 2003, relating to Corporation Tax. Voting Requirements. Restrictions and Limitations. Initiative Constitutional Amendment and Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: July 3, 2003, relating to the North Coast Watershed Assessment program was received from the Resources Agency and transmitted to the Committee on Agriculture and Water Resources.

A report dated: July 3, 2003, relating to Water Recycling 2030 was received from the Department of Water Resources and transmitted to the Committee on Agriculture and Water Resources.

A report dated: July 7, 2003, relating to the Motor Vehicle Service Information Rulemaking status was received from the Air Resources Board and transmitted to the Committee on Transportation.

A report dated: July 9, 2003, relating to the Consumer Credit Counseling Industry in California was received from the Department of Corporations and transmitted to the Committee on Business and Professions.

An initiative title and summary dated: July 9, 2003, relating to Pig Confinement. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: July 9, 2003, relating to Pig Crates. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: July 10, 2003, relating to releases of hazardous substances from underground storage tanks was received from the State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

A report dated: July 10, 2003, relating to crime in California was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: July 10, 2003, relating to ballast water treatment technologies was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

A report dated: July 15, 2003, relating to hate crime in California was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

SENATE COMMITTEE ROLL CALLS

Committee on Health and Human Services

AB 490—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alarcón, Battin, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (2)—Senators Aanestad and Ashburn.

AB 766—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vincent.

NOES (2)—Senators Aanestad and Battin.

AB 1326—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Vasconcellos, and Vincent.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Florez.

AB 1739—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Chesbro and Florez.

NOES (6)—Senators Aanestad, Ashburn, Battin, Kuehl, Ortiz, and Vincent.

Failed passage

Date of Hearing: 7/16/03

Ortiz (Chair)

Committee on Revenue and Taxation

AB 71—Do pass as amended and re-refer to Committee on Health and Human Services

AYES (4)—Senators Alpert, Burton, Cedillo, and Knight.

NOES (1)—Senator Ashburn.

AB 189—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 214—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Ashburn, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 694—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (2)—Senators Ashburn and Poochigian.

AB 1239—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 1416—Do pass as amended and re-refer to Committee on Appropriations.

AYES (3)—Senators Cedillo, Knight, and Poochigian.

NOES (0)—None.

Failed passage

AB 1416—Reconsideration granted

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 1546—Do pass as amended and re-refer to Committee on Appropriations.

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (1)—Senator Ashburn.

AJR 8—Do pass as amended

AYES (3)—Senators Ashburn, Knight, and Poochigian.

NOES (0)—None.

Failed passage

AJR 8—Reconsideration granted

AYES (4)—Senators Ashburn, Cedillo, Knight, and Poochigian.

NOES (0)—None.

Date of Hearing: 7/16/03

Cedillo (Chair)

Committee on Rules**SCR 33—Be adopted**

AYES (4)—Senators Burton, Karnette, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 7/16/03

Burton (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Elizabeth Mary Eagan of Fullerton and Claude Hause of Brea.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Gregory L. Conner of Elk Grove.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of John Cronin of Newport Beach.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Col. Hobart T. Chard, Ret. USAF, of Lancaster.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Flora Feliz of Glendale.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Cecilia Cruz of New Jersey.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 3 p.m., Monday, July 21, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED ELEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, July 21, 2003

The Senate met at 3 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson—35.

Quorum present.

(NOTE: Senators Bowen, Ortiz, Romero, and Vincent will be excused this day on legislative business and Senator Vasconcellos will be excused this day due to illness.)

PRAYER

Upon invitation of the President, the following prayer was offered by Senator Scott

Lord, Make me an instrument of Your peace, where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy; O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love. For it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life.

(Prayer of St. Francis of Assisi)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 21, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 23 and AB 903 to the Senate.

Above measures ordered held at Desk.

Assembly Chamber, July 21, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day withdrew AB 610 and AB 1537 from Enrollment and rescinded the action whereby Senate amendments to the bills were concurred in.

Pursuant to the instructions of the Assembly, I am herewith returning the bills to the Senate for further action.

Above measures ordered held at Desk.

Assembly Chamber, July 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly appointed the following Members of the Assembly as a Committee on Conference concerning AB 1527, AB 1528, and SB 2: Frommer, Cohn, and Pacheco.

Assembly Chamber, July 21, 2003

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

SCR 17

Above resolution ordered enrolled.

Assembly Chamber, July 21, 2003

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

SB 965 SB 440

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

Above measures ordered to unfinished business file.

Assembly Chamber, July 21, 2003

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

AB 144 AB 373 AB 518
AB 1104 AB 1399 AB 1423
AB 1745 ACR 10 ACR 40

Assembly Chamber, July 21, 2003

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

ACR 67

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 67—Relative to DES Portuguese Hall and Little India in the City of Artesia.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, July 21, 2003

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

AB 986

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 986—An act to add Section 38 to the Revenue and Taxation Code, relating to taxation.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, July 21, 2003

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

AB 1227

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1227—An act to amend Section 1874.1 of the Insurance Code, relating to insurance fraud.

Bill read second time.

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

Date of Hearing, July 15, 2003

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

AB 534

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

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, July 15, 2003

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

AB 523

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 21, 2003

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

AB 304

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

ALPERT, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 304—An act to amend Section 53533 of the Health and Safety Code, relating to housing.

Bill read second time.

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

Committee on Rules

Senate Chamber, July 18, 2003

Mr. President: The Committee on Rules has examined:

SB 487

And reports that the same has been correctly enrolled, and presented to the Governor on the 18th day of July, 2003, at 2 p.m.

BURTON, Chair

Committee on Judiciary

Senate Chamber, July 21, 2003

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

AB 572

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

ESCUTIA, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 572—An act to amend Sections 6310 and 6312 of, to add Sections 6312.2, 6312.3, and 6312.5 to, and to repeal and add Section 6311 of, the Labor Code, relating to employment.

Bill read second time.

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

Date of Hearing, July 15, 2003

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

AB 159

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Senate Chamber, July 21, 2003

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

AB 382

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

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 382—An act to amend Section 9882 of the Business and Professions Code, relating to automotive repair.

Bill read second time.

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

Committee on Rules

Senate Chamber, July 21, 2003

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

SCR 40

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

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 40—Relative to youth involvement.

Resolution read second time.

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

Committee on Judiciary

Date of Hearing, July 15, 2003

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

AB 1020

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Date of Hearing, July 14, 2003

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

AB 236

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

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 21, 2003

Mr. President: The Committee on Rules has examined:

SB 237 SB 270 SB 401 SB 735
SB 762 SB 784 SB 787

And reports that the same have been correctly enrolled, and presented to the Governor on the 21st day of July, 2003, at 11:15 a.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, July 21, 2003

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

AB 1368

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1368—An act to add Section 16724.4 to the Government Code, relating to bonds.

Bill read second time.

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

Committee on Revenue and Taxation

Date of Hearing, July 16, 2003

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

AB 1546

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

CEDILLO, Chair

Above measure ordered to second reading.

Committee on Health and Human Services

Date of Hearing, July 16, 2003

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

AB 766

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

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, July 21, 2003

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

AB 1179

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1179—An act to amend Section 6107 of the Government Code, relating to veterans.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1179 pursuant to Joint Rule 58.

ASSEMBLY MEMBER PARRA

Permission of Rules Committee

Senate Chamber, July 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1179.

BURTON, Chair

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

Committee on Appropriations

Senate Chamber, July 21, 2003

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

SCR 43	AB 419	AB 1250	AB 1723
AB 60	AB 479	AB 1252	AB 1744
AB 175	AB 560	AB 1409	ACR 58
AB 276	AB 615	AB 1478	ACR 71
AB 377	AB 679	AB 1556	
AB 380	AB 1216	AB 1662	

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

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, July 21, 2003

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

AB 528	AB 627	AB 632
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Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measures ordered to second reading.

Committee on Judiciary

Date of Hearing, July 15, 2003

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

AB 1277

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

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Appropriations

Date of Hearing, July 21, 2003

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

SB 1067

AB 315

AB 691

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Senate Chamber, July 21, 2003

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

AB 14

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

ALPERT, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 21, 2003

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

AB 1028

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1028—An act to add and repeal Section 3073.2 of the Labor Code, relating to apprenticeship.

Bill read second time.

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

Committee on Judiciary

Date of Hearing, July 15, 2003

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

AB 262

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

ESCUZIA, Chair

Above measure ordered to second reading.

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

Assembly Bill 1045—An act to amend Sections 114260 and 114265 of the Health and Safety Code, relating to mobile food facilities.

Bill read second time and ordered to third reading.

Assembly Bill 186—An act to amend Sections 4059, 4060, and 4061 of the Business and Professions Code, and to amend Sections 11250 and 11251 of the Health and Safety Code, relating to optometrists.

Bill read second time and ordered to third reading.

Assembly Bill 198—An act to add Section 30807.5 to the Streets and Highways Code, relating to streets and highways.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 638—An act to add Section 14602.8 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 544—An act to amend Section 7026.1 of the Business and Professions Code, relating to contractors.

Bill read second time.

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

Assembly Bill 1371—An act to amend Sections 24173, 24176, and 24178 of the Health and Safety Code, relating to medical research.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1022—An act to amend Sections 21455.5, 21455.6, and 21455.7 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1287—An act to amend Section 798.71 of, and to add Section 798.74.5 to, the Civil Code, relating to mobilehomes.

Bill read second time and ordered to third reading.

Assembly Bill 277—An act to amend Section 17526 of, and to add Section 17528.5 to, the Business and Professions Code, and to amend Section 8040 of, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of, the Elections Code, relating to fraudulent practices.

Bill read second time and ordered to third reading.

Assembly Bill 1384—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read second time and ordered to third reading.

Assembly Bill 1207—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement

Bill read second time and ordered to third reading.

WITHDRAWN FROM ENROLLMENT

At the request of Senator Burton SB 644 was withdrawn from enrollment and returned to the Assembly.

RETURN TO THE ASSEMBLY

At the request of Senator Torlakson SB 109 was returned to the Assembly.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of permitting the Committee on Transportation to hear SCR 45 without two days notice in the Daily File.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1649** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations;

AB 593 was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

SCR 46 was withdrawn from the Committee on Rules and re-referred to the Committee on Transportation.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 1227** was withdrawn from committee and placed on file.

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

Assembly Bill 918—An act to amend Sections 45102 and 88002 of the Education Code, relating to classified school employees.

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 1141—An act to amend Section 3502.5 of the Government Code, relating to employer-employee relations.

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.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1141)**

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 1141 was refused passage by the following vote:

AYES (19)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Sher, Soto, Speier, and Torlakson.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Motion to Reconsider (AB 1141)

Senator Alarcón moved to reconsider the vote whereby AB 1141 was refused passage.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Measure ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 918)**

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 918 was refused passage by the following vote:

AYES (20)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Scott, Sher, Soto, Speier, and Torlakson.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Motion to Reconsider (AB 918)

Senator Alarcón moved to reconsider the vote whereby AB 918 was refused passage.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Measure ordered returned to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 149—An act relating to workers' compensation.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1099—An act relating to workers' compensation.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1578—An act relating to workers' compensation.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 227—An act relating to workers' compensation.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 968—An act relating to workers' compensation.
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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1215—An act relating to workers' compensation.
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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1262—An act relating to workers' compensation.
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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1324—An act relating to workers' compensation.
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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight,

Kuehl, Machado, Margett, McPherson, Morrow, Murray, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1483—An act relating to workers' compensation.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1579—An act relating to workers' compensation.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 223—An act relating to workers' compensation.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 223?

Roll Call

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

AYES (0)—None.

NOES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

Senate Bill 899—An act relating to workers' compensation.

Bill presented by Senator Poochigian.

The question being: Shall the Senate concur in the Assembly amendments to SB 899?

Roll Call

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

AYES (0)—None.

NOES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

Senate Bill 1007—An act relating to workers' compensation.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 1007?

Roll Call

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

AYES (0)—None.

NOES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

Senate Bill 1071—An act relating to workers' compensation.

Bill presented by Senator Vincent.

The question being: Shall the Senate concur in the Assembly amendments to SB 1071?

Roll Call

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

AYES (0)—None.

NOES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 301—An act to amend Section 27602 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Soto.

Roll Call

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

AYES (24)—Senators Aanestad, Alarcón, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Morrow, Murray, Perata, Scott, Sher, Soto, Speier, and Torlakson.

NOES (8)—Senators Ackerman, Ashburn, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 965)

Senator Aanestad asked for, and was granted, unanimous consent to take up SB 965 at this time, without reference to file.

Consideration of Senate Bill 965**Consideration of Assembly Amendments**

Senate Bill 965—An act to add Section 33334.29 to the Health and Safety Code, and to amend Section 1011 of the Military and Veterans Code, relating to veterans, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Aanestad.

The question being: Shall the Senate concur in the Assembly amendments to SB 965?

Urgency Clause

The roll was called and the urgency clause was adopted:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, 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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (1)—Senator McClintock.

Above measure ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 709—An act to add Section 11106.7 to the Health and Safety Code, relating to controlled substances.

Bill read third time and presented by Senator McPherson.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 9—An act to add Part 7 (commencing with Section 106000) to Division 103 of the Health and Safety Code, relating to health care.

Bill read third time and presented by Senator Cedillo.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1727—An act to amend Sections 2071, 2074.7, 2074.8, 5093, and 6010 of, and to add Section 677.4 to, the Insurance Code, relating to property insurance.

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 (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (2)—Senators Hollingsworth and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1600—An act to amend Section 10508 of, and to add Sections 10508.6, 10508.7, and 10508.8 to, the Insurance Code, relating to records.

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 (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight,

Kuehl, Machado, Margett, McPherson, Murray, Perata, Scott, Sher, Soto, Speier, and Torlakson.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 9)**

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

Roll Call

The names of the absentees were called and AB 9 was refused passage by the following vote:

AYES (20)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Scott, Sher, Soto, Speier, and Torlakson.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Motion to Reconsider

Senator Cedillo moved to reconsider the vote whereby AB 9 was refused passage.

Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered returned to third reading.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 181—An act to amend Section 116287 of the Health and Safety Code, relating to drinking water.

Bill presented by Senator Machado.

The question being: Shall the Senate concur in the Assembly amendments to SB 181?

Roll Call

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

AYES (29)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa,

Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Ashburn moved that **AB 1507** be placed on the inactive file.

Motion carried.

Senator Perata moved that **AB 1501** be placed on the inactive file.

Motion carried.

Senator Alarcón moved that **AB 643** be placed on the inactive file.

Motion carried.

CONSENT CALENDAR

Objections Raised

Senator Alarcón objected to **AB 1521** being on the Special Consent Calendar.

Objection to **AB 579**, **AB 936**, and **AB 1211** being on the Special Consent Calendar.

Senator Machado objected to **AB 776** being on the Special Consent Calendar.

Senator Hollingsworth objected to **AB 668** and **AB 1248** being on the Special Consent Calendar.

Senator Figueroa objected to **AB 414** being on the Special Consent Calendar.

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

SPECIAL CONSENT CALENDAR

Senate Bill 79—An act to amend Sections 73c, 73d, 90, 116.250, 116.310, 196, 208, 431.30, and 575.1 of the Code of Civil Procedure, to amend Section 16603 of the Election Code, to amend Section 1811 of the Family Code, to amend Section 17647 of the Financial Code, to amend Section 12157 of the Fish and Game Code, to amend Section 21856 of the Food and Agricultural Code, to amend Sections 20437, 24151, 24250.1, 40230, 68079, 68100, 68108, 68620, 69841, 71601, and 71622 of, to repeal Sections 68112, 68112.5, 68114, 68114.5, 68114.6, 68114.9, 69595.5, 69741, 69742, 69743, 69744, 69744.5, 69745, 69745.5, 69746, 69746.5, 69747, 69748, 69748.1, 69749, 69749.2, 69749.3, 69749.4, 69751.5, 69752, 69891, 69893, 69894.2, 69902.5, 71081, 73648, and 74748 of, to repeal Article 6 (commencing with Section 69790) of Chapter 5 of, Article 9 (commencing with Section 71340) of Chapter 6 of, and Article 36 (commencing with Section 74920) of Chapter 10 of, to repeal and add Section 69740 of, and to repeal and add Article 4 (commencing with Section 69640) of Chapter 5 of, Title 8 of, the Government Code, to amend Section 4042 of the Harbors and Navigation Code, to amend Sections 825,

830.1, 853.6a, 896, 900, 904, 908, 908.1, 908.2, 1269b, 1463.28, and 3075 of, and to repeal Section 903 of, the Penal Code, to amend Section 7814 of the Public Utilities Code, to amend Section 30865 of the Streets and Highways Code, to amend Sections 1816, 13105, 13352, 13352.3, 13355, 23520, 23521, and 40502 of the Vehicle Code, and to amend Sections 258 and 654.1 of, and to repeal Section 247 of, the Welfare and Institutions Code, relating to courts.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 139—An act to amend Section 1255.7 of the Health and Safety Code, and to amend Section 271.5 of the Penal Code, relating to abandoned newborns.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 378—An act to amend Section 4467 of the Vehicle Code, relating to vehicles.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 392—An act to amend Sections 5060, 5070, 5101.6, 5108, 5132, 5302.5, 5303, 5361, 10301, 10311.1, 10353, and 10366 of, to add Sections 5132.1, 5132.2, 5132.3, and 5132.4 to, and to repeal Sections 5108.1, 5108.2, 5220, 5221, 5222, 10310, 10310.2, and 10311 of, the Streets and Highways Code, relating to local agency assessments.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 660—An act to add Section 2024.5 to the Family Code, relating to court files.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 736—An act to amend Sections 17550.4, 17550.13, 17550.14, 17550.20, 17550.21, 17550.30, 17550.37, 17550.41, and 17550.47 of, to add Section 17550.42 to, and to repeal Article 2.5 (commencing with Section 17540) of Chapter 1 of Part 3 of Division 7 and

Sections 17550.34 and 17550.59 of, the Business and Professions Code, relating to sellers of travel.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 812—An act to add Section 6719 to, and to repeal Section 6718 of, the Government Code, and to repeal Section 1 of Chapter 155 of the Statutes of 2002, relating to Juneteenth National Freedom Day.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1063—An act to amend Sections 1610.8, 1614, 3371, 3692, 3698.5, 3698.7, 4112, 4675, and 5104 of, to add Sections 3794.3 and 4672.3 to, and to repeal Sections 1612 and 1613 of, the Revenue and Taxation Code, relating to taxation.

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

(NOTE: See Consent Calendar Roll Call)

Senate Bill 269—An act to add Section 22212.5 to the Education Code, and to amend Section 20098 of the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 360—An act to amend Section 330b of the Penal Code, relating to gaming.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 447—An act to amend Section 3154 of the Civil Code, relating to lien claims.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 763—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 953—An act to amend Section 66462.5 of the Government Code, relating to land use.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 962—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 777—An act to add and repeal Section 7155.7 of the Health and Safety Code, relating to dead bodies.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1069—An act to amend Sections 27541, 27551, and 27553 of, and to add Sections 27503.5, 27519.5, 27680, 27681, 27682, 27683, 27684, 27685, 27686, 27687, 27688, 27688.5, 27689, and 27690 to, the Food and Agricultural Code, relating to eggs.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1080—An act to amend Section 52482 of, and to add Section 52489 to, the Food and Agricultural Code, relating to agriculture.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1294—An act to add Section 1788.18 to the Civil Code, relating to debt collection.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1584—An act to amend Sections 20057, 20161, 20501, 20585, 20588, 20590, 20610, 20611, 20752, 20816, 20890.2, 20907, 21013, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22013.78, 22018, 22156, 22502, 22754, and 22825 of, to add Sections 20672.5, 21220.5, and 22817.5 to, to repeal Sections 20677.1, 20732, 21253, 21431, and 22216 of, to repeal Chapter 10 (commencing with Section 20860) of Part 3 of Division 5 of Title 2 of, and to repeal and add Section 21252 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1710—An act to amend Section 7121 of the Family Code, to amend Sections 68087 and 77209 of the Government Code, to amend Section 1465.7 of, and to add Section 11105.04 to, the Penal Code,

and to amend Sections 213.5 and 355 of, and to add Section 213.6 to, the Welfare and Institutions Code, relating to courts.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 44—An act to amend Section 2625 of the Penal Code, and Sections 294 and 366.21 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 132—An act to amend Section 18871 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 134—An act to amend Section 273.5 of the Penal Code, relating to crime.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 187—An act to add Sections 241.8 and 243.10 to the Penal Code, relating to crime.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 188—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3107, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 323—An act to add Article 7 (commencing with Section 999.50) to Chapter 6 of Division 4 of the Military and Veterans Code, relating to veterans.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 355—An act to amend Section 871 of the Welfare and Institutions Code, relating to minors.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 388—An act to add Section 19610.8 to the Business and Professions Code, relating to horse racing.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 524—An act to add Section 361.1 to the Welfare and Institutions Code, relating to minors.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 535—An act to repeal and add Section 319 of the Streets and Highways Code, relating to streets and highways.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 540—An act to add Section 103265 to the Health and Safety Code, relating to vital statistics.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 542—An act to amend Section 1563 of the Code of Civil Procedure, and to amend Section 179 of the Military and Veterans Code, relating to military artifacts.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 716—An act to amend Sections 14010, 14030, 14034, 14036, 14037, 14038, 14039, 14040, 14041, and 14043 of, to amend and renumber Section 14030.2 of, and to repeal Sections 14031 and 14035 of, the Corporations Code, relating to small business financial development corporations.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 718—An act to amend Sections 1301, 4000, 9283, 9285, 13113, 17100, and 17304 of, to repeal Section 1502 of, and to repeal and add Sections 1500 and 1501 of, the Elections Code, relating to elections.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 722—An act to add Sections 10290.3 and 12101.7 to the Public Contract Code, relating to public contracts.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 794—An act to add Section 12969 to the Insurance Code, relating to the Department of Insurance.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 836—An act to add Section 591.5 to the Penal Code, relating to wireless telephones.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 902—An act to amend Section 4107 of the Public Contract Code, relating to public contracts.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 908—An act to add Section 89536.1 to the Education Code, relating to the California State University.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 922—An act to amend Section 63040 of the Government Code, relating to economic development.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 967—An act to amend Sections 17731, 17733, 19136, 23800, 23800.5, 23801, 23802, 23802.5, 23803, 23804, 23809, and 23811 of, and to repeal Section 23804.5 of, the Revenue and Taxation Code, relating to taxation.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 976—An act to amend Section 13952 of the Government Code, relating to victims of crime, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1048—An act to amend Section 10089.5 of the Insurance Code, relating to earthquake insurance.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1153—An act to amend Section 538e of, and to add Section 538g to, the Penal Code, relating to crime, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1166—An act to amend Sections 1507.3, 1569.73, and 1569.74 of the Health and Safety Code, relating to care facilities.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1247—An act to amend Section 25247 of the Health and Safety Code, relating to hazardous waste.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1304—An act to add Section 54451.5 to, and to amend Sections 54452 and 54453 of, the Food and Agricultural Code, relating to cooperative associations.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1413—An act to amend Section 102600 of the Health and Safety Code, relating to vital records.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1430—An act to amend Section 634.5 of the Unemployment Insurance Code, relating to unemployment compensation.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1505—An act to amend Sections 23356.1 and 25503.4 of the Business and Professions Code, relating to alcoholic beverages.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1606—An act to add Section 22816.1 to the Government Code, relating to public employees' health benefits, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1743—An act to amend Section 17539.3 of the Business and Professions Code, to amend Section 32311 of the Education Code, to amend Section 7162 of the Government Code, to amend Section 38040 of the Health and Safety Code, to amend Sections 17020.5, 17020.11, 17054, 17072, 17140.5, 17509, 17510, 17856, 18006, 18036.5, 18037, 18038, 18039, 18155.5, 18171, 18171.5, 18177, 19023, 19182, 23036, 23043.5, 23772, 23809, 24872.4, and 24991 of, and to repeal Sections 17088.5, 17088.6, 18037.3, 18037.5, 18043, 18044, 19022, 19024, 19062, 24871.5, and 24872.5 of, the Revenue and Taxation Code, and to amend Section 5060 of the Vehicle Code, relating to taxation.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1778—An act to amend Section 90404 of, to amend and repeal Section 41205 of, and to repeal Section 89911 of, the Education Code, and to amend Section 8880.5 of the Government Code, relating to the California State University.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 32—Relative to Medicaid.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1098—An act to amend Section 290.85 of the Penal Code, relating to sex offenders.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1102—An act to amend Section 13515.25 of the Penal Code, relating to peace officers, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1420—An act to amend Sections 3033, 3951, 4181, 12000, 12002.2, and 12155.5 of, and to add Section 3952 to, the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1509—An act relating to emergency services.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 790—An act to amend Sections 21703 and 21705 of the Business and Professions Code, relating to self-service storage facilities.

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

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

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

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1618—An act to amend Section 11713 of the Vehicle Code, relating to vehicles.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1618 pursuant to Joint Rule 58.

ASSEMBLY MEMBER FIREBAUGH

Permission of Rules Committee

Senate Chamber, July 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1618.

BURTON, Chair

Amendments Adopted

Amendments to AB 1618 proposed by Senator Escutia were read and adopted and the measure ordered printed and referred to Energy, Utilities and Communications.

Assembly Bill 202—An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

Bill read third time.

Amendments Adopted

Amendments to AB 202 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1124—An act to amend Sections 17070.75 and 17584 of the Education Code, relating to public schools.

Bill read third time.

Amendments Adopted

Amendments to AB 1124 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 179—An act to amend Sections 130110, 130120, and 130150 of the Health and Safety Code, relating to child development.

Bill read third time.

Amendments Adopted

Amendments to AB 179 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1498 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 936—An act to amend Section 602 of the Penal Code, relating to baby stalking.

Bill read third time.

Amendments Adopted

Amendments to AB 936 proposed by Senator Florez were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1263—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time.

Amendments Adopted

Amendments to AB 1263 proposed by Senator Ackerman were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 414—An act to amend Section 1569.616 of the Health and Safety Code, relating to care facilities.

Bill read third time.

Amendments Adopted

Amendments to AB 414 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1211—An act to amend Sections 8592.1, 8592.2, 8592.3, and 8592.4 of the Government Code, relating to public safety.

Bill read third time.

Amendments Adopted

Amendments to AB 1211 proposed by Senator Bowen were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1207—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement

Bill read third time.

Amendments Adopted

Amendments to AB 1207 proposed by Senator Karnette were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1347)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1347 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1347

Assembly Bill 1347—An act to amend Section 65865 of the Government Code, relating to development projects.

Bill read.

Motion to Amend

Senator Torlakson moved the adoption of amendments to AB 1347.

Amendments read and adopted and the measure ordered printed and to second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Bowen, Ortiz, Romero, and Vincent.

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

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

At 4:28 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 5 p.m. The Desk shall remain open to receive communications and to

conduct the business of the day. At 5 p.m., the Senate will adjourn upon call of the President Pro Tempore.

Motion carried.

SENATE COMMITTEE ROLL CALLS
Committee on Appropriations

SB 1067—Do pass

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 315—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 691—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Johnson, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 7/21/03

Alpert (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Burton requested that when the Senate adjourns this day it do so in memory of Alex Athanasopoulos and Jutta Hansen Grider of San Francisco.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Randy Ott of Valencia.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Ange Giorgi of Temple City.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Cedrick Elias of Pomona.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Eva Sales-Garcia of Daly City, Gen. Romulo Sales of the Philippines, and Chief Bob Benedetti of Colma.

ADJOURNMENT

At 5 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, July 22, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWELFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, July 22, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Soto, Torlakson, and Vincent—32.

Quorum present.

(NOTE: Senators Alarcón, Bowen, Ducheny, Karnette, and Scott will be excused this day on legislative business and Senators Sher, Speier, and Vasconcellos will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Senate Chamber, July 22, 2003

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

AB 1031

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1031—An act to amend Sections 25102, 25212, 25230, 25232, 25241, 25247, 25252, 25532, 25540, 25541, and 25612.5 of, and to add Sections 25256, 25404, and 25612.3 to, the Corporations Code, and to amend Sections 12221, 17209.3, 22109, and 23001 of, and to add Sections 12307.5, 17424, and 22705.1 to, the Financial Code, relating to financial institutions.

Bill read second time.

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

Committee on Health and Human Services

Date of Hearing, July 16, 2003

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

AB 490

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

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 22, 2003

Mr. President: The Committee on Rules has examined:

SB 127

SB 253

And reports that the same have been correctly enrolled, and presented to the Governor on the 22nd day of July, 2003, at 11:45 a.m.

BURTON, Chair

Committee on Health and Human Services

Date of Hearing, July 16, 2003

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

AB 1326

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

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Appropriations

Senate Chamber, July 22, 2003

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

AB 265

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 265—An act to amend and repeal Section 22954 of, to add Section 22955.1 to, and to repeal and add Section 22954.1 of, the Education Code, relating to state teachers' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, July 22, 2003

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

AB 512	AB 728	AB 1108
AB 24	AB 833	AB 1369

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

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 512—An act to amend Sections 1363, 1368, and 1373 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read second time.

Assembly Bill 728—An act to amend Sections 11000.1 and 11018.12 of the Business and Professions Code, to amend Section 1675 of the Civil Code, and to amend Sections 66427 and 66452.4 of the Government Code, relating to subdivided lands.

Bill read second time.

Assembly Bill 1108—An act to add and repeal Section 3041.5 of the Family Code, relating to family law, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 24—An act to add Section 2079.7a to the Civil Code, and to add Section 115929 to the Health and Safety Code, relating to public safety.

Bill read second time.

Assembly Bill 833—An act to amend Sections 230 and 66271.7 of, and to add Sections 66271.6 and 66271.8 to, the Education Code, relating to sex equity in education.

Bill read second time.

Assembly Bill 1369—An act to add Section 1569.6 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

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

Date of Hearing, July 15, 2003

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

AB 1386

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

ESCUZIA, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Date of Hearing, July 14, 2003

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

AB 827

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

FIGUEROA, Chair

Above measure ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Constitutional Amendment 12: By Senator Scott—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article VII thereof, relating to the California Community Colleges.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Concurrent Resolution 43—Relative to Women Veterans' Highway.

Resolution read second time, ordered engrossed, and to third reading.

Senate Bill 1067—An act to add amend Section 25110 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 534—An act to amend Sections 22442, 22442.2, and 22443 of, and to add Section 22442.1 to, the Business and Professions Code, relating to immigration consultants.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 523—An act to amend Section 7507.9 of the Business and Professions Code, relating to collateral recovery.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 159—An act to add Section 19636 to the Government Code, relating to state employment.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1020—An act to add Section 116747 to the Health and Safety Code, relating to drinking water.

Bill read second time.

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

Assembly Bill 236—An act to amend Section 2221 of, and to add Section 2232 to, the Business and Professions Code, relating to medicine.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1546—An act to add Chapter 2.65 (commencing with Section 65089.11) to Division 1 of Title 7 of the Government Code, and to add Section 9250.5 to the Vehicle Code, relating to local government.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 766—An act to add and repeal Section 49452.6 of the Education Code, relating to pupil health.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 60—An act to amend Section 89416 of, and to amend the heading of Chapter 4.2 (commencing with Section 89416) of Part 55 of, the Education Code, relating to the California State University.

Bill read second time and ordered to third reading.

Assembly Bill 175—An act to add Section 511.3 to the Business and Professions Code, to amend Section 1375.7 of the Health and Safety Code, to add Section 10178.4 to the Insurance Code, and to add Section 4610 to the Labor Code, relating to health care.

Bill read second time and ordered to third reading.

Assembly Bill 276—An act to amend Sections 210, 225.5, 226, 605, 752, 1021, 1021.5, and 1197.1 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 377—An act to amend Section 42001 of, and to add Section 27150.3 to, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 380—An act to add Section 5855.7 to the Welfare and Institutions Code, relating to mental health.

Bill read second time and ordered to third reading.

Assembly Bill 419—An act to amend Sections 22200, 22224, and 22225 of, and to add Section 22227 to, the Education Code, and to amend Section 4 of Chapter 1049 of the Statutes of 2002, relating to the Teachers' Retirement Board, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 479—An act to amend Sections 17209.3, 17312, 17314, 17321, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

Bill read second time and ordered to third reading.

Assembly Bill 560—An act to amend Section 37670 of the Education Code, relating to school programs.

Bill read second time and ordered to third reading.

Assembly Bill 615—An act to amend Section 33590 of the Education Code, relating to special education.

Bill read second time and ordered to third reading.

Assembly Bill 679—An act to add Article 6 (commencing with Section 10237) to Chapter 3 of Part 1 of Division 4 of, and to repeal Section 10229 of, the Business and Professions Code, relating to real estate.

Bill read second time and ordered to third reading.

Assembly Bill 1216—An act to amend Section 51189 of the Government Code, and to amend Section 13108.5 of the Health and Safety Code, relating to fire safety.

Bill read second time and ordered to third reading.

Assembly Bill 1250—An act to amend Section 44579.1 of the Education Code, relating to teachers.

Bill read second time and ordered to third reading.

Assembly Bill 1252—An act to amend Sections 1639, 1679, 1781.3, and 10234.93 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1409—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1478—An act to add Section 14999.37 to the Government Code, relating to economic development.

Bill read second time and ordered to third reading.

Assembly Bill 1556—An act to add Sections 13551 and 13552 to the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 1662—An act to amend Sections 260 and 15210 of, and to add Section 35103 to, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1723—An act to amend Section 1401 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 1744—An act to amend Sections 75.21, 271, 441, 442, and 60501 of the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Concurrent Resolution 58—Relative to a Blue Star Memorial Highway.

Resolution read second time and ordered to third reading.

Assembly Concurrent Resolution 71—Relative to El Monte Police Officer Donald Ralph Johnston Memorial Highway.

Resolution read second time and ordered to third reading.

Assembly Bill 528—An act to amend Section 1569.2 of, and to add Section 1569.6 to, the Health and Safety Code, relating to Alzheimer's disease.

Bill read second time.

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

Assembly Bill 627—An act to amend Section 5096.686 of the Public Resources Code, relating to land use.

Bill read second time.

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

Assembly Bill 632—An act to add Section 12302.21 to the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Assembly Bill 1277—An act to amend Sections 13848 and 13848.6 of the Penal Code, relating to high technology crime.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1227—An act to amend Section 1874.1 of the Insurance Code, relating to insurance fraud.

Bill read second time and ordered to third reading.

Assembly Bill 315—An act to amend Sections 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 691—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read second time and ordered to third reading.

Assembly Bill 14—An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 262—An act to add Section 4334 to the Business and Professions Code, and to amend Sections 56.05, 56.10, 56.11, 56.17, and 56.21 of the Civil Code, relating to personal information.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 202—An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

Bill read second time and ordered to third reading.

Assembly Bill 1124—An act to amend Sections 17070.75 and 17584 of the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 179—An act to amend Sections 130110 and 130150 of the Health and Safety Code, relating to child development.

Bill read second time and ordered to third reading.

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 936—An act to amend Section 602 of the Penal Code, relating to baby stalking.

Bill read second time and ordered to third reading.

Assembly Bill 1263—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time and ordered to third reading.

Assembly Bill 414—An act to amend Section 1569.616 of the Health and Safety Code, relating to care facilities.

Bill read second time and ordered to third reading.

Assembly Bill 1347—An act to amend Section 65865 of the Government Code, relating to development projects.

Bill read second time and ordered to third reading.

Assembly Bill 1211—An act to amend Sections 8592.1, 8592.2, 8592.3, and 8592.4 of the Government Code, relating to public safety.

Bill read second time and ordered to third reading.

Assembly Bill 1207—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 544** was re-referred to the Committee on Appropriations.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Thursday, July 24.

SB 252	AB 60	AB 1478	AB 691
SB 283	AB 175	AB 1556	AB 1498
SB 110	AB 380	AB 1662	AB 936
SB 674	AB 419	AB 1744	AB 414
SB 877	AB 479	ACR 58	AB 1347
AB 1641	AB 615	ACR 71	AB 1211
AB 1045	AB 679	AB 627	
AB 277	AB 1252	AB 1227	

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1712—An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.410, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

Bill read third time.

Amendments Adopted

Amendments to AB 1712 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Bowen, Ducheny, Karnette, and Scott.

The following Senators were granted leaves of absence for the day due to illness: Senators Sher, Speier, and Vasconcellos.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, July 23, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, July 23, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock,
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,
Scott, Sher, Soto, Speier, Torlakson, and Vincent—37.

Quorum present.

(NOTE: Senators Bowen and Karnette will be excused this day on legislative business and Senator Vasconcellos will be excused this day due to illness.)

APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President: The Committee on Rules announces the appointment of Senators Burton, Alarcón, and Poochigian as a Senate Committee on Conference concerning SB 223, SB 899, SB 1007, and SB 1071 to meet a like committee of the Assembly.

BURTON, Chair

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, July 22, 2003

Mr. President: The Committee on Rules has examined:

SCR 31

SJR 7

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 22nd day of July, 2003, at 3 p.m.

BURTON, Chair

Committee on Public Safety

Date of Hearing, July 15, 2003

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

AB 1760

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

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Insurance

Senate Chamber, July 23, 2003

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

AB 1729

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

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1729—An act to amend Sections 985, 1063.50, 1063.52, 1063.53, 1063.54, 1063.55, and 1063.67 of the Insurance Code, relating to insolvency, and making an appropriation therefor.

Bill read second time.

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

Committee on Veterans Affairs

Date of Hearing, July 8, 2003

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

SJR 17

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

MORROW, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Date of Hearing, July 16, 2003

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

AB 71

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

CEDILLO, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, July 23, 2003

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

AB 1059

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

ESCUZIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1059—An act to amend Section 1942.5 of, and to add Section 1953.5 to, the Civil Code, relating to landlord and tenant.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, July 23, 2003

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

SB 849

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

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 849—An act to add Section 1936.2 to the Civil Code, relating to rental vehicle transaction fees, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

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

Assembly Bill 490—An act to amend Sections 48645.5, 48850, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, and 16000 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1326—An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of the Education Code, relating to child care.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 1386—An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

Bill read second time.

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

Assembly Bill 827—An act to amend Section 450.5 of, and to repeal Section 450.4 of, the Business and Professions Code, relating to professions and vocations.

Bill read second time.

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

Assembly Bill 1712—An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to

amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1765—An act relating to the Budget Act of 2003.

Bill read third time.

Amendments Adopted

Amendments to AB 1765 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 529—An act to amend Sections 1597.44 and 1597.465 of the Health and Safety Code, relating to care facilities.

Bill read third time.

Amendments Adopted

Amendments to AB 529 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1064—An act to amend Section 125550 of, and to add Sections 99159 and 120523 to, the Public Utilities Code, and to add Section 27512 to the Streets and Highways Code, relating to public transit district pension plans.

Bill read third time.

Amendments Adopted

Amendments to AB 1064 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1708—An act to amend Sections 6031.5, 6065, 6086.10, 6140, 6140.5, 6141.1, 6145, and 6234 of, and to add Section 6086.16 to, the Business and Professions Code, relating to attorneys.

Bill read third time.

Amendments Adopted

Amendments to AB 1708 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 936—An act to amend Section 602 of the Penal Code, relating to baby stalking.

Bill read third time.

Amendments Adopted

Amendments to AB 936 proposed by Senator Florez were read and adopted and the measure ordered printed and to second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Bowen and Karnette.

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

REQUEST TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Beth Lennon of San Diego.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 8:30 a.m., Thursday, July 24, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FOURTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, July 24, 2003

The Senate met at 8:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent—39.

Quorum present.

(NOTE: Senator Vasconcellos will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Let us be one with the Father of the universe. Let us be one with Mother earth. Let us be one with everyone within the reach of our voices. In this togetherness, let us ask the Divine Intelligence to eradicate all negatives from our hearts, from our minds, from our words, and from our actions. Let us be at Peace.—AMEN.

(babatunde olatunji, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issues raised by the Assembly amendments to **SB 182** and **SB 440** were referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, July 24, 2003

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3–0, has re-referred SB 182 to the Committee on Judiciary and SB 440 to the Committee on Public Employment and Retirement.

BURTON, Chair

RECESS

At 9:50 a.m., the Senate recessed.

REASSEMBLED

At 1:56 p.m., the Senate reconvened.

Hon. John L Burton, of the 3rd District, presiding.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 24, 2003

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

SB 180 SB 334 SB 337 SB 353

Above measures ordered enrolled.

Assembly Chamber, July 24, 2003

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

SB 175 SB 228 SB 728 SB 1022
 SB 191 SB 229 SB 732 SCR 11
 SB 196 SB 354 SB 757 SJR 3

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

Above measures ordered to unfinished business file.

Assembly Chamber, July 24, 2003

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

- | | | | |
|--------|---------|---------|---------|
| AB 149 | AB 1099 | AB 1324 | AB 1579 |
| AB 227 | AB 1215 | AB 1483 | |
| AB 968 | AB 1262 | AB 1578 | |

Assembly Chamber, July 24, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

- | | | |
|--------|--------|--------|
| AB 302 | AB 314 | AB 703 |
|--------|--------|--------|

Assembly Chamber, July 24, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

- ACR 122

Assembly Chamber, July 24, 2003

*The Honorable Greg Schmidt
Secretary of the Senate*

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1584 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 122—Relative to the Korean War Veterans Armistice Day.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 197** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations; and

AB 382 was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, July 24, 2003

The Committee on Rules has re-referred the following measures to committee:

Appropriations—AB 1051.

Business and Professions—AB 262, AB 473.

Elections and Reapportionment—AB 1680.

Revenue and Taxation—AB 382.

Committee on Appropriations

Senate Chamber, July 24, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SCR 41 AB 195 AB 768

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, July 24, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 327 AB 1427

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 327—An act to amend Sections 22511.55, 22511.59, and 42001.5 of, and to add Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 1427—An act relating to biological solids.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Transportation

Date of Hearing, July 24, 2003

Mr. President: The Committee on Transportation, to which were referred:

SCR 45 SCR 46

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Judiciary

Date of Hearing, July 15, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1382

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCURIA, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, July 24, 2003

Mr. President: The Committee on Rules has examined:

SB 79	SB 378	SB 736	SB 1063
SB 139	SB 392	SB 812	
SB 181	SB 660	SB 965	

And reports that the same have been correctly enrolled, and presented to the Governor on the 24th day of July, 2003, at 2 p.m.

BURTON, Chair

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Joint Resolution 17—Relative to veterans.

Resolution read second time.

The amendments proposed by the Committee on Veterans Affairs were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1760—An act to amend Section 935.7 of, to amend, repeal, and add Section 13957 of, and to add and repeal Section 13964.5 of, the Government Code, and to amend, repeal, and add Sections 1001.90 and 1202.4 of the Penal Code, relating to victims of crime, making an

appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 71—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and 30481 of, to add Sections 30019, 30165.1, 30166.1, 30177.5, 30435, 30474.1, and 30482 to, to add Article 2.5 (commencing with Section 30210) to Chapter 4 of Part 13 of Division 2 of, and to add Article 5 (commencing with Section 30355) to Chapter 5 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to cigarettes and tobacco products, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Health and Human Services.

Assembly Bill 529—An act to amend Sections 1597.44 and 1597.465 of the Health and Safety Code, relating to care facilities.

Bill read second time and ordered to third reading.

Assembly Bill 1064—An act to amend Section 125550 of, and to add Sections 99159 and 120523 to, the Public Utilities Code, and to add Section 27512 to the Streets and Highways Code, relating to public transit district pension plans.

Bill read second time and ordered to third reading.

Assembly Bill 1708—An act to amend Sections 6031.5, 6065, 6086.10, 6140, 6140.5, 6141.1, 6145, and 6234 of, and to add Section 6086.16 to, the Business and Professions Code, relating to attorneys.

Bill read second time and ordered to third reading.

Assembly Bill 936—An act to amend Section 602 of the Penal Code, relating to baby stalking.

Bill read second time and ordered to third reading.

REQUEST TO RETURN BILL TO SENATE

Senator Figueroa requested that the Secretary of the Senate ask the Governor to return SB 308 to the Senate for further action.

MESSAGES FROM THE GOVERNOR

Governor’s Office, State Capitol
July 24, 2003

To the Members of the Senate:

Pursuant to your request, I am returning SB 308, on behalf of the Governor, to the Senate for further action.

Sincerely,

Pamela K. Oto
Private Secretary of the Governor

Above bill ordered transmitted to the Assembly on request of Senator Figueroa.

REQUEST FOR UNANIMOUS CONSENT (SB 191)

Senator Alarcón asked for, and was granted, unanimous consent to take up SB 191 at this time, without reference to file.

Consideration of Senate Bill 191

Consideration of Assembly Amendments

Senate Bill 191—An act relating to workers’ compensation
Measure presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SB 191?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

REQUEST FOR UNANIMOUS CONSENT (SB 228)

Senator Alarcón asked for, and was granted, unanimous consent to take up SB 228 at this time, without reference to file.

Consideration of Senate Bill 228

Consideration of Assembly Amendments

Senate Bill 228—An act relating to workers’ compensation.
Measure presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SB 228?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

REQUEST FOR UNANIMOUS CONSENT (SB 229)

Senator Burton asked for, and was granted, unanimous consent to take up SB 229 at this time, without reference to file.

Consideration of Senate Bill 229**Consideration of Assembly Amendments**

Senate Bill 229—An act relating to workers' compensation.

Measure presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 229?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

REQUEST FOR UNANIMOUS CONSENT (SB 354)

Senator Speier asked for, and was granted, unanimous consent to take up SB 354 at this time, without reference to file.

Consideration of Senate Bill 354**Consideration of Assembly Amendments**

Senate Bill 354—An act relating to workers' compensation

Measure presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 354?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

REQUEST FOR UNANIMOUS CONSENT (SB 757)

Senator Poochigian asked for, and was granted, unanimous consent to take up SB 757 at this time, without reference to file.

Consideration of Senate Bill 757**Consideration of Assembly Amendments**

Senate Bill 757—An act relating to workers' compensation.

Measure presented by Senator Poochigian.

The question being: Shall the Senate concur in the Assembly amendments to SB 757?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President: The Committee on Rules announces the appointment of Senators Burton, Alarcón, and Poochigian as a Senate Committee on Conference concerning SB 191, SB 228, SB 229, SB 354, SB 757, AB 149, AB 227, AB 968, AB 1099, AB 1215, AB 1262, AB 1324, AB 1483, AB 1578, AB 1579 to meet a like committee of the Assembly.

BURTON, Chair

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **ACR 122** was withdrawn from Committee and placed on the Consent Calendar.

Senator Alpert Presiding**CONSIDERATION OF DAILY FILE (RESUMED)
MOTIONS TO REFER MEASURES TO INACTIVE FILE**

Senator Perata moved that **AB 94** be placed on the inactive file.

Motion carried.

Senator Soto moved that **AB 1585** and **AB 1587** be placed on the inactive file.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 918—An act to amend Sections 45102 and 88002 of the Education Code, relating to classified school employees.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1141—An act to amend Section 3502.5 of the Government Code, relating to employer-employee relations.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 55—An act to amend Sections 31485.7 and 31485.8 of, and to add Section 31658 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

(NOTE: Reconsideration granted later this day.)

Assembly Bill 1407—An act to amend Section 714 of the Civil Code, relating to solar energy.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Murray, Oller, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 9—An act to add Part 7 (commencing with Section 106000) to Division 103 of the Health and Safety Code, relating to health care.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution 34—Relative to hate crimes.

Resolution read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Johnson, Knight, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

Assembly Bill 792—An act to amend Section 22658 of the Vehicle Code, relating to vehicles.

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 (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (7)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, and Knight.

Bill ordered transmitted to the Assembly.

Assembly Bill 1101—An act to amend Section 6068 of the Business and Professions Code, and to amend Section 956.5 of the Evidence Code, relating to attorneys.

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 (35)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Ackerman.

Bill ordered transmitted to the Assembly.

Assembly Bill 945—An act to add Section 207.6 to the Welfare and Institutions Code, relating to minors.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER (AB 55)

Senator Soto moved to reconsider the vote whereby AB 55 passed.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Consideration of Assembly Bill 55

Assembly Bill 55—An act to amend Sections 31485.7 and 31485.8 of, and to add Section 31658 to, the Government Code, relating to county employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Soto.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Soto moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution 85—Relative to the Respect for All Project.

Resolution read third time and presented by Senator Speier.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

Assembly Bill 109—An act to amend Section 3543.5 of the Government Code, relating to public school employment.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Ducheny, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1192—An act to amend Section 65863 of the Government Code, relating to land use, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1208—An act to add Section 1091.4 to the Government Code, relating to conflicts of interest.

Bill read third time and presented by Senator Denham.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Chesbro, Denham, Ducheny, Florez, Hollingsworth, Johnson, Karnette, Knight, Machado, Oller, Perata, Poochigian, Scott, Torlakson, and Vincent.

NOES (9)—Senators Burton, Dunn, Figueroa, Kuehl, McClintock, Murray, Ortiz, Romero, and Speier.

Bill ordered transmitted to the Assembly.

Assembly Bill 226—An act to amend Section 10110.1 of, and to add Section 10110.4 to, the Insurance Code, relating to life insurance.

Bill read third time and presented by Senator Burton.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, Knight, McClintock, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

Assembly Bill 1230—An act to amend Sections 3574 and 3577 of the Government Code, relating to higher education labor relations.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 634—An act to add Sections 2031.1 and 2031.2 to the Code of Civil Procedure, relating to civil actions.

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 (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1207—An act to amend Sections 14502.1, 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 196—An act to amend Section 12926 of, and to add Section 12949 to, the Government Code, relating to discrimination.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 330—An act to amend Section 512 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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 276—An act to amend Sections 210, 225.5, 226, 605, 752, 1021, 1021.5, and 1197.1 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 (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 378—An act to amend Sections 1513, 1520, 1530, and 1577 of, and to add Section 1515.5 to, the Code of Civil Procedure, relating to escheat.

Bill read third time and presented by Senator Escutia.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 458—An act to amend Sections 1522.41, 1529.2, and 1563 of the Health and Safety Code, and to amend Sections 16001.9 and 16003 of, and to add Section 16013 to, the Welfare and Institutions Code, relating to human 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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Florez, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1212—An act to add Section 30607.7 to the Public Resources Code, relating to public resources.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 287—An act to amend Section 15372.61 of the Government Code, relating to tourism.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 55)**

On motion of Senator Soto, 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 AB 55 was adopted by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia,

Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (8)—Senators Ackerman, Brulte, Hollingsworth, Knight, McClintock, Oller, Poochigian, and Speier.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (8)—Senators Ackerman, Brulte, Hollingsworth, Knight, McClintock, Oller, Poochigian, and Speier.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 738—An act to amend Sections 5241, 17000, 17600, 17602, 17702, and 17704 of, and to add Section 17701 to, the Family Code, relating to child support.

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 (26)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1132—An act to amend Section 2664 of the Labor Code, relating to employment.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1156—An act to amend Sections 3501, 3507, and 3509 of the Government Code, relating to employer-employee relations.

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 (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1296—An act to amend Section 8510 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1284—An act to add and repeal Section 367.3 of the Public Utilities Code, relating to energy resources, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Aanestad.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Aanestad moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 632—An act to add Section 12302.21 to the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn,

Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.
NOES (4)—Senators Brulte, Hollingsworth, McClintock, and Oller.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.
NOES (4)—Senators Brulte, Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1472—An act to amend Section 12283 of the Elections Code, relating to elections.

Bill read third time and presented by Senator Johnson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.
NOES (0)—None.

(NOTE: Reconsideration granted later this day.)

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1284)**

On motion of Senator Aanestad, 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 AB 1284 was adopted by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, McClintock, Murray, Oller, Perata, Poochigian, Scott, Torlakson, and Vincent.
NOES (6)—Senators Dunn, Escutia, Romero, Sher, Soto, and Speier.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Figueroa,

Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, McClintock, Murray, Oller, Perata, Poochigian, Scott, Torlakson, and Vincent.

NOES (6)—Senators Dunn, Escutia, Romero, Sher, Soto, and Speier.

Above bill ordered transmitted to the Assembly.

MOTION TO RECONSIDER (AB 1472)

Senator Hollingsworth moved to reconsider the vote whereby AB 1472 passed.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

Consideration of Assembly Bill AB 1472

Assembly Bill 1472—An act to amend Section 12283 of the Elections Code, relating to elections.

Bill read third time and presented by Senator Johnson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Ackerman, Battin, Hollingsworth, and Oller.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Objections Raised

Senator Chesbro objected to **AB 380** being on the Special Consent Calendar.

Senator Perata objected to **AB 679** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

Assembly Concurrent Resolution 122—Relative to the Korean War Veterans Armistice Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Bill 252—An act to amend Section 2069 of the Business and Professions Code, relating to medical assistants.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 283—An act to amend Sections 9102, 9304, 9309, 9321, 9408, and 9521 of the Commercial Code, to amend Section 12194 of the Government Code, and to amend Section 5907 of the Vehicle Code, relating to commercial law.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 110—An act to amend Sections 3400 and 10129 of the Public Contract Code, relating to public contracting.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 674—An act to amend Section 37700 of the Education Code, relating to schooldays , and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 877—An act to add Section 1054.10 to the Penal Code, relating to discovery, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1641—An act to amend Section 68115 of the Government Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 277—An act to amend Section 17526 of, and to add Section 17528.5 to, the Business and Professions Code, and to amend Section 8040 of, and to add Article 3 (commencing with Section 18320) to Chapter 4 of Division 18 of, the Elections Code, relating to fraudulent practices.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 60—An act to amend Section 89416 of, and to amend the heading of Chapter 4.2 (commencing with Section 89416) of Part 55 of, the Education Code, relating to the California State University.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 175—An act to add Section 511.3 to the Business and Professions Code, to amend Section 1375.7 of the Health and Safety Code, to add Section 10178.4 to the Insurance Code, and to add Section 4610 to the Labor Code, relating to health care.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 419—An act to amend Sections 22200, 22224, and 22225 of, and to add Section 22227 to, the Education Code, and to amend Section 4 of Chapter 1049 of the Statutes of 2002, relating to the Teachers' Retirement Board, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 479—An act to amend Sections 17209.3, 17312, 17314, 17321, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 615—An act to amend Section 33590 of the Education Code, relating to special education.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1252—An act to amend Sections 1639, 1679, 1781.3, and 10234.93 of the Insurance Code, relating to insurance.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1478—An act to add Section 14999.37 to the Government Code, relating to economic development.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1556—An act to add Sections 13551 and 13552 to the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1662—An act to amend Sections 260 and 15210 of, and to add Section 35103 to, the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1744—An act to amend Sections 75.21, 271, 441, 442, and 60501 of the Revenue and Taxation Code, relating to taxation.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 58—Relative to a Blue Star Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 71—Relative to El Monte Police Officer Donald Ralph Johnston Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 627—An act to amend Section 5096.686 of the Public Resources Code, relating to land use.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1227—An act to amend Section 1874.1 of the Insurance Code, relating to insurance fraud.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 691—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952

of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 414—An act to amend Section 1569.616 of the Health and Safety Code, relating to care facilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1347—An act to amend Section 65865 of the Government Code, relating to development projects.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1211—An act to amend Sections 8592.1, 8592.2, 8592.3, and 8592.4 of the Government Code, relating to public safety.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

REQUEST TO BE ADDED TO ROLL CALL

July 24, 2003

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 1141—No	AB 1407—Aye	AB 9—No
AJR 34—No	AB 792—No	AB 1101—Aye
AB 945—Aye	ACR 85—No	ACR 738—No
AB 1132—No	AB 1207—No	AB 330—No

JAMES L BRULTE, Minority Floor Leader

July 24, 2003

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 918—Aye	AB 1141—Aye	AB 1407—Aye
AB 9—Aye	AJR 34—Aye	AB 792—Aye
AB 1101—Aye	AB 945—Aye	ACR 85—Aye
AB 109—Aye	AB 1230—Aye	AB 330—Aye
AB 1212—Aye	AB 287—Aye	AB 738—Aye
AB 458—Aye		

JOHN L BURTON, President pro Tempore

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Vasconcellos.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 3:30 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess. The Desk shall remain open to receive communications and to conduct the business of the day. The Senate will adjourn until Sunday, July 27, 2003.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1263—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time.

Amendments Adopted

Amendments to AB 1263 proposed by Senator Ackerman were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1337—An act to amend Section 56505.2 of the Education Code, relating to special education.

Bill read third time.

Amendments Adopted

Amendments to AB 1337 proposed by Senator McPherson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 310—An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

Bill read third time.

Amendments Adopted

Amendments to AB 310 proposed by Senator Burton were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 954—An act to amend Sections 44500 and 44664 of the Education Code, relating to teachers.

Bill read third time.

Amendments Adopted

Amendments to AB 954 proposed by Senator Karnette were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1045—An act to amend Sections 114260 and 114265 of the Health and Safety Code, relating to mobile food facilities.

Bill read third time.

Amendments Adopted

Amendments to AB 1045 proposed by Senator Morrow were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 371 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LA SUER

Permission of Rules Committee

Senate Chamber, July 24, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 371.

BURTON, Chair

Amendments Adopted

Amendments to AB 371 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1747—An act to amend Section 11361 of the Government Code, to amend Sections 713, 714, 2536, 2540, 3031, 3031.2, 4654, 6596, 6596.1, 7145, 7147, 7149, 7149.05, 7149.2, 7149.8, 7360, 7360.1, 7361, 7363, 7380, 7852, 7881, 7921, 8032, 8033, 8033.2, 8033.5, 8034, 8035, 8036, 13005, 15101, and 15103 of, to amend the heading of Article 4 (commencing with Section 7360) of Chapter 2 of Part 2 of Division 6 of, to add Section 8039 to, and to repeal Sections 7149.1, 7149.15, 7362, 7852.21, 7852.3, and 7921.5 of, the Fish and Game Code, to amend Sections 2699.5, 2705, 2705.5, 2706, 2709.1, 3109, 3110, 3111, 3236.5, 3343, 3358, 3719, 3724.6, 3754.5, 3770, 3776, 5006.1, 5627, 6217, 34000, and 37022 of, and to add Sections 2200.5 and 5015.6 to, the Public Resources Code, to amend Sections 6307, 6308, and 6309 of, and to add Sections 79505.5, 79505.6, 79506.7, 79522, 79532, 79534, 79540.1, 79547, 79547.2, 79555, 79560.5, 79562.5, 79564.1, and 79590 to, and to add Chapter 10.5 (commencing with Section 79575) to Division

26.5 of, and to repeal Section 6308.5 of, the Water Code, relating to public resources, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 1747 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1537)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1537 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1537

Assembly Bill 1537—An act to amend Section 51221.3 of the Education Code, relating to curriculum.

Bill read.

Amendments Adopted

Amendments to AB 1537 proposed by Senator McPherson were read and adopted and the measure ordered printed and to third reading.

**REPORTS OF STANDING COMMITTEES
Committee on Local Government**

Date of Hearing, July 23, 2003

Madam President: The Committee on Local Government, to which was referred:

AB 658

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

**SENATE COMMITTEE ROLL CALLS
Committee on Local Government**

AB 658—Do pass as amended

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/23/03

Torlakson (Chair)

Committee on Transportation

SCR 45—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SCR 46—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 7/24/03

Murray (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senators Ducheny and Alpert requested that when the Senate adjourns this day it do so in memory of David J. Moreno of Spring Valley.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Victor Cortez of Santa Ana.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Carmen Sarro of Santa Clarita.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Chuck Herder and Mary Anne Cadematori of Stockton.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Howard Floyd of Bradbury.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Frank Montaña of San Bernardino.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Armena A. Kazarian of Fresno and Jennie Marie Morris of Clovis.

ADJOURNMENT

At 4:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 6 p.m., Sunday, July 27, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Sunday, July 27, 2003

The Senate met at 6 p.m.
Hon. Debra Bowen, of the 28th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent—39.

Quorum present.

(NOTE: Senator Vasconcellos will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

More devoted are You than a mother, more faithful are You than a lover, You stand by our side always. You will never abandon us. No sin, no lapse can make You desert us, nor yield up to us any less than Your ultimate fidelity and love. Who walks their path beside You feels Your hand upon them always. No effort made is wasted, nor unseen, nor unguided by You. In the true and certain knowledge that we are never alone, let us engage the task set before us today and be willing to put tomorrow into Your hands.—AMEN.

(Bagger Vance, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Cedillo led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 23, 2003

To the Members of the Senate:

I am signing SB 158 which would establish a bidding preference for public transit service contractors and subcontractors who agree to retain, for a period of at least 90 days, certain employees who performed essentially the same services by the previous contractor.

Last year, I vetoed legislation which would have required the retention of previously employed public transit workers whenever a new contract was awarded for private operation of transit service. In that veto message, I distinguished the exploitive circumstances affecting janitorial workers from those affecting transit workers.

Since that time, I have been made aware of at least one circumstance where a new transit operator promised to retain existing workers and was granted a contract; subsequently, the new transit operator promptly hired a new labor force.

SB 158 would address that situation by granting an incentive of 10% bidding preference to contractors who agree to retain, for a period of at least 90 days, certain employees performing essentially the same services. Unlike last year's legislation, SB 158 does not mandate such retention. Additionally, SB 158 provides the private contractor the right to reduce the workforce, to choose not to retain certain employees if there is reasonable cause, and to pay the wages and offer the benefits it alone determines are appropriate under law.

Given these safeguards, SB 158 is an appropriate response to protect the jobs and provide continuous employment to existing transit workers.

Sincerely,

GRAY DAVIS

REPORTS OF STANDING COMMITTEES

Committee on Rules

July 24, 2003

Madam President: The Committee on Rules has examined:

SB 565

And reports that the same has been correctly enrolled, and held at the Desk pursuant to Joint Rule 57.

BURTON, Chair

Senate Chamber, July 24, 2003

Madam President: The Committee on Rules has examined:

SCR 17

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 24th day of July, 2003, at 4:15 p.m.

BURTON, Chair

Senate Chamber, July 25, 2003

Madam President: The Committee on Rules has examined:

SB 180 SB 334 SB 337 SB 353

And reports that the same have been correctly enrolled, and presented to the Governor on the 25th day of July, 2003, at 11 a.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, July 25, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 1736

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, July 27, 2003

Madam President: The Chair of the Committee on Education, to which was referred:

SB 790

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 790—An act to repeal and add Sections 45103.1, 45103.5, 88003.1, and 88004.5 of the Education Code, and to add Section 3562.3 to the Government Code, relating to public education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, July 25, 2003

Madam President: The Committee on Rules has examined:

SB 841

And reports that the same has been correctly enrolled, and presented to the Governor on the 25th day of July, 2003, at 11 a.m.

BURTON, Chair

Committee on Public Employment and Retirement

July 27, 2003

Madam President: The Committee on Public Employment and Retirement, to which was referred:

SB 440

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

SOTO, Chair

Above measure ordered to unfinished business.

Committee on Judiciary

Senate Chamber, July 27, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

AB 1209

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1209—An act to amend Section 6254 of, and to amend and repeal Section 11126 of, the Government Code, relating to public agency security.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, July 27, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

AB 1059

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1059—An act to amend Section 1942.5 of, and to add Section 1940.2 to, the Civil Code, relating to landlord and tenant.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1286** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Appropriations.

REQUEST TO INTRODUCE BILL AFTER THE DEADLINE

Senate Chamber, July 27, 2003

The following request was presented by Senator Burton:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce a bill (Legislative Counsel Request 03-15797) after the deadline.

SENATOR BURTON

Permission of Rules Committee

The Committee on Rules grants permission to introduce a bill as requested.

BURTON, Chair

INTRODUCTION AND FIRST READING OF SENATE MEASURE

The following measure was introduced and read the first time:

Senate Bill 1082: By Senators Burton and Brulte—An act relating to state finance, and declaring the urgency thereof, to take effect immediately.

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN
30 CALENDAR DAYS**

The following request was presented by Senator Burton:

Senate Chamber, July 27, 2003

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1082** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR BURTON

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

RESOLUTION TO DISPENSE WITH ARTICLE IV, SEC. 8(a) AND 8(b) OF THE CONSTITUTION AND SUSPEND JOINT RULE 55

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measure may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days, and be it further;

Resolved, That SB 1082 presents a case of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the second and third times, considered engrossed, and placed upon its passage.

Resolution read and presented by Senator Burton.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Second Reading of Senate Bill 1082

Senate Bill 1082—An act relating to state finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Concurrent Resolution 41—Relative to Baldrige National Quality Program.

Resolution read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 195—An act to amend Sections 51890 and 51913 of the Education Code, relating to health education.

Bill read second time and ordered to third reading.

Assembly Bill 768—An act to amend Section 16 of, to add Sections 4.5 and 9.5 to, and to repeal and add Section 2 of, Chapter 464 of the Statutes of 2002, relating to the Hunters Point Shipyard.

Bill read second time and ordered to third reading.

Assembly Bill 1382—An act to amend Sections 7071.17, 7085.5, 7085.6, 7090.1, 7099.2, 7121, 7122.1, and 7143 of the Business and Professions Code, relating to contractors.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 658—An act relating to local government reorganization, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1263—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read second time and ordered to third reading.

Assembly Bill 1537—An act to amend Section 51221.3 of the Education Code, relating to curriculum.

Bill read second time and ordered to third reading.

Assembly Bill 1337—An act to amend Section 56505.2 of the Education Code, relating to special education.

Bill read second time and ordered to third reading.

Assembly Bill 310—An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

Bill read second time and ordered to third reading.

Assembly Bill 954—An act to amend Sections 44500 and 44664 of the Education Code, relating to teachers.

Bill read second time and ordered to third reading.

Assembly Bill 1045—An act to amend Sections 114260 and 114265 of the Health and Safety Code, relating to mobile food facilities.

Bill read second time and ordered to third reading.

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1747—An act to amend Section 11361 of the Government Code, to amend Sections 713, 714, 2536, 2540, 3031, 3031.2,

4654, 6596, 6596.1, 7145, 7147, 7149, 7149.05, 7149.2, 7149.8, 7360, 7360.1, 7361, 7363, 7380, 7852, 7881, 7921, 8032, 8033, 8033.2, 8033.5, 8034, 8035, 8036, 13005, 15101, and 15103 of, to amend the heading of Article 4 (commencing with Section 7360) of Chapter 2 of Part 2 of Division 6 of, to add Section 8039 to, and to repeal Sections 7149.1, 7149.15, 7362, 7852.21, 7852.3, and 7921.5 of, the Fish and Game Code, to amend Sections 2699.5, 2705, 2705.5, 2706, 2709.1, 3109, 3110, 3111, 3236.5, 3343, 3358, 3719, 3724.6, 3754.5, 3770, 3776, 5006.1, 5627, 6217, 34000, and 37022 of, and to add Sections 2200.5 and 5015.6 to, the Public Resources Code, to amend Sections 6307, 6308, and 6309 of, and to add Sections 79505.5, 79505.6, 79506.7, 79522, 79532, 79534, 79540.1, 79547, 79547.2, 79555, 79560.5, 79562.5, 79564.1, and 79590 to, and to add Chapter 10.5 (commencing with Section 79575) to Division 26.5 of, and to repeal Section 6308.5 of, the Water Code, relating to public resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1747 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1749—An act relating to the Budget Act of 2003.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1749 pursuant to Joint Rule 58.

SENATOR CHESBRO

Permission of Rules Committee

Senate Chamber, July 27, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1749.

BURTON, Chair

Amendments Adopted

Amendments to AB 1749 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1752—An act to amend Sections 4055, 8810, 17400, and 17432 of, to add Section 17522.5 to, and to add and repeal Section 17560 of, the Family Code, to amend Sections 1522, 1523.1, 1523.2, 1534, 1568.05, 1569.185, 1569.33, 1596.803, 1596.871, 1597.09, 1597.55a, 1597.55b, 11970.4, and 127885 of, and to add Section 11970.35 to, the Health and Safety Code, to amend Sections 11001.5, 19271, and 19271.6 of the Revenue and Taxation Code, to amend Sections 1611, 1611.5, and 10533 of, and to add Section 14003 to, the Unemployment Insurance Code, and to amend Sections 9544, 9546, 9547, 11372, 11462, 11463, 11466.2, 11466.35, 18226, 19355.5, 19356, 19356.6, and 19356.7 of, to amend,

repeal, and add Section 10088 of, to add Sections 10544.2 and 18901.6 to, and to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1752 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1754—An act to amend Sections 2557.5, 2558, 8222.5, 10554, 13030, 14002.1, 37253, 41203.1, 41975, 42238.12, 42239.1, 42239.15, 42241.7, 42243.7, 44395, 48005.10, 48005.13, 48005.15, 48005.25, 48005.30, 48005.35, 48005.45, 48005.55, 69618.9, 76300, 99234, and 99235 of, and to add Sections 2558.46, 17070.76, 33128.3, 42238.146, 84321, and 84322 to, the Education Code, to add Section 7576.5 to the Government Code, and to amend Section 39 of, and to repeal Section 51 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1754 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1755—An act to amend Sections 33020, 33333.2, 33333.6, and 33683 of, and to add Sections 33681.9 and 33681.10 to, the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1755 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1756—An act to amend Sections 5081, 5082, 5082.2, and 5131 of, and to repeal and add Section 5082.1 of, the Business and Professions Code, to amend Sections 1532, 1540, 1541, and 1542 of the Code of Civil Procedure, to amend Sections 12012.85, 13400, 13401, 13402, 13403, 13405, 13406, 14612, 15372.86, 17526, and 22825.01 of, to add Sections 12012.80, 12406, 13332.06, and 15312.5 to, to add Article 9.5 (commencing with Section 16428.1) to Chapter 2 of Part 2 of Division 4 of Title 2 of, to add and repeal Section 14612.2 of, and to repeal Sections 29145, 29550.4, and 43402 of, the Government Code, to amend Sections 25192, 25249.12, 50513, and 50710.1 of, and to add Section 53534 to, the Health and Safety Code, to amend Sections 62.5, 139.2, 3716, 3716.1, 3728, 4753.5, 4755, and 1777.5 of, to add Sections 4350 and 4355 to, to

repeal Section 3729 of, to repeal the heading of Article 1 (commencing with Section 4351) of Chapter 10 of Part 1 of Division 4 of, and to repeal Article 3 (commencing with Section 4381) of Chapter 10 of Part 1 of Division 4 of, the Labor Code, to add Section 1033.2 to the Military and Veterans Code, to amend Sections 40433, 42873, 42885.5, and 71040 of the Public Resources Code, to amend Section 280 of, and to add Section 321.1 to, the Public Utilities Code, to amend Section 18409 of, and to add Sections 18621.9 and 19170 to, the Revenue and Taxation Code, to add Section 104.19 to the Streets and Highways Code, and to amend Section 6 of Chapter 213 of the Statutes of 2000, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1756 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1757—An act to repeal Chapter 9 (commencing with Section 8750) of Division 1 of Title 2 of the Government Code, and to amend Sections 273.82, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1174.2, 1191.21, 6241, 11160, 11161.2, 11166.9, 11171, 11501, 11502, 11504, 13100.1, 13800, 13812, 13823, 13823.12, 13823.13, 13823.15, 13823.16, 13823.2, 13823.4, 13823.5, 13823.9, 13823.93, 13825, 13825.10, 13826.1, 13826.15, 13826.62, 13826.7, 13830, 13832, 13833, 13835.2, 13835.6, 13835.7, 13836, 13836.1, 13837, 13843, 13844, 13846, 13847, 13847.2, 13848.2, 13848.4, 13848.6, 13851, 13854, 13861, 13864, 13876, 13879, 13879.5, 13881, 13897.2, 13897.3, 13901, 14111, 14112, 14117, 14118, 14119, 14120, 14121, 14140, and 14172 of, to repeal Sections 13821 and 13822 of, and to repeal and add Section 13820 of, the Penal Code, relating to state agencies.

Bill read third time.

Amendments Adopted

Amendments to AB 1757 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1758—An act to amend Section 30061 of, and to add Section 19851.1, to the Government Code, to amend Sections 6035, 6036, 6040, 6051, and 6129 of, and to repeal Sections 6037, 6041, 6042, and 6043 of, the Penal Code, to repeal Section 14669.20 of the Government Code, and to amend Sections 912 and 912.1 of the Welfare and Institutions Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1758 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1759—An act to amend Section 116.820 of, to amend, repeal, and add Section 116.230 of, and to add Section 1021.8 to, the Code of Civil Procedure, to amend Sections 12598, 12989.3, 68086, 68926, 68926.1, 68927, and 69927 of, to amend, repeal, and add Sections 26827, 26830, 72055, and 72056 of, to add Sections 12530, 68085.5, 68933, and 69926.5 to, and to add and repeal Section 26826.4 of, the Government Code, and to add Section 1465.8 to the Penal Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1759 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1762—An act to amend Sections 6254 and 16531.1 of, and to repeal Section 13967 of, the Government Code, to amend Sections 1266, 104465, 104898.5, 120955, 124555, 124710, and 127280.1 of, to amend and repeal Section 1316.5 of, to add Sections 104181.6, 104466, 123853, and 125191 to, to add Article 7.5 (commencing with Section 1324) to Chapter 2 of Division 2 of, and to add Chapter 16 (commencing with Section 121345) to Part 4 of Division 105 of, the Health and Safety Code, to amend Sections 12693.43, 12693.70, 12693.73, 12693.91, 12693.98, 12695.04, 12695.06, 12695.08, 12696.7, 12697, 12698.05, 12698.30, 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.58, 12699.60, 12699.61, and 12699.62 of, to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, to add Section 12693.765 to, to add and repeal Section 12693.275 of, and to repeal Sections 12693.99 and 12698.10 of, the Insurance Code, to amend Section 1026.2 of the Penal Code, to amend Sections 4094.2, 4433, 4512, 4631.5, 4640.6, 4643, 4685.5, 4781.5, 5775, 14011.7, 14019.3, 14105.37, 14124.79, 14126.02, 14132.88, 14154, and 16809 of, to amend and repeal Sections 14005.81 and 14110.65 of, to add Sections 4620.2, 4648.4, 4681.5, 4691.6, 14044, 14087.101, 14087.103, 14087.105, 14105.06, 14105.21, 14105.22, 14105.395, 14105.48, 14105.49, 14105.51, 14105.86, 14124.795, 14132.27, 14159, and 14684.1 to, to add Article 5.5 (commencing with Section 14464.5) to Chapter 8 of Part 3 of Division 9 of, and to add and repeal Section 14105.19 of, the Welfare and Institutions Code, and to repeal Section 13 of Chapter 9 of the Statutes of the First Extraordinary Session of 2003, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1762 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1765—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the

Constitution of the State of California, and declaring the urgency thereof, to take effect immediately .

Bill read third time.

Amendments Adopted

Amendments to AB 1765 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1766—An act to add Title 17 (commencing with Section 99000) to the Government Code, and to add and repeal Sections 6051.5 and 6201.5 of the Revenue and Taxation Code, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1766 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1767—An act to amend Section 488.385 of the Code of Civil Procedure, to amend Section 10902 of the Revenue and Taxation Code, and to amend Sections 1685, 4604, 5014, 5036, 5066, 6700.25, 9102.5, 9250, 9250.8, 9250.13, 9252, 9254, 9258, 9261, 9265, 9400.1, 9554, 9702, 11515, 11515.2, 12814.5, 14900, 14900.1, 14901, 14902, 38121, 38225.4, 38225.5, 38232, 38255, 38260, and 38265 of, to add Section 1678 to, and to repeal Section 38225.4 of, the Vehicle Code, relating to vehicles

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1767 pursuant to Joint Rule 58.

SENATOR CHESBRO

Permission of Rules Committee

Senate Chamber, July 27, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1767.

BURTON, Chair

Amendments Adopted

Amendments to AB 1767 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1768—An act relating to the Budget Act of 2003.

Bill read third time.

Amendments Adopted

Amendments to AB 1768 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1384—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read third time.

Amendments Adopted

Amendments to AB 1384 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 673)

Senator Burton asked for, and was granted, unanimous consent that AB 673 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 673

Assembly Bill 673—An act to amend Section 19540 of, and to add Sections 19411.1, 19411.2, and 19412.1 to, the Business and Professions Code, relating to horse racing.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 673 pursuant to Joint Rule 58.

SENATOR CHESBRO

Permission of Rules Committee

Senate Chamber, July 27, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 673.

BURTON, Chair

Motion to Amend

Senator Burton moved the adoption of amendments to AB 673.

Amendments read and adopted and the measure ordered printed and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1765—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Pochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

RECESS

At 7:38 p.m., the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 7:45 p.m., the Senate reconvened.

Hon. Debra Bowen, of the 28th District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 1748—An act to add Chapter 1.695 (commencing with Section 5096.500) to Division 5 of the Public Resources Code, and to add Sections 79541.1, 79541.2, 79541.3, 79541.4, 79541.5, and 79544.1 to the Water Code, relating to public resources, and making an appropriation therefor.

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 (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1750—An act to add Section 14557 to the Government Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette,

Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1751—An act to add Section 14557.1 to the Government Code, and to amend Section 7102 of, and to add Section 7105 to, the Revenue and Taxation Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1753—An act to repeal and add Chapter 13 (commencing with Section 4850) of Division 4.5 of, the Welfare and Institutions Code, relating to developmental services.

Bill read third time and presented by Senator Chesbro.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1754—An act to amend Sections 2557.5, 2558, 8222.5, 10554, 13030, 14002.1, 37253, 41203.1, 41975, 42238.12, 42239.1, 42239.15, 42241.7, 42243.7, 44395, 48005.10, 48005.13, 48005.15, 48005.25, 48005.30, 48005.35, 48005.45, 48005.55, 69618.9, 76300, 99234, and 99235 of, and to add Sections 2558.46, 17070.76, 33128.3, 42238.146, 84321, and 84322 to, the Education Code, to add Section 7576.5 to the Government Code, and to amend Section 39 of, and to repeal Section 51 of, Chapter 1167 of the Statutes of 2002, relating to education finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1752—An act to amend Sections 4055, 8810, 17400, and 17432 of, to add Section 17522.5 to, and to add and repeal Section 17560 of, the Family Code, to amend Sections 63049.1 and 63049.4 of the Government Code, to amend Sections 1522, 1523.1, 1523.2, 1534,

1568.05, 1569.185, 1569.33, 1596.803, 1596.871, 1597.09, 1597.55a, 1597.55b, 11970.4, and 127885 of, and to add Sections 11970.35 and 104558 to, the Health and Safety Code, to amend Sections 11001.5, 19271, and 19271.6 of the Revenue and Taxation Code, to amend Sections 1611, 1611.5, and 10533 of, and to add Sections 14003 and 14004 to, the Unemployment Insurance Code, and to amend Sections 9544, 9546, 9547, 11462, 11463, 11466.2, 11466.35, 12201, 18226, 19355.5, 19356, 19356.6, and 19356.7 of, to amend, repeal, and add Section 10088 of, and to add Sections 10544.2 and 18901.6 to, the Welfare and Institutions Code, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, Murray, Oller, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Denham, McClintock, Morrow, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, Murray, Oller, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Denham, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1755—An act to amend Sections 33020, 33333.2, 33333.6, and 33683 of, and to add Sections 33681.9, 33681.10, and 33681.11 to, the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1756—An act to amend Sections 5081, 5082, 5082.2, and 5131 of, and to repeal and add Section 5082.1 of, the Business and Professions Code, to amend Sections 1532, 1540, 1541, and 1542 of the Code of Civil Procedure, to amend Sections 935.7, 15372.86, 17526, and 22825.01 of, to add Sections 12406, 13332.06, and 15312.5 to, to add Article 9.5 (commencing with Section 16428.1) to Chapter 2 of Part 2 of Division 4 of Title 2 of, and to repeal Sections 29145 and 43402 of, the Government Code, to amend Sections 25192, 25249.12, 50710.1, and 53533 of, and to add Section 53534 to, the Health and Safety Code, to amend Sections 62.5, 139.2, 3716, 3716.1, 3728, 4753.5, 4755, and 1777.5 of, to add Sections 4350 and 4355 to, to repeal Section 3729 of, to repeal the heading of Article 1 (commencing with Section 4351) of Chapter 10 of Part 1 of Division 4 of, and to repeal Article 3 (commencing with Section 4381) of Chapter 10 of Part 1 of Division 4 of, the Labor Code, to add Section 1033.2 to the Military and Veterans Code, to add Section 6611 to the Public Contract Code, to amend Sections 40433, 42873, 42885.5, and 71040 of, and to add Section 40409 to, the Public Resources Code, to amend Section 280 of, and to add Section 321.1 to, the Public Utilities Code, to amend Section 18409 of, and to add Sections 18621.9 and 19170 to, the Revenue and Taxation Code, to add Section 104.19 to the Streets and Highways Code, and to amend Section 6 of Chapter 213 of the Statutes of 2000, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cediillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cediillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1757—An act to amend Sections 14030.2, 14037.6, and 14060.6 of the Corporations Code, to amend Sections 12800, 14669.21, 63021, and 63024 of, to add Part 4.7 (commencing with Section

13995) of Division 3 of Title 2 to, to add Part 10.2 (commencing with Section 15710) to Division 3 of Title 2 of, to repeal Section 13997.1 of, and to repeal Part 6.7 (commencing with Section 15310) of Division 3 of Title 2 of, the Government Code, to add Part 14 (commencing with Section 37980) to Division 24 of the Health and Safety Code, and to amend Sections 273.82, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1174.2, 1191.21, 6241, 11160, 11161.2, 11166.9, 11171, 11501, 11502, 11504, 13100.1, 13800, 13812, 13823, 13823.12, 13823.13, 13823.15, 13823.16, 13823.2, 13823.4, 13823.5, 13823.9, 13823.93, 13825, 13826.1, 13826.15, 13826.62, 13826.7, 13830, 13832, 13833, 13835.2, 13835.6, 13835.7, 13836, 13836.1, 13837, 13843, 13844, 13846, 13847, 13847.2, 13848.2, 13848.4, 13848.6, 13851, 13854, 13861, 13864, 13876, 13879, 13879.5, 13881, 13897.2, 13897.3, 13901, 14111, 14112, 14117, 14118, 14119, 14120, 14121, 14140, and 14172 of, to amend and renumber Section 13825.10 of, to repeal Sections 13821 and 13822 of, and to repeal and add Section 13820 of, the Penal Code, relating to state agencies.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Denham and McPherson.

Bill ordered transmitted to the Assembly.

Assembly Bill 1758—An act to amend Sections 30061 and 30070 of, to add Section 19851.1, to, and to repeal Section 14669.20 of, the Government Code, to amend Sections 6035, 6036, 6040, 6051, and 6129 of, and to repeal Sections 6037, 6041, 6042, and 6043 of, the Penal Code, and to amend Sections 912 and 912.1 of the Welfare and Institutions Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McClintock, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McPherson, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McClintock, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1759—An act to amend Section 116.820 of, to amend, repeal, and add Section 116.230 of, and to add Section 1021.8 to, the Code of Civil Procedure, to amend Sections 12598, 12989.3, 68086, 68926, 68926.1, 68927, and 69927 of, to amend, repeal, and add Sections 26827, 26830, 72055, and 72056 of, to add Sections 12530, 68085.5, 68933, and 69926.5 to, and to add and repeal Section 26826.4 of, the Government Code, and to add Section 1465.8 to the Penal Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1761—An act to make an appropriation in augmentation of the Budget Act of 2002, relating to contingencies and emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read third time and presented by Senator Chesbro.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1763—An act to add Section 12693.915 to the Insurance Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1766—An act to add Section 97.68 to the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Ackerman, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa,

Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Ackerman, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1768—An act to amend Section 10754 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Chesbro.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1749—An act to amend Section 29550 of, and to repeal Section 29550.4 of, the Government Code, relating to booking fees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (4)—Senators Aanestad, Battin, McPherson, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (4)—Senators Aanestad, Battin, McPherson, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1762—An act to amend Sections 6254 and 16531.1 of, and to repeal Section 13967 of, the Government Code, to amend Sections 1266, 104465, 104898.5, 120955, 124555, 124710, and 127280.1 of, to amend and repeal Section 1316.5 of, to add Sections 104181.6, 104466, 123853, and 125191 to, to add Article 7.5 (commencing with Section 1324) to Chapter 2 of Division 2 of, and to add Chapter 16 (commencing with Section 121345) to Part 4 of Division 105 of, the Health and Safety

Code, to amend Sections 12693.43, 12693.70, 12693.73, 12693.91, 12693.98, 12695.04, 12695.06, 12695.08, 12696.7, 12697, 12698.05, 12698.30, 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.58, 12699.60, 12699.61, and 12699.62 of, to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, to add Section 12693.765 to, to add and repeal Section 12693.275 of, and to repeal Sections 12693.99 and 12698.10 of, the Insurance Code, to amend Section 1026.2 of the Penal Code, to amend Sections 4094.2, 4433, 4512, 4631.5, 4640.6, 4643, 4685.5, 4781.5, 5775, 14011.7, 14019.3, 14105.37, 14124.79, 14126.02, 14132.88, 14154, and 16809 of, to amend and repeal Sections 14005.81 and 14110.65 of, to add Sections 4620.2, 4648.4, 4681.5, 4691.6, 14044, 14087.101, 14087.103, 14087.105, 14105.06, 14105.21, 14105.22, 14105.395, 14105.48, 14105.49, 14105.51, 14105.86, 14124.795, 14132.27, 14159, and 14684.1 to, to add Article 5.5 (commencing with Section 14464.5) to Chapter 8 of Part 3 of Division 9 of, and to add and repeal Section 14105.19 of, the Welfare and Institutions Code, and to repeal Section 13 of Chapter 9 of the Statutes of the First Extraordinary Session of 2003, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Battin moved the adoption of amendments to AB 1762.

Amendments read.

Motion to Lay on the Table

Senator Perata moved that the amendments to AB 1762 be laid on the table.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill read third time.

Motion to Amend

Senator Oller moved the adoption of amendments to AB 1762.

Amendments read.

Motion to Lay on the Table

Senator Perata moved that the amendments to AB 1762 be laid on the table.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill read third time.

Motion to Amend

Senator Morrow moved the adoption of amendments to AB 1762.

Amendments read.

Motion to Lay on the Table

Senator Perata moved that the amendments to AB 1762 be laid on the table.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill read third time.

Motion to Amend

Senator Hollingsworth moved the adoption of amendments to AB 1762 (RN 317075).

Amendments read.

Motion to Lay on the Table

Senator Perata moved that the amendments to AB 1762 be laid on the table.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Bill read third time.

Motion to Amend

Senator Hollingsworth moved the adoption of amendments to AB 1762 (RN 317077).

Amendments read.

Motion to Lay on the Table

Senator Perata moved that the amendments to AB 1762 be laid on the table.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Consideration of Assembly Bill 1762

Bill presented by Senator Chesbro.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1747—An act to amend Section 11361 of the Government Code, to amend Section 713 of the Fish and Game Code, to Sections 2699.5, 2705, 2705.5, 2706, 2709.1, 3109, 3110, 3111, 3236.5, 3343, 3358, 3719, 3724.6, 3754.5, 3770, 3776, 5006.1, 5627, 6217, and 34000 of, and to add Sections 2200.5 and 5015.6 to, the Public Resources Code, to add Sections 79505.5, 79505.6, 79506.7, 79522, 79532, 79534, 79540.1, 79547, 79547.2, 79555, 79560.5, 79561.5, 79562.5, 79564.1, and 79590 to, and to add Chapter 10.5 (commencing with Section 79575) to

Division 26.5 of, the Water Code, relating to public resources, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Chesbro.

Urgency Clause

Urgency clause read.

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 (SB 9)

Senator McClintock asked for, and was granted, unanimous consent that SB 9 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Bill 9

Senate Bill 9—An act to add Chapter 8.2 (commencing with Section 11820) to Part 1 of Division 3 of Title 2 of the Government Code, relating to government reorganization, and making an appropriation therefor.

Bill read third time and presented by Senator McClintock.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 1082)

Senator Burton asked for, and was granted, unanimous consent to take up SB 1082 at this time.

Consideration of Senate Bill 1082

Senate Bill 1082—An act relating to state finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette,

Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1747)

On motion of Senator Chesbro, 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 AB 1747 was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1755)

On motion of Senator Chesbro, 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 AB 1755 was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1763)**

On motion of Senator Chesbro, 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 AB 1763 was adopted by the following vote:

AYES (32)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Ackerman, Battin, Hollingsworth, McClintock, Morrow, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Ackerman, Battin, Hollingsworth, McClintock, Morrow, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1768)**

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 1768 was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 673)

Senator Burton asked for, and was granted, unanimous consent to take up AB 673 at this time.

Consideration of Assembly Bill 673

Assembly Bill 673—An act to amend Section 12012.85 of, and to add Section 12012.90 to, the Government Code, and to amend Sections 4369, 4369.1, 4369.2, 4369.3, and 4369.4 of, and to repeal Section 4369.5 of, the Welfare and Institutions Code, relating to gambling, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Burton.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

RECESS

At 8:44 p.m., the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 8:45 p.m., the Senate reconvened.

Hon. Debra Bowen, of the 28th District, presiding.

REQUEST TO BE ADDED TO ROLL CALL

July 27, 2003

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 1753—Aye AB 1766—Aye SB 9—Aye

JOHN L BURTON, President pro Tempore

July 27, 2003

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

AB 1751—Aye

JAMES L BRULTE, Minority Floor Leader

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: July 1, 2003, relating to movement of the developmentally disabled from centers into the community was received from the California State University at Sacramento and transmitted to the Committee on Health and Human Services.

A report dated: July 11, 2003, relating to 2001–02 lottery expenditures from K–12 education was received from the Department of Education and transmitted to the Committee on Education.

Reports dated: July 14, 2003, relating to the California Farmland Conversion program and the Williamson Act program was received from the Department of Conservation and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 15, 2003, relating to Non-Motorized Transportation Facilities was received from the Department of Transportation and transmitted to the Committee on Transportation.

The May 1, 2001, 3rd quarterly report dated: July 16, 2003, relating to the Energy Efficiency and Low-Income programs was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: July 17, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Alcohol and Drug Programs and transmitted to the Committee on Governmental Organization.

A report dated: July 17, 2003, relating to special incidents was received from the Department of Developmental Services and transmitted to the Committee on Health and Human Services.

A report dated: July 21, 2003, relating to the School Safety and Violence Prevention Act was received from the Department of Education and transmitted to the Committee on Education.

A report dated: July 21, 2003, relating to Holocaust victims was received from the Department of Insurance and transmitted to the Committee on Insurance.

An initiative title and summary dated: July 22, 2003, relating to Confinement and Feeding of Veal Calves. Confinement of Pregnant Farm Pigs. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: July 22, 2003, relating to Confinement of Pregnant Pigs. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: July 22, 2003, relating to Confinement of Veal Calves and Pregnant Farm Pigs. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: July 22, 2003, relating to the System of Care Redesign (SOCR) was received from the Department of Alcohol and Drug Programs transmitted to the Committee on Health and Human Services.

An audit report dated: July 22, 2003, concerning the California Environmental Protection Agency's cleanup and redevelopment was received from the California State Auditor and transmitted to the Committee on Rules.

A report relating to the Underground Storage Tank Cleanup Fund program was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

SENATE COMMITTEE ROLL CALLS

Committee on Public Employment and Retirement

SB 440—That the Assembly amendments be concurred in

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (1)—Senator Ashburn.

Date of Hearing: 7/27/03

Soto (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Vasconcellos.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 8:46 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand adjourned.

Motion carried.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of James "Ski" Wolniewicz of Chula Vista.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Lillie A. Pashayan, Marian K. Sarkisian, and Albert H. Quenzer of Fresno.

ADJOURNMENT

On motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, August 18, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, August 18, 2003

The Senate met at 1:30 p.m.
Hon. Richard Alarcón, of the 20th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock,
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,
Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

(NOTE: Senators Brulte and Johnson will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
July 27, 2003

To the Members of the California Senate:

I am returning **Senate Bill 242** without my signature.

This bill would allow a community college building to be built in accordance with either the Field Act or the Uniform Building Code, if the building is used to house classes offered by a community college and either the University of California or the California State University. These provisions apply to buildings constructed after January 1, 2004.

It is important that community colleges continue to meet the more rigorous building standards than those standards used by the University of California or California State University campuses as they are expected to

has worked tirelessly over the years to bring the formal recognition of the “Juneteenth” commemoration in California.

Sincerely,

GRAY DAVIS, Governor

Governor’s Office, State Capitol
August 2, 2003

To the Members of the Senate:

I am signing SB 841, which amends by two thirds vote, California’s Proposition 103 regarding “Good Driver Discounts”.

This bill will allow automobile insurers to provide a discount to customers who have been consistently insured regardless of whether that coverage has been with a single insurer or multiple insurers. Such a discount is known as “portable persistency” in the automobile insurance market.

I vetoed a similar bill last year and requested that the California Department of Insurance (DOI) study the issue of portable persistency. The DOI study was inconclusive. However, Legislative Counsel recently opined that SB 841 furthers the intent of Proposition 103 by encouraging rate competition among insurers if an insured is allowed to shop for the best rates without fear of losing their persistency discounts and thus, SB 841 actually encourages a competitive marketplace and rate competition among automobile insurers.

According to the insurance industry and the Foundation for Taxpayer and Consumer Rights, approximately 85% of automobile insurers offer a loyalty discount. The Department of Insurance reported that of the top fifty insurance companies, twenty-four companies provided a portable persistency discount. Therefore, SB 841 would have the potential to benefit the overwhelming number of California drivers. It will allow a consumer to keep their loyalty discount and shop with their own company or another insurer for an even lower insurance rate.

However, I have also concluded that this matter bears further study and have conditioned my signing SB 841 on the commitment of the sponsor and author to seek follow up legislation this session which will provide for a sunset date, a study and a report to the Legislature. The study is to be performed by a neutral party based on data provided by insurers over a five year period and will examine whether a portable persistency discount adversely affects low-income and previously uninsured individuals more so than the currently allowed loyalty discount.

Further, I am signing this bill because it provides an exemption for military personnel whose coverage lapses while serving out of state and because it applies to California’s low cost auto insurance program. Finally, the measure also provides for an up to ninety day lapse for any other reason.

This provision should help individuals whose insurance may lapse due to economic hardship.

For all of the above reasons, I am signing this measure.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
August 3, 2003

To the Members of the Senate:

I am signing SB 965, which authorizes the three redevelopment agencies in Shasta County to borrow \$2.3 million from their low and moderate income housing funds to acquire land for the Redding Veteran's Home. In 2001, the Commission on California Veterans, Home Site Selection Committee selected the City of Redding as one of five future sites for a new Veterans home.

As a veteran, I recognize the value of providing California veterans a new Veterans home. This proposed new Veterans home will serve over 85,000 Veteran population in the northern region of California and is projected to provide about 1,500 jobs. More importantly, the Veterans home will provide living quarters and medical care for the elder, homeless, or lower income segment of the Veteran population.

Over the past year, the City of Redding has diligently worked to acquire a site for the Veterans home by August 15, 2003, to receive federal matching funds. When those efforts stalled, the City of Redding requested Senator Aanestad to introduce legislation authorizing the use of redevelopment low and moderate income housing funds for the specific purpose of "acquisition of property for a Veterans home."

After the legislation was enrolled, the City of Redding was fortunate to receive a gift of land as a site for the Veteran's Home. However, the City of Redding still needs another 10 acres, but it no longer needs the full \$2.3 million authorized in SB 965. To date, the City of Redding has provided a written assurance that it will only borrow a maximum of \$300,000 to be repaid within six years. With this commitment, I sign SB 965.

I note, however, that the exception made in this case for use of low and moderate income housing funds should not be read to establish any precedent for use of low and moderate income housing funds for non-housing purposes. Affordable housing is and remains a central objective of this administration. The state's demonstrated interest in providing Veteran homes and the exigent need for an adequate site

to complete the Veteran's home in the City of Redding justify this one time exception.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
August 5, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Armando Vergara, served since 8/01; reappointed 7/25/03. Effective 8/4/03:

Member, State Athletic Commission, Department of Consumer Affairs, term ending 6/1/07.

Joan C. Chang, served since 6/01; reappointed 7/16/03. Effective 8/4/03: Member, Acupuncture Board, term ending 6/1/07.

Larry Booth, served since 5/00; reappointed 7/22/03. Effective 7/29/03: Member, Contractors' State License Board, Department of Consumer Affairs, term ending 6/1/07.

Paul R. Baldacci, served since 5/00; reappointed 7/22/03. Effective 8/5/03: Member, Contractors' State License Board, Department of Consumer Affairs, term ending 6/1/07.

Mitchell S. Karlan, M.D., served since 4/00; reappointed 7/22/03. Effective 8/1/03:

Member, Medical Board of California, Division of Licensing, term ending 6/1/07.

Ronald I. Moy, M.D., served since 5/00; reappointed 7/22/03. Effective 8/2/03:

Member, Medical Board of California, Division of Medical Quality, term ending 6/1/07.

Mark M. Church, served since 4/01; reappointed 7/10/03. Effective 8/4/03: Member of the Seismic Safety Commission, term ending 5/15/07.

Bruce R. Clark, Ph.D., served since 5/00; reappointed 7/10/03. Effective 8/11/03:

Member of the Seismic Safety Commission, term ending 5/15/07.

Lawrence T. Klein, served since 4/01; reappointed 7/10/03. Effective 7/17/03:

Member of the Seismic Safety Commission, term ending 5/15/07.

Stan Y. Moy, served since 5/00; reappointed 7/10/03. Effective 7/14/03:

Member of the Seismic Safety Commission, term ending 5/15/07.

Celistine Palmer, served since 5/02; reappointed 7/10/03. Effective 7/24/03:

Member of the Seismic Safety Commission, term ending 5/15/07.

Daniel Shapiro, served since 7/95; reappointed 7/10/03. Effective 7/23/03:

Member of the Seismic Safety Commission, term ending 5/15/07.

Charles L. Moore, founder and chairman, technology services firm.

Appointed 7/25/03. Effective 8/4/02:

Member, Student Aid Commission vice Peter J. Taylor, term expired, term ending 10/30/06.

F. Thomas Kieley, owns insurance and financial services firm. Appointed 7/7/03. Effective 7/22/03:

Member, California Regional Water Quality Control Board, Colorado River Basin Region vice Elvera M. Codekas, term expired, term ending 9/30/04.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
August 13, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Daniel Weinstein, managing partner, Wetherly Capital Group. Appointed 8/8/03. Effective 8/12/03:

Member, Trustees of the California State University vice William D. Campbell, term expired, term ending 3/1/11.

Above appointment referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, July 28, 2003

The Honorable Greg Schmidt

Secretary of the Senate

Dear Greg: The Assembly on this day had AB 878 returned from the Governor, and rescinded the action whereby Senate amendments to the bill were concurred in.

Pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Pursuant to the instructions of the Assembly, I am herewith returning AB 123, AB 188, AB 479 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

Assembly Chamber, July 29, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 73 SB 232 SB 408
SB 633 SB 856

Above measures ordered enrolled.

Assembly Chamber, July 29, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 66 SB 370 SB 919 SB 1046
SB 165 SB 521 SB 940 SB 1048
SB 212 SB 540 SB 984 SB 1079
SB 220 SB 544 SB 1042
SB 221 SB 781 SB 1044
SB 296 SB 799 SB 1045

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, July 29, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 632 AB 1750 AB 1757 AB 1765
AB 673 AB 1751 AB 1758 AB 1766
AB 1230 AB 1752 AB 1759 AB 1768
AB 1284 AB 1753 AB 1761
AB 1747 AB 1754 AB 1762
AB 1748 AB 1756 AB 1763

Assembly Chamber, July 29, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 44 to the Senate.

Above measure ordered held at Desk.

Assembly Chamber, July 29, 2003

Mr. President: I am directed to inform your honorable body that the Assembly appointed the following Members of the Assembly as a Committee on Conference concerning AB 149, AB 227, AB 968, AB 1099, AB 1215, AB 1262, AB 1324, AB 1483, AB 1578, and AB 1579: Vargas, Nunez, and Maddox.

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, August 18, 2003

Mr. President: I am directed to inform your honorable body that the Assembly appointed the following Members of the Assembly as a Committee on Conference concerning SB 191, SB 223, SB 228, SB 229, SB 354, SB 757, SB 899, SB 1007, and SB 1071: Vargas, Nunez, and Maddox.

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, July 28, 2003

Mr. President: The Committee on Rules has examined:

SB 110	SB 252	SB 283
SB 674	SB 877	

And reports that the same have been correctly enrolled, and presented to the Governor on the 28th day of July, 2003, at 10 a.m.

BURTON, Chair

August 4, 2003

Mr. President: The Committee on Rules has examined:

SB 95	SB 565
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And reports that the same have been presented to the Governor on the 4th day of August, 2003, at 9:30 a.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 422	AB 526	AB 1036	AB 1475
AB 25	AB 626	AB 1051	AB 1476
AB 43	AB 648	AB 1061	AB 1479
AB 47	AB 652	AB 1137	AB 1497
AB 52	AB 653	AB 1182	AB 1524
AB 61	AB 662	AB 1196	AB 1532
AB 121	AB 663	AB 1197	AB 1536
AB 198	AB 719	AB 1220	AB 1548
AB 205	AB 746	AB 1266	AB 1555
AB 213	AB 747	AB 1286	AB 1576
AB 253	AB 801	AB 1301	AB 1599
AB 290	AB 828	AB 1303	AB 1601
AB 296	AB 841	AB 1330	AB 1631
AB 300	AB 844	AB 1348	AB 1640
AB 356	AB 855	AB 1354	AB 1683
AB 366	AB 859	AB 1367	AB 1685
AB 369	AB 866	AB 1369	AB 1735
AB 394	AB 898	AB 1405	AB 1740
AB 403	AB 914	AB 1418	AB 1700
AB 433	AB 938	AB 1427	AB 1774
AB 446	AB 948	AB 1428	AB 1783
AB 471	AB 1008	AB 1449	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 422—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

Assembly Bill 25—An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Section 112 of the Penal Code, relating to government documents.

Bill read second time.

Assembly Bill 43—An act to amend Sections 14139.05, 14139.1, 14139.11, 14139.13, 14139.2, 14139.21, 14139.23, 14139.24, 14139.25, 14139.3, 14139.31, 14139.33, 14139.34, 14139.38, 14139.4, 14139.41, 14139.43, 14139.44, 14139.5, 14139.53, 14139.6, and 14139.62 of, to amend the heading of Article 4.3 (commencing with Section 14139.05) of

Chapter 7 of Part 3 of Division 9 of, to add Sections 14139.30 and 14139.63 to, to add Article 4.31 (commencing with Section 14139.80) to Chapter 7 of Part 3 of Division 9 of, to repeal Sections 14139.12, 14139.35, 14139.36, and 14139.51 of, and to repeal and add Sections 14139.32, 14139.37, and 14139.42 of, the Welfare and Institutions Code, relating to long-term care.

Bill read second time.

Assembly Bill 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read second time.

Assembly Bill 52—An act to amend Section 42239 of, to add Sections 37252.5, 37252.6, and 37254 to, and to repeal Sections 37252.2 and 37252.8 of, the Education Code, relating to pupil instruction, and making an appropriation therefor.

Bill read second time.

Assembly Bill 61—An act relating to the Compton Community College District, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 121—An act to add Division 38 (commencing with Section 72400) to the Public Resources Code, relating to vessels.

Bill read second time.

Assembly Bill 198—An act to add Section 30807.5 to the Streets and Highways Code, relating to streets and highways.

Bill read second time.

Assembly Bill 205—An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, and to amend Sections 17024.5 and 18521 of the Revenue and Taxation Code, relating to domestic partnerships.

Bill read second time.

Assembly Bill 213—An act to add Section 9951 to the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 253—An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

Bill read second time.

Assembly Bill 290—An act to amend Sections 45117 and 88017 of the Education Code, relating to education.

Bill read second time.

Assembly Bill 296—An act to add Section 17215.3 to the Education Code, relating to school facilities.

Bill read second time.

Assembly Bill 300—An act to amend Sections 8206, 8206.1, 8206.6, 8242, 8263, 8805, 11021, 35160.5, 35256, 39831.5, 41344, 41402, 41403, 41975, 44505, 45037, 46201, 46202, 48916, 48918, 48980, 52055.600, 52055.640, 56000, 56001, 56028, 56032, 56040, 56043, 56170, 56195.7, 56205, 56301, 56320, 56321, 56329, 56341.5, 56343.5, 56344, 56345, 56345.1, 56346, 56361, 56365, 56366, 56381, 56390, 56391, 56500.3, 56500.4, 56502, 56504.5, 56505, 56506, 56605, 56836.01, 56836.155, 56863, 60040, 60119, and 60640 of, to amend and renumber Section 56364.2 of, to add Sections 56440.5 and 56500.6 to, to add Chapter 5.1 (commencing with Section 56515) to Part 30 of, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 11023, 17912.1, 32211, 41404, 41406, 41407, 45357, 45358, 48209.17, 51132, 51882, 56364, 56364.5, 62006, 62007, and 62008 of, the Education Code, to amend Sections 19050.8 and 54963 of the Government Code, and to amend Section 45 of Chapter 1167 of the Statutes of 2002, relating to education, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 356—An act to amend Sections 52050.5, 52052, 52052.2, 52055.655, 60851, and 60856 of, to amend, repeal, and add Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60642, 60642.5, 60643, and 60643.1 of, to add and repeal Section 60649.5 of, to repeal Sections 52057 and 60859 of, and to repeal Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of, the Education Code, relating to education testing.

Bill read second time.

Assembly Bill 366—An act to amend Section 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 369—An act to add Section 21230 to the Government Code, relating to public employees' retirement.

Bill read second time.

Assembly Bill 394—An act to amend Sections 488.460 and 700.150 of the Code of Civil Procedure, and to amend Sections 26721.2, 26738, and 26746 of, and to add Section 26723 to, the Government Code, relating to law enforcement fees.

Bill read second time.

Assembly Bill 403—An act to amend Section 12104 of the Financial Code, relating to check sellers and proraters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 433—An act to amend Sections 71200, 71201, 71201.5, 71202, 71203, 71204, 71205, 71206, 71207, 71211, 71212, 71213, 71215, 71216, and 71271 of, to amend the headings of Chapter 4 (commencing with Section 71215) of, and Chapter 5 (commencing with Section 71216) of, Division 36 of, to add Sections 71201.7, 71204.2, 71204.3, 71204.5, 71204.7, 71204.9, 71210.5, and 71217 to, and to repeal and add Section 71210 of, the Public Resources Code, and to amend Sections 44000, 44005, 44007, and 44008 of the Revenue and Taxation Code, relating to vessels.

Bill read second time.

Assembly Bill 446—An act to amend Sections 215 and 220 of, and to add Section 210.1 to, the Labor Code, relating to state employees.

Bill read second time.

Assembly Bill 471—An act to add Chapter 3.3 (commencing with Section 39630) to Part 2 of Division 26 of the Health and Safety Code, relating to air emissions.

Bill read second time.

Assembly Bill 526—An act to add and repeal Section 2107.5 of the Elections Code, relating to registration.

Bill read second time.

Assembly Bill 626—An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

Bill read second time.

Assembly Bill 648—An act to add and repeal Article 7 (commencing with Section 33600) of Chapter 4 of Part 20 of the Education Code, relating to commissions.

Bill read second time.

Assembly Bill 652—An act to amend Section 4040 of, and to repeal Sections 4041 and 4043 of, the Insurance Code, relating to mutual insurers, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 653—An act to amend Section 15814.15 of the Government Code, relating to energy efficiency.

Bill read second time.

Assembly Bill 662—An act to amend Section 60643 of, and to add Sections 56353, 56354, and 56355 to, the Education Code, relating to special education.

Bill read second time.

Assembly Bill 663—An act to add Section 2281 to the Business and Professions Code, relating to the healing arts.

Bill read second time.

Assembly Bill 719—An act to add Section 20909 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time.

Assembly Bill 746—An act to amend Section 810 of the Business and Professions Code, relating to the healing arts.

Bill read second time.

Assembly Bill 747—An act to add Sections 14105.49 , 14105.50, and 14105.51 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

Assembly Bill 801—An act to amend Section 853 of, and to add Article 10.5 (commencing with Section 2198) to Chapter 5 of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read second time.

Assembly Bill 828—An act to amend Sections 14299, 15210, and 15211 of, and to add Sections 14299.5, 14299.7, and 14299.9 to, the Elections Code, relating to election day procedures.

Bill read second time.

Assembly Bill 841—An act to amend Sections 52890, 54726, and 54734 of the Education Code, relating to pupil retention.

Bill read second time.

Assembly Bill 844—An act to add Chapter 8.7 (commencing with Section 25770) to Division 15 of the Public Resources Code, relating to tire efficiency.

Bill read second time.

Assembly Bill 855—An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 709.5 to, the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 859—An act to add and repeal Section 31221 of the Public Resources Code, relating to oceans.

Bill read second time.

Assembly Bill 866—An act to amend Sections 30925, 30940, 30947, and 30950 of, and to amend and renumber Section 30950 of, the Public Resources Code, and to amend Section 79543 of, and add Section 79563.5 to, the Water Code, relating to water quality.

Bill read second time.

Assembly Bill 898—An act to add Section 680 to the Penal Code, relating to DNA evidence.

Bill read second time.

Assembly Bill 914—An act to amend Sections 53100, 53103, 53104, 53105, 53106, 53108.1, 53108.5, 53109, 53112, 53113, 53114, 53114.2, 53115, 53115.3, 53116, and 53117 of, to add Section 53102.5 to, to repeal Sections 53108, 53109.5, 53115.2, 53119, and 53120 of, and to repeal and add Section 53107 of, the Government Code, and to amend Sections 41001, 41007, 41009, 41010, 41011, 41012, 41015, 41016, 41017, 41018, 41020, 41021, 41025, 41027, 41030, 41031, 41136, 41137, 41137.1, 41138, 41140, 41141, 41142, and 41150 of the Revenue and Taxation Code, relating to public safety communications.

Bill read second time.

Assembly Bill 938—An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions, and making an appropriation therefor.

Bill read second time.

Assembly Bill 948—An act to add Section 2115 to the Business and Professions Code, relating to physicians and surgeons.

Bill read second time.

Assembly Bill 1008—An act to add Section 17072.14 to the Education Code, relating to public schools.

Bill read second time.

Assembly Bill 1036—An act to amend Sections 987.65 and 988.4 of the Military and Veterans Code, relating to veterans.

Bill read second time.

Assembly Bill 1051—An act to amend Section 54999.1 of, and to add Sections 54999.7 and 54999.8 to, the Government Code, relating to local government.

Bill read second time.

Assembly Bill 1061—An act to amend Sections 10200, 10201, and 10205 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

Assembly Bill 1137—An act to amend Sections 44579.1, 44579.2, 44579.5, 47607, 47634, 60242, and 60421 of, to amend and repeal Section 47612 of, to add Sections 47604.32, 47604.33, and 47612.6 to, the Education Code, relating to charter schools, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1182—An act to amend Section 9109 of the Commercial Code, to amend Section 15147 of the Education Code, to amend Sections 8855 and 53692 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1196—An act to amend Section 2836.1 of the Business and Professions Code, and to amend Section 11165 of the Health and Safety Code, relating to drugs.

Bill read second time.

Assembly Bill 1197—An act to amend Section 82019 of the Government Code, relating to conflicts of interest.

Bill read second time.

Assembly Bill 1220—An act to add and repeal Section 104141 of the Health and Safety Code, relating to disease prevention.

Bill read second time.

Assembly Bill 1266—An act to amend Sections 44393, 52055.610, 52055.650, 53081, 53083, 60423, 69440, and 84750 of, to amend, repeal, and add Sections 60640 and 60642 of, to add Sections 18866, 52055.54, 54761.4, 60227, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to add and repeal Section 60422.1 of, to repeal Sections 426 and 14044 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, to repeal Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal and add Section 53084 of, the Education Code, and to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1286—An act to amend Sections 1373.65, 1373.95, 1373.96, 1392, and 1393 of, and to add Sections 1324, 1373.66, and 1373.67 to, the Health and Safety Code, and to amend Sections 10133.55

and 10133.56 of, and to add Sections 10133.57, 10133.58, and 10133.59 to, the Insurance Code, relating to health care coverage.

Bill read second time.

Assembly Bill 1301—An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

Assembly Bill 1303—An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 1330—An act to amend Section 8702 of, and to add and repeal Article 6 (commencing with Section 8780) of Chapter 4 of Part 6 of, the Education Code, relating to instructional programs.

Bill read second time.

Assembly Bill 1348—An act to amend Sections 25200.19, 25250.1, and 25250.7 of, and to add Sections 25160.4 and 25160.6 to, the Health and Safety Code, relating to hazardous waste.

Bill read second time.

Assembly Bill 1354—An act to add Article 12 (commencing with Section 8125) to Chapter 1 of Part 3 of Division 6 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1367—An act to add Section 25150.9 to the Health and Safety Code, and to amend Section 13173 of the Water Code, relating to hazardous waste.

Bill read second time.

Assembly Bill 1369—An act to add Section 1569.7 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

Assembly Bill 1405—An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

Bill read second time.

Assembly Bill 1418—An act to amend Section 27 of the Business and Professions Code, and to amend Sections 1741 and 1775 of the Labor Code, relating to labor.

Bill read second time.

Assembly Bill 1427—An act relating to biological solids.

Bill read second time.

Assembly Bill 1428—An act to amend Section 20092 of the Government Code, relating to the Public Employees' Retirement System.
Bill read second time.

Assembly Bill 1449—An act to amend Section 5443 of the Business and Professions Code, relating to outdoor advertising.
Bill read second time.

Assembly Bill 1475—An act to amend Sections 53315 and 53533 of the Health and Safety Code, and to amend Sections 5808 and 5814 of the Welfare and Institutions Code, relating to housing.
Bill read second time.

Assembly Bill 1476—An act to amend Section 5019.65 of the Public Resources Code, relating to public resources.
Bill read second time.

Assembly Bill 1479—An act to amend Section 11205 of, to add Section 11205.2 to, and to repeal and add Section 11214 of, the Vehicle Code, relating to vehicles.
Bill read second time.

Assembly Bill 1497—An act to amend Sections 44004 and 45011 of, and to add Section 43501.5 to, the Public Resources Code, relating to solid waste.
Bill read second time.

Assembly Bill 1524—An act to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.61, and 12699.62 of, and to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, the Insurance Code, relating to health care coverage.
Bill read second time.

Assembly Bill 1532—An act relating to water.
Bill read second time.

Assembly Bill 1536—An act to amend Sections 12962, 12980, 12981, and 12983 of the Government Code, relating to fair employment and housing.
Bill read second time.

Assembly Bill 1548—An act to amend Sections 33541 and 51226.4 of the Education Code, to amend Sections 40507, 42622, 42645, and 42647 of, and to add Part 4 (commencing with Section 71300) to Division 34 of, to repeal Section 42603 of, the Public Resources Code, relating to environmental education.
Bill read second time.

Assembly Bill 1555—An act to amend Section 654.05 of the Harbors and Navigation Code, relating to vessels.

Bill read second time.

Assembly Bill 1576—An act to amend Sections 19210, 19211, 19212, 19213, 19215, and 19216 of the Health and Safety Code, relating to water heaters.

Bill read second time.

Assembly Bill 1599—An act to add and repeal Section 14576 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

Bill read second time.

Assembly Bill 1601—An act to amend Sections 19164, 19166, 19173, 19177, 19179, 19715, and 21028 of, to add Section 18407 to, and to add Chapter 9.5 (commencing with Section 19770) to Part 10.2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Assembly Bill 1631—An act to amend Section 17071.46 of the Education Code, relating to public schools.

Bill read second time.

Assembly Bill 1640—An act to amend Sections 25404.1.1, 25404.3, 25501.4, 25532, and 25540 of, and to add Section 25404.1.3 to the Health and Safety Code, relating to hazardous materials.

Bill read second time.

Assembly Bill 1683—An act to add Sections 1596.817 and 1596.8595 to the Health and Safety Code, relating to child day care.

Bill read second time.

Assembly Bill 1685—An act to repeal and add Section 379.5 of the Public Utilities Code, relating to energy.

Bill read second time.

Assembly Bill 1735—An act to add Sections 1701.5 and 1701.6 to the Public Utilities Code, relating to public utilities.

Bill read second time.

Assembly Bill 1740—An act to amend Sections 17041, 17052.6, 17301.3, 17302, and 19131 of, and to add Section 19136.11 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Assembly Bill 1700—An act to add Section 25353.5 to the Health and Safety Code, and to add Section 13177.7 to the Water Code, relating to hazardous substances, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1774—An act to amend Sections 261, 772, 1500, 1560, 1808, 1900, 3375.5, 4839, 4843, 4946, 8152, 14250, 14354, 16151, 16701, 31507, and 33903 of, to amend and renumber Sections 4879.12, 4879.13, and 4879.135 of, and to repeal Section 8012 of, the Financial Code, relating to financial institutions.

Bill read second time.

Assembly Bill 1783—An act to repeal Section 66756 of the Education Code, relating to public postsecondary education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

AB 118 AB 1031 AB 1059

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 118—An act to amend Section 1653.5 of the Vehicle Code, relating to vehicles.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 118 pursuant to Joint Rule 58.

ASSEMBLY MEMBER FROMMER

Permission of Rules Committee

Senate Chamber, August 18, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 118.

BURTON, Chair

Assembly Bill 1031—An act to amend Sections 25102, 25212, 25230, 25232, 25241, 25247, 25252, 25532, 25540, 25541, and 25612.5 of, and to add Sections 25256, 25404, and 25612.3 to, the Corporations Code, and to amend Sections 12221, 17209.3, 22109, and 23001 of, and to add Sections 12307.5, 17424, and 22705.1 to, the Financial Code, relating to financial institutions.

Bill read second time.

Assembly Bill 1059—An act to amend Section 1942.5 of, and to add Section 1940.2 to, the Civil Code, relating to landlord and tenant.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1412

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1412—An act to add Chapter 2.66 (commencing with Section 7286.27) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

AB 262

AB 655

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 262—An act to amend Sections 56.05, 56.10, 56.11, 56.17, 56.21, and 56.268 of the Civil Code, relating to personal information.

Bill read second time.

Assembly Bill 655—An act to add Sections 66901.5, 69510.5, and 94770.5 to, and to add Chapter 11.1 (commencing with Section 66910) to Part 40 of, the Education Code, relating to postsecondary education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

AB 249 AB 1075 AB 1546 AB 1690

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 249—An act to add Section 69432.6 to the Education Code, relating to student financial aid.

Bill read second time.

Assembly Bill 1075—An act relating to nursery stock.

Bill read second time.

Assembly Bill 1546—An act relating to local government.

Bill read second time.

Assembly Bill 1690—An act relating to local government.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 718

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 718—An act to amend Section 1538.5 of the Penal Code, relating to criminal procedure.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 685

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 685—An act to amend Section 120917 of the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

AJR 38

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Joint Resolution 38—Relative to federal formula grants to states.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 413

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 413—An act relating to state property, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, August 18, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1412

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1412—An act to add Chapter 2.66 (commencing with Section 7286.27) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

State Capitol, August 18, 2003

Mr. President: The Senate Rules Committee has extended the Select Committee on Fiscal Restructuring through September 12, 2003.

BURTON, Chair

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 47: By Senators Alpert, Kuehl, Ortiz, and Scott—Relative to eugenics.

Senate Concurrent Resolution 48: By Senator Hollingsworth (Principal coauthor: Assembly Member La Suer) (Coauthors: Senators Alpert and Bowen) (Coauthors: Assembly Members Bates, Benoit, Cogdill, Daucher, Garcia, Levine, Montanez, Mountjoy, Pacheco, Pavley, and Yee)—Relative to Myositis Awareness Day.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 574**, **AB 1546**, **AB 1690**, **AB 61**, and **AB 198** were withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules; and

AB 118 was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SB 703** and **SB 182** were withdrawn from Committee and placed on file.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing:

The Select Committee on Fiscal Restructuring to meet on August 20;

The Committee on Environmental Quality to hear AB 83 and AB 413 on August 20 and 21; and

The Committee on Constitutional Amendments to hear SCA 8 on August 21

without proper notice in the File.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 1736—An act to amend Sections 15819.60 and 15819.65 of the Government Code, to amend Sections 987.71, 987.775, and 1104.1 of, and to repeal and amend Section 1104.2 of, the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1384—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read second time and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 33—Relative to the Joint Rules.

Resolution read third time.

Amendments Adopted

Amendments to SCR 33 proposed by Senator Speier were read and adopted and the measure ordered printed, engrossed, and to second reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 820—An act to add Article 2.75 (commencing with Section 127940) to Chapter 2 of Part 3 of Division 107 of the Health and Safety Code, relating to statewide health planning and development.

Bill read third time.

Amendments Adopted

Amendments to AB 820 proposed by Senator Ashburn were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 503—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

Bill read third time.

Amendments Adopted

Amendments to AB 503 proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 97—An act to amend Sections 48209.1, 48209.15, 48209.16, and 56836.155 of, to amend and repeal Section 47612 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 97 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 171—An act to amend Sections 6276.24 and 54956.87 of the Government Code, to amend Sections 14087.31, 14087.35, 14087.36, and 14087.38 of the Welfare and Institutions Code, and to repeal Section 7 of Chapter 642 of the Statutes of 1994, relating to public records and meetings.

Bill read third time.

Amendments Adopted

Amendments to AB 171 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1409—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 1409 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1585)

Senator Soto asked for, and was granted, unanimous consent that AB 1585 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1585

Assembly Bill 1585—An act to amend Sections 31452, 31529.9, 31597, 31597.1, 31899, 31899.1, and 31899.2 of, to amend the heading of Chapter 3.9 (commencing with Section 31899) of Part 3 of Division 4 of Title 3 of, to amend and renumber Sections 31899.7, 31899.8, 31899.9, and 31899.10 of, to amend, renumber, and add Section 31899.4 of, to add Section 31603 to, to repeal Section 31899.6 of, and to repeal and add

Section 31899.5 of, the Government Code, relating to county employees' retirement systems.

Bill read second time.

Motion to Amend

Senator Soto moved the adoption of amendments to AB 1585.

Amendments read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1587)

Senator Soto asked for, and was granted, unanimous consent that AB 1587 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1587

Assembly Bill 1587—An act to amend Sections 31520.1 and 31520.5 of, and to add Section 31485.9 to, the Government Code, relating to local public employees' retirement.

Bill read second time.

Motion to Amend

Senator Soto moved the adoption of amendments to AB 1587.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 935)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 935 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 935

Assembly Bill 935—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read.

Motion to Amend

Senator Sher moved the adoption of amendments to AB 935.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1584)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1584 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1584

Assembly Bill 1584—An act to amend Sections 20057, 20161, 20501, 20585, 20588, 20590, 20610, 20611, 20752, 20816, 20890.2, 20907,

21013, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22013.78, 22018, 22156, 22502, 22754, and 22825 of, to add Sections 20672.5, 21220.5, and 22817.5 to, to repeal Sections 20677.1, 20732, 21253, 21431, and 22216 of, to repeal Chapter 10 (commencing with Section 20860) of Part 3 of Division 5 of Title 2 of, and to repeal and add Section 21252 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

Bill read.

Motion to Amend

Senator Soto moved the adoption of amendments to AB 1584.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 479)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 479 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 479

Assembly Bill 479—An act to amend Sections 17209.3, 17312, 17314, 17321, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

Bill read.

Motion to Amend

Senator McPherson moved the adoption of amendments to AB 479.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 878)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 878 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 878

Assembly Bill 878—An act to amend Sections 6055 and 6077.6 of, and to add Section 6084.2 to, the Harbors and Navigation Code, and to add Section 69.5 to the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to harbor districts.

Bill read.

Motion to Amend

Senator Kuehl moved the adoption of amendments to AB 878.

Amendments read and adopted and the measure ordered printed and to second reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on August 21:

SB 196	AB 936	AB 1537	AB 1736
SB 728	AB 195	AB 1045	AB 1384
AB 1712	AB 768	AB 371	

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: May 30, 2003, relating to state vehicle fleet fuel efficiency was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: July 22, 2003, relating to lottery education funds was received from the Department of Developmental Services and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 22, 2003, relating to affordable housing was received from the Department of Developmental Services and transmitted to the Committee on Housing and Community Development.

Ballot Titles, Summaries, and Labels dated: July 25, 2003, relating to Proposition 53 (state and local infrastructure funds) and 54 (student classification prohibition) on the October 7, 2003 statewide special election was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: July 25, 2003, relating to Non-Indigenous Aquatic Species in the Coastal and Estuarine Waters of California was received from the Department of Fish and Game and transmitted to the Committee on Natural Resources and Wildlife.

The FY 2001/2002 annual report dated: July 28, 2003, was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: July 29, 2003, relating to railroad safety was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: July 30, 2003, relating to Multi-Jurisdictional Drug Task Forces in California was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 30, 2003, relating to the California DNA Cold Hit program was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 30, 2003, relating to organized crime in California was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A report dated: July 30, 2003, relating to pupil personnel ratios, services and programs was received from the Department of Education and transmitted to the Committee on Education.

An audit report dated: July 30, 2003, relating to the Standardized Emergency Management System was received from the State Auditor and transmitted to the Committee on Rules.

An audit report dated: July 31, 2003, relating to response readiness by the OES and National Guard to terrorist events was received from the State Auditor and transmitted to the Committee on Rules.

The April 1, 2003, quarterly report dated: July 31, 2003, relating to the renewable energy program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: July 31, 2003, relating to Charter School Facility Funding was received from the State Allocation Board and transmitted to the Committee on Education.

A report dated: July 31, 2003, relating to regulatory activities was received from the South Coast Air Quality Management District and transmitted to the Committee on Environmental Quality.

The April 1, 2003 quarterly report dated: August 1, 2003, relating to hazardous waste fees was received from the State Board of Equalization and transmitted to the Committee on Environmental Quality.

An Initiative Title and Summary dated: August 1, 2003, relating to Traffic and Parking Violations. Fees. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: August 1, 2003, relating to commission recommendations and obsolete reporting requirement was received from the California Law Revision Commission and transmitted to the Committee on Judiciary.

A report dated: August 5, 2003, relating to the California Strategic Fuel Reserve feasibility study was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

The second audit report dated: August 6, 2003, relating to maximizing federal funds availability through the Budget Act was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: August 11 2003, relating to the HIV-Early Intervention program was received from the Department of Social Services and transmitted to the Committee on Health and Human Services.

A report dated: August 12, 2003, relating to the Child Care Facilities Revolving Fund program was received from the Department of Education and transmitted to the Committee on Education.

A report dated: August 12, 2003, relating to Boat Trailer collisions was received from the California Highway Patrol and transmitted to the Committee on Transportation.

An Initiative Title and Summary dated: August 13, 2003, relating to Elimination of Vehicle License Fees. Local Fiscal Fund. Definition of Taxes. Initiative Constitutional Amendment. was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: August 13, 2003, relating to Annual Vehicle License Fees. Initiative Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A report relating to the Selective Provider Contracting program was received from the California Medical Assistance Commission and transmitted to the Committee on Health and Human Services.

REQUEST TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Rachel Parker of San Clemente.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to illness: Senators Brulte and Johnson.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 10:30 a.m., Tuesday, August 19, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, August 19, 2003

The Senate met at 10:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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:
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.
Quorum present.

(NOTE: Senator Aanestad will be excused this day on personal business and Senator Johnson will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Whatever our labors and aspirations, in the noisy confusion of life help us keep peace with our souls, dear Lord. With all its shame, drudgery and broken dreams, it is still a beautiful world. In all we do, grant that we may be cheerful and strive for the betterment of all.—AMEN.

(Anonymous, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Brulte led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
August 18, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Justin I. Tin, D.D.S., served since 4/00; reappointed 7/16/03. Effective 8/14/03:

Member, Acupuncture Board, term ending 6/1/07.

Brent M. Godfrey, student. Appointed 8/14/03. Effective 8/18/03:

Member, State Board of Education vice Stephanie Lee, term expired, term ending 7/31/04.

Elmy A. Bermejo, served since 10/99; reappointed 8/13/03. Effective 8/18/03:

Member, Commission on the Status of Women, term ending 7/1/07.

Roslyn R. Cooperman, served since 10/99; reappointed 8/13/03. Effective 8/14/03:

Member, Commission on the Status of Women, term ending 7/1/07.

Cheryl D. Kendrick, former campaign director, United Way of San Diego County. Appointed 8/14/03. Effective 8/18/03:

Member, Commission on the Status of Women vice Marcia Sudolsky, resigned, term ending 7/1/06.

Marilyn Kizziah, served since 10/99; reappointed 8/13/03. Effective 8/14/03:

Member, Commission on the Status of Women, term ending 7/1/07.

Roberta J. Shouse, served since 3/02; reappointed 8/13/03. Effective 8/18/03:

Member, Commission on the Status of Women, term ending 7/1/07.
Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
August 18, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Robert E. Hoffman Member, Board of Corrections

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 18, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 1

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, August 18, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning SB 308 to the Senate.

Above measure ordered to enrollment.

Assembly Chamber, August 18, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 38

Above resolution ordered enrolled.

Assembly Chamber, August 18, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 172, AB 953, AB 962, and AB 691 to the Senate.

Above measures ordered held at Desk.

Assembly Chamber, August 18, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 6 ACR 11 ACR 107

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 6—Relative to Domestic Violence Awareness Month.

Assembly Concurrent Resolution 11—Relative to Health Cares About Domestic Violence Day.

Assembly Concurrent Resolution 107—Relative to Senator Ralph C. Dills Day and Week.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, August 18, 2003

Mr. President: The Committee on Rules has examined:

SB 73 SB 232 SB 408

SB 633 SB 856

And reports that the same have been correctly enrolled, and presented to the Governor on the 18th day of August, 2003, at 4:30 p.m.

BURTON, Chair

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 703—An act relating to public utilities.

Bill read second time, ordered engrossed, and to third reading.

Senate Concurrent Resolution 33—Relative to the Joint Rules.

Resolution read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 935—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 1584—An act to amend Sections 20057, 20161, 20501, 20585, 20588, 20590, 20610, 20611, 20752, 20816, 20890.2, 20907, 21013, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22013.78, 22018, 22156, 22502, 22754, and 22825 of, to add Sections 20672.5, 21220.5, and 22817.5 to, to repeal Sections 20677.1, 20732, 21253, 21431, and 22216 of, to repeal Chapter 10 (commencing with

Section 20860) of Part 3 of Division 5 of Title 2 of, and to repeal and add Section 21252 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 479—An act to amend Sections 17209.3, 17312, 17314, 17321, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

Bill read second time and ordered to third reading.

Assembly Bill 878—An act to amend Sections 6055 and 6077.6 of, and to add Section 6084.2 to, the Harbors and Navigation Code, and to add Section 69.5 to the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to harbor districts.

Bill read second time and ordered to third reading.

Assembly Bill 820—An act to add Article 2.75 (commencing with Section 127940) to Chapter 2 of Part 3 of Division 107 of the Health and Safety Code, relating to statewide health planning and development.

Bill read second time and ordered to third reading.

Assembly Bill 503—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

Bill read second time and ordered to third reading.

Assembly Bill 1585—An act to amend Sections 31452, 31510.2, 31529.9, 31597, 31597.1, 31899, 31899.1, and 31899.2 of, to amend the heading of Chapter 3.9 (commencing with Section 31899) of Part 3 of Division 4 of Title 3 of, to amend and renumber Sections 31899.7, 31899.8, 31899.9, and 31899.10 of, to amend, renumber, and add Section 31899.4 of, to add Section 31603 to, to repeal Section 31899.6 of, and to repeal and add Section 31899.5 of, the Government Code, relating to county employees' retirement systems.

Bill read second time and ordered to third reading.

Assembly Bill 97—An act to amend Sections 48209.15, 48209.16, and 56836.155 of, to amend and repeal Section 47612 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 171—An act to amend Sections 6276.24 and 54956.87 of the Government Code, to amend Sections 14087.31, 14087.35, 14087.36, and 14087.38 of the Welfare and Institutions Code, and to repeal Section 7 of Chapter 642 of the Statutes of 1994, relating to public records and meetings.

Bill read second time and ordered to third reading.

Assembly Bill 1409—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1587—An act to amend Sections 20352, 20638, 31461.3, 31520.1, 31520.5, 31700, 31831, 31833, 31834, 31835, 31835.02, 31837, 31837.1, and 31840.5 of, to add Section 31485.9 to, and to repeal Sections 20355, 20356, 31485.10, 31840.4, 31840.6, and 31840.7 of, the Government Code, relating to public retirement systems.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 1587** was referred to the Committee on Appropriations.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Kuehl moved that **AB 579** be placed on the inactive file.

Motion carried.

MOTION TO TAKE MEASURES FROM THE INACTIVE FILE

Senator Torlakson moved that **SB 62** and **SB 63** be taken from the inactive file and placed on the unfinished business file.

Motion carried.

MOMENT OF SILENCE

On request of Senator Burton, the Senate noted the passing of former Assembly Chief Clerk James D. Driscoll of Fresno.

Senator Alpert Presiding

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 818—An act to amend Sections 71801, 71802, 71804, 71805, 71806, and 71828 of the Government Code, and to amend Section 1 of Chapter 1047 of the Statutes of 2002, relating to courts.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 818?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado,

Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 59—An act to add Section 366.28 to the Welfare and Institutions Code, relating to adoption.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 59?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 265—An act to amend Section 3044 of the Family Code, relating to child custody.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 265?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 538—An act to amend Sections 65863.10 and 65863.13 of the Government Code, relating to housing.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 538?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 116—An act to amend Section 798.51 of, and to add Sections 798.74.4 and 799.10 to, the Civil Code, relating to mobilehome parks.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 116?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 842 Returned to the Assembly

On request of Senator Karnette, SB 842 was returned to the Assembly for further action.

Consideration of Assembly Amendments

Senate Bill 175—An act to amend Sections 4022, 4067, 4170, 4171, and 4175 of the Business and Professions, relating to veterinary drugs.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 175?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett,

McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Above bill ordered enrolled.

Senate Bill 732—An act to amend Sections 597b, 597c, 597i, and 597j of the Penal Code, relating to animals.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 732?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (31)—Senators Ackerman, Alpert, Battin, Bowen, Brulte, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Ashburn, McClintock, and Oller.

Above bill ordered enrolled.

Senate Bill 1022—An act to add Title 2.97 (commencing with Section 1812.700) to Part 4 of Division 3 of the Civil Code, relating to debt collection.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 1022?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 182—An act to amend Sections 7620, 7630, 7662, 7669, 8614, 8714, 8714.5, 8715, and 8814.5 of, and to amend and renumber Section 8714.7 of, the Family Code, and to add Section 1516.5 to the Probate Code, relating to adoption.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 182?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 1)

Senator Speier asked for, and was granted, unanimous consent to take up SB 1 at this time, without reference to file.

Consideration of Senate Bill 1**Consideration of Assembly Amendments**

Senate Bill 1—An act to add Division 1.2 (commencing with Section 4050) to the Financial Code, relating to financial privacy.

Measure presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 1?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Ackerman, Hollingsworth, Knight, McClintock, Morrow, and Oller.

Above measure ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 440—An act to amend Sections 1299.7 and 1299.9 of the Code of Civil Procedure, relating to public employment relations.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 440?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 43—Relative to Women Veterans' Highway.

Resolution read third time and presented by Senator Machado.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (38)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution 41—Relative to Baldrige National Quality Program.

Resolution read third time and presented by Senator McPherson.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (35)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1675—An act to amend, repeal, and add Section 1808.22 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read third time and presented by Senator Scott.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Machado, Margett, McPherson, Morrow, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (4)—Senators Ashburn, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 1045—An act to amend Sections 33020, 33333.2, 33333.6, and 33683 of, and to add Sections 33681.9, 33681.10, and 33681.11 to, the Health and Safety Code, relating to redevelopment, 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 1045?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Chesbro moved a call of the Senate.

Motion carried.

Motion to Re-refer to Committee

Senator Burton moved that **SB 1042, SB 1044, SB 1046, and SB 1048** be re-referred to the Committee on Rules.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 846—An act to amend Sections 19994.30 and 19994.33 of, to amend the heading of Chapter 5.6 (commencing with Section 19994.30) of Part 2.6 of Division 5 of, to add Chapter 32 (commencing with Section 7596) to Division 7 of Title 1 of, and to repeal Sections 19994.31 and 19994.32 of, the Government Code, relating to tobacco.

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 (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 1045)**

On motion of Senator Chesbro, 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 1045 was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Pochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Battin, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Pochigian.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 309—An act to amend Section 1632 of the Civil Code, relating to contracts.

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 (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1455—An act to amend Sections 417.2 and 12001 of the Penal Code, relating to imitation firearms.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1379—An act to amend Section 2890.2 of the Public Utilities Code, and to amend Section 1 of Chapter 286 of the Statutes of 2002, relating to telecommunications.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Assembly Bill 1386—An act to amend Section 7031 of the Business and Professions Code, relating to contractors.

Bill read third time.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl,

Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of permitting the Committee on Appropriations to meet at 9 a.m., on August 20, to hear the following measures: SB 519, SCR 30, AB 369, AB 433, AB 446, AB 491, AB 493, AB 544, AB 547, AB 593, AB 626, AB 694, AB 747, AB 828, AB 844, AB 859, AB 906, AB 974, AB 1042, AB 1196, AB 1210, AB 1219, AB 1222, AB 1277, AB 1314, AB 1354, AB 1389, AB 1405, AB 1462, AB 1497, AB 1512, AB 1631, AB 1668, and AB 1685.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

August 18, 2003

Senator John Burton

President pro Tempore

Dear Senator Burton:

This letter is to clarify the intent of legislation I authored last session, Senate Bill 1468 (Chapter 971, 2002).

Encroachment on military activities in California is a matter of serious concern to the State and its citizens, to the Armed Forces and Department of Defense, and to the Nation. Increasingly, growth and development in the vicinity of military land and airspace has the potential to impact military readiness activities carried out in the State. Senate Bill 1468, which I introduced last term and which was enacted effective on January 1, 2003, amends the Government Code and the Public Utilities Code to address these concerns. In particular, SB 1468 requires local planning agencies to “[c]onsider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.”

The purpose of SB 1468 is to address and resolve urban encroachment impacts on military activities. In order to balance the State’s immediate need to address these issues while accommodating established local planning processes, the act includes two conditions that must be met before a city or county shall be required to comply. First, there must be “an agreement . . . entered into between the United States Department of Defense or other federal agency and the State of California through the office of Planning and Research for the federal government to fully reimburse” local government costs of implementation. Second, the requirements of the act are triggered only when “[t]he city or county

undertakes its next general plan revision.” This letter clarifies the intent of SB 1468 regarding these two conditions.

It is the intent of SB 1468 that the requirement for a federal-State reimbursement agreement can be met in several ways. California is home to a substantial presence of each of the four branches of the Armed Services and the Department of Defense, with military installations, airspace and training areas in every region, touching dozens of communities of the State. In this context, it may be necessary or desirable for the State to enter into multiple reimbursement agreements to implement SB 1468. For example, the State may alternatively enter into a single overarching reimbursement agreement with the Department of Defense; or separate reimbursement agreements with each of the Armed Services; or an agreement or agreements covering only a portion of the State; or an agreement or agreements covering the activities and installations of only selected Armed Services. SB 1468 contemplates that each of these approaches is appropriate, furthers the purposes of SB 1468, and satisfies the condition regarding reimbursement agreements as to a city or county covered by SB 1468.

Regarding the second condition, the act does not specifically require the immediate revision of general plans to address compatibility concerns with military readiness. The requirements of SB 1468 are triggered whenever “[t]he city or county undertakes its next general plan revision.” Although state law does not define “revision,” to effectuate the purposes of SB 1468, this term should be broadly construed. The 1998 Edition of the General Plan Guidelines published by the Office of Planning and Research is instructive in this regard. The General Plan Guidelines states, for example, in Chapter 2, Page 35: “The most common sort of revision to a general plan is an amendment associated with a privately-initiated development project.” Under SB 1468, the term “general plan revision” is intended to include, and thus the condition is satisfied by any, large-scale general plan amendments, substantial modifications or significant updates to a local general plan.

Sincerely,

WM. J. “PETE” KNIGHT
Senator, 17th District

REQUEST TO BE ADDED TO ROLL CALL

August 19, 2003

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 59—Aye	SB 265—Aye	SB 538—Aye
SB 116—Aye	SB 175—Aye	SB 818—Aye
SB 1022—Aye		

JOHN L BURTON, President pro Tempore

August 19, 2003

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 732—Aye SB 1—Aye AB 309—No
AB 1455—Aye

JAMES L BRULTE, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to personal business: Senator Aanestad.

The following Senator was granted leave of absence for the day due to illness: Senator Johnson.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 12:07 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Wednesday, August 20, 2003.

Motion carried.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Joint Resolution 21: By Senators Dunn, Cedillo, Escutia, and Romero (Coauthor: Assembly Member Nunez)—Relative to persons of Mexican descent.

**REPORTS OF STANDING COMMITTEES
Committee on Appropriations**

Date of Hearing, August 18, 2003

Madam President: The Committee on Appropriations, to which were referred:

AB 2	AB 313	AB 897	AB 1245
AB 35	AB 332	AB 938	AB 1290
AB 43	AB 343	AB 941	AB 1303
AB 177	AB 453	AB 1082	AB 1599
AB 248	AB 608	AB 1095	AB 1740
AB 290	AB 841	AB 1218	
AB 304	AB 862	AB 1238	

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Senate Chamber, August 19, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

SCR 35	AB 509	AB 990	AB 1476
SCR 45	AB 513	AB 1008	AB 1479
SCR 46	AB 523	AB 1014	AB 1486
SJR 17	AB 534	AB 1028	AB 1496
AB 13	AB 561	AB 1044	AB 1536
AB 16	AB 591	AB 1049	AB 1541
AB 25	AB 598	AB 1061	AB 1553
AB 76	AB 638	AB 1079	AB 1555
AB 98	AB 652	AB 1144	AB 1576
AB 115	AB 663	AB 1180	AB 1594
AB 182	AB 669	AB 1181	AB 1640
AB 213	AB 715	AB 1186	AB 1678
AB 236	AB 746	AB 1214	AB 1683
AB 278	AB 801	AB 1220	AB 1701
AB 284	AB 807	AB 1241	AB 1715
AB 294	AB 879	AB 1301	AB 1717
AB 299	AB 909	AB 1313	AB 1719
AB 324	AB 928	AB 1348	AB 1724
AB 390	AB 943	AB 1382	AB 1731
AB 394	AB 946	AB 1392	AB 1735
AB 401	AB 948	AB 1400	AB 1770
AB 444	AB 984	AB 1418	AB 1777
AB 506	AB 986	AB 1458	

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

Date of Hearing, August 18, 2003

Madam President: The Committee on Appropriations, to which were referred:

AB 327 AB 1742

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, August 19, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 66	AB 212	AB 487
AB 490	AB 692	AB 1051
AB 1182	AB 1340	AB 1485

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 66—An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat

Bill read second time.

Assembly Bill 212—An act to amend Sections 22134.5, 22714, 24203.5, 24203.6, 24209, 24209.3, 24211, 24212, 24213, 24216, 44929, and 87488 of, and to add and repeal Sections 22714.5, 44929.1, and 87488.1 of, the Education Code, relating to state teachers' retirement

Bill read second time.

Assembly Bill 487—An act to amend Section 2105 of the Elections Code, relating to elections.

Bill read second time.

Assembly Bill 490—An act to amend Sections 48645.5, 48850, 48852, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, and 16000 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

Assembly Bill 692—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time.

Assembly Bill 1051—An act to amend Section 54999.1 of, and to add Sections 54999.7 and 54999.8 to, the Government Code, relating to local government.

Bill read second time.

Assembly Bill 1182—An act to amend Section 9109 of the Commercial Code, to amend Section 15147 of the Education Code, to amend Sections 8855 and 53692 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the

Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1340—An act to add Section 25355 to the Public Resources Code, relating to energy.

Bill read second time.

Assembly Bill 1485—An act to amend Section 51700 of the Education Code, relating to English learners.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, August 19, 2003

Madam President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 83

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 83—An act to add Article 12 (commencing with Section 116752) to Chapter 4 of Part 12 of, and to repeal Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of, Division 104 of the Health and Safety Code, relating to drinking water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, August 19, 2003

Madam President: The Chair of the Committee on Business and Professions, to which was referred:

AB 655

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 655—An act to add Sections 66901.5, 69510.5, and 94770.5 to, and to add Chapter 11.1 (commencing with Section 66910) to Part 40 of, the Education Code, relating to postsecondary education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

State Capitol, August 19, 2003

The Committee on Rules has referred the following measure to committee:

Transportation—ACR 67.

The Committee on Rules has re-referred the following measures to committee:

Banking, Commerce and International Trade—AB 249.

Housing and Community Development—AB 1075.

Revenue and Taxation—AB 118, AB 198.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on August 21:

SB 255	SB 296	SB 799	AB 878
SB 66	SB 370	SB 919	AB 820
SB 165	SB 521	SB 940	AB 97
SB 212	SB 540	SB 984	
SB 220	SB 544	SB 1079	
SB 221	SB 781	AB 479	

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 514—An act to add Section 111 to the Water Code, relating to water.

Bill read third time.

Amendments Adopted

Amendments to AB 514 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1038—An act to amend Sections 45207 and 88207 of, and to add Section 45120.2 to, the Education Code, relating to classified school employees.

Bill read third time.

Amendments Adopted

Amendments to AB 1038 proposed by Senator Karnette were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1309—An act to add Article 9.5 (commencing with Section 35277) to Chapter 2 of Part 21 of the Education Code, relating to school facilities.

Bill read third time.

Amendments Adopted

Amendments to AB 1309 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 377—An act to amend Section 42001 of, and to add Section 27150.3 to, the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 377 proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1124—An act to amend Sections 17070.75 and 17584 of the Education Code, relating to public schools.

Bill read third time.

Amendments Adopted

Amendments to AB 1124 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

AB 2—Do pass

AYES (8)—Senators Aanestad, Alpert, Ashburn, Battin, Escutia, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 35—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 43—Do pass

AYES (8)—Senators Aanestad, Alpert, Battin, Bowen, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 47—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

AB 177—Do pass

AYES (8)—Senators Alpert, Ashburn, Battin, Escutia, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 184—Do pass as amended

AYES (8)—Senators Aanestad, Alpert, Battin, Bowen, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 248—Do pass

AYES (7)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Karnette, and Poochigian.

NOES (0)—None.

AB 290—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 304—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 313—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 327—Do pass as amended

AYES (8)—Senators Aanestad, Alpert, Battin, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Ashburn.

AB 332—Do pass

AYES (7)—Senators Alpert, Battin, Escutia, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 343—Do pass

AYES (7)—Senators Alpert, Ashburn, Bowen, Escutia, Karnette, Machado, and Murray.

NOES (0)—None.

AB 356—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 453—Do pass

AYES (7)—Senators Alpert, Battin, Escutia, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 571—Do pass

AYES (2)—Senators Aanestad and Escutia.

NOES (1)—Senator Battin.

Failed passage

AB 571—Reconsideration granted

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 608—Do pass

AYES (8)—Senators Aanestad, Alpert, Battin, Bowen, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 739—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Aanestad and Ashburn.

AB 841—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 845—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 862—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 897—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 938—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Battin, and Poochigian.

AB 941—Do pass

AYES (7)—Senators Aanestad, Alpert, Battin, Escutia, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1082—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1095—Do pass

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1218—Do pass

AYES (8)—Senators Aanestad, Alpert, Ashburn, Escutia, Karnette, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1238—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1245—Do pass

AYES (8)—Senators Aanestad, Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Ashburn and Battin.

AB 1266—Do pass as amended

AYES (9)—Senators Alpert, Ashburn, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Aanestad.

AB 1290—Do pass

AYES (10)—Senators Aanestad, Alpert, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Ashburn.

AB 1303—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1330—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1368—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1371—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1599—Do pass

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1740—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1742—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 8/18/03

Alpert (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of U.S. Army SSgt. David Perry of Bakersfield.

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Jerry Reuss of Fontana.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Megan Louise Furth of San Francisco and Edwin Wayne Lockhart of Ukiah.

Senators Burton and Vasconcellos requested that when the Senate adjourns this day it do so in memory of former Assembly Chief Clerk James D. Driscoll of Fresno.

Senators Ducheny, Alpert, and Escutia requested that when the Senate adjourns this day it do so in memory of David S. Casey, Sr., of La Jolla.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of U.S. Army Pfc. Daniel Ray Parker of Lake Elsinore.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Ho Chup Tam of Los Angeles.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Helen Potepan of Long Beach.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Dorothy J. Yonts of Scotts Valley.

Senator Knight requested that when the Senate adjourns this day it do so in memory of John L. Powers of Lancaster.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Dorothy Curran of San Francisco.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Jeremy Steven Robinson, Edna M. Appleton, and A.E. "Buzz" Welter of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, August 20, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 20, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock,
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,
Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—38.

Quorum present.

*(NOTE: Senator Johnson will be excused this day on legislative business
and Senator Aanstad will be excused this day due to illness.)*

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Date of Hearing, August 19, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 650 AB 1179 AB 1718

Reports the same back with the recommendation: Do pass, but first be
re-referred to the Committee on Appropriations with the recommendation:
To Consent Calendar.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, August 19, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 24	AB 572	AB 728
AB 833	AB 1031	AB 1108
AB 1369	AB 1398	AB 1625

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUZIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, August 19, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AJR 35

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

ESCUZIA, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, August 20, 2003

Mr. President: The Committee on Rules has examined:

SB 1

And reports that the same has been correctly enrolled, and presented to the Governor on the 20th day of August, 2003, at 10:30 a.m.

BURTON, Chair

Committee on Constitutional Amendments

Date of Hearing, August 20, 2003

Mr. President: The Committee on Constitutional Amendments, to which was referred:

SCA 8

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations.

POOCHIGIAN, Chair

Above measure ordered to second reading.

Committee on Appropriations

Date of Hearing, August 20, 2003

Mr. President: The Committee on Appropriations, to which were referred:

AB 369	AB 747	AB 859	AB 1354
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Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 28—An act to add Article 3.9 (commencing with Section 8574.30) to Chapter 7 of Division 1 of Title 2 of the Government Code, relating to firefighting equipment.

Bill read second time.

Assembly Bill 298—An act to add and repeal Section 56141 of the Education Code, relating to special education.

Bill read second time.

Assembly Bill 375—An act to add and repeal Section 20901.5 of the Government Code, relating to state employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 572—An act to amend Sections 6310 and 6312 of, to add Sections 6312.2, 6312.3, and 6312.5 to, and to repeal and add Section 6311 of, the Labor Code, relating to employment.

Bill read second time.

Assembly Bill 626—An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

Bill read second time.

Assembly Bill 1253—An act to add and repeal Section 20901.2 of the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Business and Professions to hear AB 1467 on August 21 and to allow the Committee on Rules to hear the Governor's appointment of Caryl O. Hart without notice in the file.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Concurrent Resolution 35—Relative to United States Navy Lieutenant Commander Otis Vincent Tolbert Memorial Highway.

Resolution read second time, ordered engrossed, and to third reading.

Senate Concurrent Resolution 45—Relative to the Frank and Elly Hartmann Memorial Bridge.

Resolution read second time, ordered engrossed, and to third reading.

Senate Concurrent Resolution 46—Relative to Peace Officer Richard Perkins Memorial Highway.

Resolution read second time, ordered engrossed, and to third reading.

Senate Joint Resolution 17—Relative to veterans.

Resolution read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 13—An act to add Section 118.7 to the Streets and Highways Code, relating to the Department of Transportation.

Bill read second time and ordered to third reading.

Assembly Bill 16—An act to amend Section 30262 of the Public Resources Code, relating to oil and gas.

Bill read second time and ordered to third reading.

Assembly Bill 25—An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Section 112 of the Penal Code, relating to government documents.

Bill read second time and ordered to third reading.

Assembly Bill 76—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

Bill read second time and ordered to third reading.

Assembly Bill 98—An act to add Section 512.5 to the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 115—An act to amend Sections 35294.7 and 44276.1 of the Education Code, relating to school safety.

Bill read second time and ordered to third reading.

Assembly Bill 182—An act to amend Sections 681.030, 700.010, 703.140, 704.010, 704.030, 704.040, 704.060, 704.080, 704.090, and 704.100 of, and to add Section 703.150 to, the Code of Civil Procedure, and to amend Section 17409 of the Welfare and Institutions Code, relating to exempt property.

Bill read second time and ordered to third reading.

Assembly Bill 213—An act to add Section 9951 to the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 236—An act to amend Section 2221 of, and to add Section 2232 to, the Business and Professions Code, relating to medicine.

Bill read second time and ordered to third reading.

Assembly Bill 278—An act to amend Section 19817 of the Business and Professions Code, and to amend Section 337j of the Penal Code, relating to gaming.

Bill read second time and ordered to third reading.

Assembly Bill 284—An act to amend Sections 10168.1 and 10168.2 of, and to add Sections 10168.25 and 10168.92 to, the Insurance Code, relating to annuities.

Bill read second time and ordered to third reading.

Assembly Bill 294—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read second time and ordered to third reading.

Assembly Bill 299—An act to add Section 5386.5 to the Public Utilities Code, and to add Section 21100.4 to the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 324—An act to amend Sections 1771.5 and 1771.7 of the Labor Code, relating to public works.

Bill read second time and ordered to third reading.

Assembly Bill 390—An act to add and repeal Section 41514.1 of the Health and Safety Code, relating to air resources.

Bill read second time and ordered to third reading.

Assembly Bill 394—An act to amend Sections 488.460 and 700.150 of the Code of Civil Procedure, to amend Sections 26721.2, 26738, and 26746 of, and to add Section 26723 to, the Government Code, and to amend Section 2892 of the Probate Code, relating to law enforcement fees.

Bill read second time and ordered to third reading.

Assembly Bill 401—An act to add Section 19605.53 to the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 444—An act to amend Sections 10506.4, 10507.5, and 12957 of the Insurance Code, relating to life insurers.

Bill read second time and ordered to third reading.

Assembly Bill 506—An act to amend Section 13823.11 of the Penal Code, relating to sexual assault victims.

Bill read second time and ordered to third reading.

Assembly Bill 509—An act to amend Sections 19596.1 and 19596.2 of, and to add Section 19596.3 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 513—An act to add Section 219.5 to the Code of Civil Procedure, relating to jurors.

Bill read second time and ordered to third reading.

Assembly Bill 523—An act to amend Section 7507.9 of the Business and Professions Code, relating to collateral recovery.

Bill read second time and ordered to third reading.

Assembly Bill 534—An act to amend Sections 22442, 22442.2, and 22443 of, and to add Section 22442.1 to, the Business and Professions Code, relating to immigration consultants.

Bill read second time and ordered to third reading.

Assembly Bill 561—An act to add Sections 14504, 14504.1, 14504.2, and 14504.3 to the Welfare and Institutions Code, relating to family planning.

Bill read second time and ordered to third reading.

Assembly Bill 591—An act to amend Section 51226.1 of the Education Code, relating to school curriculum.

Bill read second time and ordered to third reading.

Assembly Bill 598—An act to amend Section 17074.25 of the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 638—An act to add Section 14602.8 to the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 652—An act to amend Section 4040 of, and to add Section 1315 to, and to repeal Sections 4041 and 4043 of, the Insurance Code, relating to loans, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 663—An act to add Section 2281 to the Business and Professions Code, relating to the healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 669—An act to amend Sections 14837, 14839, 14842, and 14842.5 of, and to repeal Section 14838.6 of, the Government Code, and to amend Sections 999, 999.6, and 999.9 of the Military and Veterans Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 715—An act relating to school facilities.

Bill read second time and ordered to third reading.

Assembly Bill 746—An act to amend Section 810 of the Business and Professions Code, relating to the healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 801—An act to amend Section 853 of, and to add Article 10.5 (commencing with Section 2198) to Chapter 5 of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 807—An act to amend Section 1773.1 of the Labor Code, relating to public works.

Bill read second time and ordered to third reading.

Assembly Bill 879—An act to add Chapter 17 (commencing with Section 121348) to Part 4 of Division 105 of the Health and Safety Code, relating to health care.

Bill read second time and ordered to third reading.

Assembly Bill 909—An act to add and repeal Section 2898 of the Public Utilities Code, relating to telecommunications.

Bill read second time and ordered to third reading.

Assembly Bill 928—An act to amend Section 499b of the Penal Code, relating to vessels.

Bill read second time and ordered to third reading.

Assembly Bill 943—An act to amend Section 12640.04 of the Insurance Code, relating to mortgage guaranty insurance.

Bill read second time and ordered to third reading.

Assembly Bill 946—An act to amend Section 11364.7 of, and to add Chapter 16 (commencing with Section 121345) to Part 4 of Division 105 of, the Health and Safety Code, relating to AIDS.

Bill read second time and ordered to third reading.

Assembly Bill 948—An act to add Section 2115 to the Business and Professions Code, relating to physicians and surgeons.

Bill read second time and ordered to third reading.

Assembly Bill 984—An act to amend Section 1794.41 of the Civil Code, and to amend Sections 116, 116.5, and 1634 of, and to add Part 8 (commencing with Section 12800) to Division 2 of, the Insurance Code, relating to service contracts.

Bill read second time and ordered to third reading.

Assembly Bill 986—An act to add Section 38 to the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 990—An act to add Article 7 (commencing with Section 79250) to Chapter 9 of Part 48 of the Education Code, relating to community colleges.

Bill read second time and ordered to third reading.

Assembly Bill 1008—An act to add Section 17072.14 to the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 1014—An act to add Section 525.5 to the Harbors and Navigation Code, relating to vessels.

Bill read second time and ordered to third reading.

Assembly Bill 1028—An act to add and repeal Section 3073.2 of the Labor Code, relating to apprenticeship.

Bill read second time and ordered to third reading.

Assembly Bill 1044—An act to amend Sections 11106 and 12051 of the Penal Code, relating to licenses to carry firearms.

Bill read second time and ordered to third reading.

Assembly Bill 1049—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

Bill read second time and ordered to third reading.

Assembly Bill 1061—An act to amend Sections 10200, 10201, and 10205 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1079—An act to amend Sections 9880.1 , 9882, and 9884 of the Business and Professions Code, relating to automotive repair.

Bill read second time and ordered to third reading.

Assembly Bill 1144—An act to add Sections 89539.1 and 89539.2 to the Education Code, relating to the California State University.

Bill read second time and ordered to third reading.

Assembly Bill 1180—An act to amend, repeal, and add Section 209 of the Code of Civil Procedure, relating to jurors.

Bill read second time and ordered to third reading.

Assembly Bill 1181—An act to add Section 381.1 to the Insurance Code, relating to automobile insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1186—An act to amend Section 19984 of the Business and Professions Code, relating to gambling.

Bill read second time and ordered to third reading.

Assembly Bill 1214—An act to add and repeal Section 2827.10 of the Public Utilities Code, relating to energy resources.

Bill read second time and ordered to third reading.

Assembly Bill 1220—An act to add and repeal Section 104141 of the Health and Safety Code, relating to disease prevention.

Bill read second time and ordered to third reading.

Assembly Bill 1241—An act to add and repeal Section 128401 of the Health and Safety Code, relating to health professions.

Bill read second time and ordered to third reading.

Assembly Bill 1301—An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

Assembly Bill 1313—An act to amend Sections 290 and 290.01 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1348—An act to amend Sections 25200.19, 25250.1, 25250.7, and 25250.9 of, and to add Sections 25160.4 and 25160.6 to, the Health and Safety Code, relating to hazardous waste.

Bill read second time and ordered to third reading.

Assembly Bill 1382—An act to amend Sections 7071.17, 7085.5, 7085.6, 7090.1, 7099.2, 7121, 7122.1, and 7143 of the Business and Professions Code, relating to contractors.

Bill read second time and ordered to third reading.

Assembly Bill 1392—An act to amend Section 2220.05 of the Business and Professions Code, relating to medical services.

Bill read second time and ordered to third reading.

Assembly Bill 1400—An act to add Section 17959.6 to the Health and Safety Code, relating to housing.

Bill read second time and ordered to third reading.

Assembly Bill 1418—An act to amend Section 27 of the Business and Professions Code, and to amend Sections 1741 and 1775 of the Labor Code, relating to labor.

Bill read second time and ordered to third reading.

Assembly Bill 1458—An act to amend Section 18824 of, and to add Section 18640.5 to the Business and Professions Code, relating to boxing.

Bill read second time and ordered to third reading.

Assembly Bill 1476—An act to amend Section 5019.65 of the Public Resources Code, relating to public resources.

Bill read second time and ordered to third reading.

Assembly Bill 1479—An act to amend Section 11205 of, to add Section 11205.2 to, and to repeal and add Section 11214 of, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1486—An act relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 1496—An act to amend Section 1374.34 of the Health and Safety Code, relating to health care.

Bill read second time and ordered to third reading.

Assembly Bill 1536—An act to amend Sections 12962, 12980, 12981, and 12983 of the Government Code, relating to fair employment and housing.

Bill read second time and ordered to third reading.

Assembly Bill 1541—An act to amend Section 13385 of the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 1553—An act to amend Sections 9855 and 9855.2 of the Business and Professions Code, relating to service contracts.

Bill read second time and ordered to third reading.

Assembly Bill 1555—An act to amend, repeal, and add Sections 654 and 654.05 of, and to add Section 654.03 to, the Harbors and Navigation Code, relating to vessels.

Bill read second time and ordered to third reading.

Assembly Bill 1576—An act to amend Sections 19210, 19211, 19212, 19213, 19215, and 19216 of the Health and Safety Code, relating to water heaters.

Bill read second time and ordered to third reading.

Assembly Bill 1594—An act to add Section 11139.4 to the Government Code, relating to veterans.

Bill read second time and ordered to third reading.

Assembly Bill 1640—An act to amend Sections 25404, 25404.1.1, 25404.3, 25501.4, 25532, and 25540 of, and to add Section 25404.1.3 to, the Health and Safety Code, relating to hazardous materials.

Bill read second time and ordered to third reading.

Assembly Bill 1678—An act to amend Section 87407 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time and ordered to third reading.

Assembly Bill 1683—An act to add Sections 1596.817 and 1596.8595 to the Health and Safety Code, relating to child day care.

Bill read second time and ordered to third reading.

Assembly Bill 1701—An act to amend Section 25360.2 of the Health and Safety Code, relating to hazardous substance releases.

Bill read second time and ordered to third reading.

Assembly Bill 1715—An act to amend Section 1281 of the Code of Civil Procedure, and to add Section 12952 to the Government Code, relating to employment arbitration.

Bill read second time and ordered to third reading.

Assembly Bill 1717—An act to amend Sections 8879.1, 14070.4, 14076.4, 14524.2, and 65082 of, and to repeal Sections 8879.17 and 14524.15 of, the Government Code, to amend Sections 21602, 21702, 21704, 21707, and 102015 of, and to repeal Section 21604 of, and Chapter 3.5 (commencing with Section 21501) of Division 9 of, the Public Utilities Code, and to amend Sections 72.1, 164.6, 188.5, 339, 354, 373, 390, 391, 407, 410, 411, 426, 460, and 820 of, and to repeal Sections 180.10, 391.1, 391.3, 401.1, 407.1, 411.5, and 509 of, the Streets and Highways Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 1719—An act to amend Sections 515.6, 6309, and 6315 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 1724—An act to amend Section 8617 of the Business and Professions Code, and to amend Sections 11732 and 13000 of the Food and Agricultural Code, relating to pesticides.

Bill read second time and ordered to third reading.

Assembly Bill 1731—An act to add Section 1350.5 to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, and to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, and 18961 of the Health and Safety Code, relating to buildings and housing.

Bill read second time and ordered to third reading.

Assembly Bill 1735—An act to add Sections 1701.5 and 1701.6 to the Public Utilities Code, relating to public utilities.

Bill read second time and ordered to third reading.

Assembly Bill 1770—An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, and 8282 of, to add Sections 6950.5, 6951, and 6957 to, to repeal Section 2250, and Article 3 (commencing with Section 6430) of Chapter 5 of, and to repeal and add Section 1002 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Section 36711 to, the Public Resources Code, and to Amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1777—An act to amend Sections 2475.3, 2481, 2483, 2878.5, 3732, 3750, 3750.6, 3760, 3761, 3775, 3775.2, 3777, and 4521 of, to add Sections 3775.6 and 3778 to, and to repeal Sections 3714, 3721, 3733, 3736.5, 3737, and 3751.1 of, the Business and Professions Code, relating to healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 2—An act to amend Sections 1191.15, 3041, and 3043.2 of, and to add Section 3043.6 to, the Penal Code, and to add Section 1767.9 to the Welfare and Institutions Code, relating to victims.

Bill read second time and ordered to third reading.

Assembly Bill 35—An act to amend Sections 65352 and 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

Assembly Bill 43—An act to amend Sections 12300, 14139.05, 14139.1, 14139.11, 14139.13, 14139.2, 14139.21, 14139.23, 14139.24, 14139.25, 14139.3, 14139.31, 14139.33, 14139.34, 14139.38, 14139.4, 14139.41, 14139.43, 14139.44, 14139.5, 14139.53, 14139.6, 14139.62, 14145, and 14145.1 of, to amend the heading of Article 4.3 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9 of, to add Sections 14139.30, 14139.63, and 14145.11 to, to add Article 4.31 (commencing with Section 14139.80) to Chapter 7 of Part 3 of Division 9 of, to repeal Sections 14139.12, 14139.35, 14139.36, 14139.51, and 14145.3 of, and to repeal and add Sections 14139.32, 14139.37, and 14139.42 of, the Welfare and Institutions Code, relating to long-term care.

Bill read second time and ordered to third reading.

Assembly Bill 177—An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing

with Section 2300) to Division 2 of, the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 248—An act to amend Sections 6988 and 6989 of the Food and Agricultural Code, relating to advisory boards.

Bill read second time and ordered to third reading.

Assembly Bill 290—An act to amend Sections 45117 and 88017 of the Education Code, relating to education.

Bill read second time and ordered to third reading.

Assembly Bill 304—An act to amend Sections 51505 and 53533 of the Health and Safety Code, relating to housing.

Bill read second time and ordered to third reading.

Assembly Bill 313—An act to amend Section 2948.5 of the Civil Code, and to amend Section 50204 of, and to repeal Section 50707 of, the Financial Code, relating to mortgage lending.

Bill read second time and ordered to third reading.

Assembly Bill 332—An act to amend Sections 21670, 21674.7, 21676, 21676.5, 21677, and 21678 of the Public Utilities Code, relating to airports.

Bill read second time and ordered to third reading.

Assembly Bill 343—An act to amend Sections 12693.32, 12693.325, and 12693.326 of the Insurance Code, relating to health care coverage, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 453—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 608—An act to amend Section 11591 of the Health and Safety Code, and to amend Sections 291 and 291.1 of the Penal Code, relating to crimes.

Bill read second time and ordered to third reading.

Assembly Bill 841—An act to amend Sections 52890, 54726, 54734, and 58562 of the Education Code, relating to pupil retention.

Bill read second time and ordered to third reading.

Assembly Bill 862—An act to add Section 11045 to the Government Code, relating to state contracts.

Bill read second time and ordered to third reading.

Assembly Bill 897—An act to amend Sections 13264, 13268, 13321, 13350, 13372, 13383, 13385, and 13387 of the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 938—An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions

Bill read second time and ordered to third reading.

Assembly Bill 941—An act to amend Section 1372 of the Penal Code, and to amend Sections 4100, 7200, and 7200.06 of, and to repeal Sections 7229 and 7233 of, the Welfare and Institutions Code, relating to state hospitals.

Bill read second time and ordered to third reading.

Assembly Bill 1082—An act to amend Sections 22869 and 22872 of the Government Code, relating to public employee health care benefits, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1095—An act to add Section 70394 to the Government Code, relating to libraries.

Bill read second time and ordered to third reading.

Assembly Bill 1218—An act to amend Sections 25299.50.1 and 25299.57 of, and to add Article 6.5 (commencing with Section 25299.64) to Chapter 6.75 of Division 20 of, the Health and Safety Code, relating to underground storage tanks, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1238—An act to amend Section 11580.9 of the Insurance Code, and to amend Sections 34501.12, 34620, and 34621 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1245—An act to amend Sections 9002 and 9004 of the Elections Code, relating to initiatives.

Bill read second time and ordered to third reading.

Assembly Bill 1290—An act to amend Sections 646.91, 836, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

Bill read second time and ordered to third reading.

Assembly Bill 1303—An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1599—An act to add and repeal Section 14576 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

Bill read second time and ordered to third reading.

Assembly Bill 1740—An act to amend Sections 17041, 17052.6, 17301.3, 17302, and 19131 of, and to add Section 19136.11 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Assembly Bill 327—An act to amend Sections 22511.55, 22511.59, and 42001.5 of, and to add Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1742—An act to amend Sections 19104, 19120, 19368, 19411, and 23114 of, to amend and renumber Section 24328 of, and to add Section 19520 to, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 514—An act to add Section 111 to the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 1038—An act to amend Sections 45207 and 88207 of, and to add Section 45120.2 to, the Education Code, relating to classified school employees.

Bill read second time and ordered to third reading.

Assembly Bill 1309—An act to add Article 9.5 (commencing with Section 35277) to Chapter 2 of Part 21 of the Education Code, relating to school facilities.

Bill read second time and ordered to third reading.

Assembly Bill 377—An act to amend Section 42001 of, and to add Section 27150.3 to, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1124—An act to add Sections 17070.755 and 17584.3 to the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 46—Relative to Peace Officer Richard Perkins Memorial Highway.

Resolution read third time.

Amendments Adopted

Amendments to SCR 46 proposed by Senator Ashburn were read and adopted and the measure ordered printed, engrossed, and to second reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1576—An act to amend Sections 19210, 19211, 19212, 19213, 19215, and 19216 of the Health and Safety Code, relating to water heaters.

Bill read third time.

Amendments Adopted

Amendments to AB 1576 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 528—An act to amend Section 1569.2 of, and to add Section 1569.7 to, the Health and Safety Code, relating to Alzheimer’s disease.

Bill read third time.

Amendments Adopted

Amendments to AB 528 proposed by Senator Vasconcellos were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 97—An act to amend Sections 48209.15, 48209.16, and 56836.155 of, to amend and repeal Section 47612 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 97 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 172)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 172 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 172

Assembly Bill 172—An act to amend Section 30061 of the Government Code, relating to law enforcement.

Bill read.

Motion to Amend

Senator Oller moved the adoption of amendments to AB 172.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 767)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 767 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 767

Assembly Bill 767—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read.

Motion to Amend

Senator Dunn moved the adoption of amendments to AB 767.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 188)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 188 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 188

Assembly Bill 188—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3107, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

Bill read.

Motion to Amend

Senator Oller moved the adoption of amendments to AB 188.

Amendments read and adopted and the measure ordered printed and to second reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on August 25:

SCR 35	AB 284	AB 652	AB 1180
SCR 45	AB 294	AB 928	AB 1186
SJR 17	AB 390	AB 943	AB 1313
AB 13	AB 444	AB 1008	AB 1348
AB 213	AB 506	AB 1014	AB 1382
AB 236	AB 591	AB 1079	AB 1496

AB 1678	AB 1731	AB 313	SB 62
AB 1701	AB 1735	AB 608	SB 63
AB 1717	AB 35	AB 941	
AB 1724	AB 177	AB 1740	

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SCR 30**—Be adopted as amended

AYES (9)—Senators Alpert, Ashburn, Battin, Bowen, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 369—Do pass

AYES (8)—Senators Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Machado, and Speier.

NOES (1)—Senator Battin.

AB 694—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Ashburn, Battin, and Poochigian.

AB 747—Do pass

AYES (10)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

AB 859—Do pass

AYES (7)—Senators Alpert, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Ashburn, Battin, Bowen, and Poochigian.

AB 1210—Do pass as amended

AYES (6)—Senators Alpert, Bowen, Escutia, Karnette, Machado, and Speier.

NOES (3)—Senators Ashburn, Battin, and Poochigian.

Failed passage

AB 1210—Reconsideration granted

AYES (11)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1354—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Ashburn and Battin.

AB 1389—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Ashburn, Battin, and Poochigian.

Date of Hearing: 8/20/03

Alpert (Chair)

Committee on Constitutional Amendments

SCA 8—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Bowen, Burton, and Escutia.

NOES (0)—None.

Date of Hearing: 8/20/03

Poochigian (Chair)

Committee on Judiciary

AB 24—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

AB 512—Do pass as amended, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 572—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

AB 650—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 728—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Morrow.

NOES (0)—None.

AB 833—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

AB 1031—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1059—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

AB 1108—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Morrow.

NOES (0)—None.

AB 1133—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (0)—None.

AB 1179—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1209—Do pass as amended

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1369—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

AB 1398—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1525—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1625—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 1634—Do pass as amended, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AB 1718—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

AJR 35—Be adopted, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

Date of Hearing: 8/19/03

Escutia (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Johnson.

The following Senator was granted leave of absence for the day due to illness: Senator Aanestad.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Robert Jacob Keeny of Grass Valley.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Manuel Reyes of Napa and Seiji Sugawara of Ukiah.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Caleb Allen Maxwell of Merced.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Thursday, August 21, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED NINETEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, August 21, 2003

The Senate met at 8:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

(NOTE: Senator Johnson will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Lord God, There is too much hatred in the world. There is too much blood shed; especially of the innocent and those who struggle to bring peace amidst violence. Bless all Your children, especially those in the Middle East. Reach out and embrace Muslims, Jews and Christians. Dry their tears with Your gentle hands. Surround their trembling bodies with Your loving arms. Replace their fears with the hope and vision of peaceful times to come. And if possible, Lord, redirect the hearts of those who would tear down and destroy rather than build a new world, safe and free.—Amen.

(Rev. Said Ailabouni, adapted)

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**

State Capitol, August 20, 2003

Mr. President: The Senate Rules Committee has appointed Senator Poochigian as a member of the Select Committee on Economic Development to fill an existing vacancy.

BURTON, Chair

Date of Hearing, August 20, 2003

Mr. President: The Committee on Rules, to which was referred:

AJR 14

Reports the same back with the recommendation: Be re-referred to the Committee on Banking, Commerce and International Trade.

BURTON, Chair

Above measure re-referred to the Committee on Banking, Commerce and International Trade.

Date of Hearing, August 20, 2003

Mr. President: The Committee on Rules, to which was referred:

ACR 106

Reports the same back with the recommendation: Be adopted and be placed on the Consent Calendar.

BURTON, Chair

Above measure ordered to second reading.

State Capitol, August 20, 2003

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:

Karen Getman, Member, Alcoholic Beverage Control Appeals Board (4-0)

Sharon L. Lawin, Member, Board of Prison Terms (4-0)

Nancy H. Sutley, Member, State Water Resources Control Board (4-0)

Matthew R. McKinnon, Deputy Secretary Labor and Workforce Development Agency (4-0)

John K. McNally, Deputy Secretary Labor and Workforce Development Agency (4-0)

James C. Ghielmetti, Member, California Transportation Commission (4-0)

James Costa, Member, California Bay-Delta Authority (4-0)

Paula A. Daniels, Member, California Bay-Delta Authority (4-0)

Patrick Johnston, Member, California Bay-Delta Authority (4-0)

Susan P. Kennedy, Member, California Bay-Delta Authority (4-0)

Alfred G. Montna, Member, California Bay-Delta Authority (4-0)

Timothy J. Brink, Member, State Building Standards Commission (4-0)

Steven R. Winkel, Member, State Building Standards Commission (4-0)

John L. Growney, Member, California Exposition and State Fair Board of Directors (4-0)

Randy E. Paragary, Member, California Exposition and State Fair Board of Directors (4-0)

Willie L. Pelote, Sr., Member, California Exposition and State Fair Board of Directors (4-0)

William A. Bianco, Jr., Member, California Horse Racing Board (4-0)

Larry E. Fanning, Member, State Mining and Geology Board (4-0)

Robert Griego, Member, State Mining and Geology Board (4-0)

Julian C. Isham, Member, State Mining and Geology Board (4-0)

Allen M. Jones, Member, State Mining and Geology Board (4-0)

James D. Falaschi, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (4-0)

William A. Ruh, Member, California Regional Water Quality Control Board, Santa Ana Region (4-0)

Seymour D. Van Gundy, Ph.D., Member, California Regional Water Quality Control Board, Santa Ana Region (4-0)

Catherine T. Campisi, Ph.D., Member, Medical Board of California (4-0)

Mitchell S. Karlan, M.D., Member, Medical Board of California (4-0)

Ronald I. Moy, M.D., Member, Medical Board of California (4-0)

Caryl O. Hart, Member, State Park and Recreation Commission (4-0)

Paul J. Witt, Member, State Park and Recreation Commission (4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Senator Alpert Presiding**MOTION TO WITHDRAW FROM COMMITTEE**

Senator Burton moved that **SCR 40** and **SCR 47** be withdrawn from the Committee on Rules and placed on the Special Consent Calendar.

Motion carried.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Constitutional Amendment 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

Resolution read second time.

The amendments proposed by the Committee on Constitutional Amendments were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Concurrent Resolution 46—Relative to Peace Officer Richard Perkins Memorial Highway.

Resolution read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Joint Resolution 35—Relative to training for court reporters and realtime writers.

Resolution read second time and ordered to Consent Calendar.

Assembly Bill 369—An act to add Section 21230 to the Government Code, relating to public employees' retirement.

Bill read second time and ordered to third reading.

Assembly Bill 747—An act to amend Section 19805, and to add Sections 14105.49, 14105.50, and 14105.51 to, the Welfare and Institutions Code, relating to human services.

Bill read second time and ordered to third reading.

Assembly Bill 859—An act to add and repeal Section 31221 of the Public Resources Code, relating to oceans.

Bill read second time and ordered to third reading.

Assembly Bill 1354—An act to add Article 12 (commencing with Section 8125) to Chapter 1 of Part 3 of Division 6 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 739—An act to amend Section 706.030 of the Code of Civil Procedure, and to amend Sections 4200, 4201, 4204, 5235, 5237, 5240, 5247, 5253, and 17309 of, and to add Sections 17311, 17311.5, and

17311.7 to, the Family Code, relating to child support, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 845—An act to amend Sections 5102, 5111, 5133, 5311, and 5316 of, to add Sections 5142, 5143, and 5317.5 to, and to add Article 5.4 (commencing with Section 5243) to Chapter 7 of Division 2 of, the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1368—An act to add Section 16724.4 to the Government Code, relating to bonds.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1371—An act to amend Sections 24173, 24176, and 24178 of the Health and Safety Code, relating to medical research.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 544—An act to amend Section 7026.1 of the Business and Professions Code, relating to contractors, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 172—An act to amend Section 30061 of the Government Code, relating to law enforcement.

Bill read second time and ordered to third reading.

Assembly Bill 767—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read second time and ordered to third reading.

Assembly Bill 1576—An act to amend Sections 19210, 19211, 19212, 19213, 19215, and 19216 of the Health and Safety Code, relating to water heaters.

Bill read second time and ordered to third reading.

Assembly Bill 528—An act to amend Section 1569.2 of, and to add Section 1569.7 to, the Health and Safety Code, relating to Alzheimer's disease.

Bill read second time and ordered to third reading.

Assembly Bill 97—An act to amend Sections 48209.15, 48209.16, and 56836.155 of, to amend and repeal Section 47612 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 188—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 813—An act to amend Sections 99246 and 99314.6 of, and to add, repeal, and add Section 99268.17 of, the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Chesbro.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1705—An act to add Section 16004.5 to the Probate Code, relating to trusts.

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 Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 104—An act to add Section 1365.2 to the Civil Code, relating to common interest developments.

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 (26)—Senators Alpert, Battin, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 773—An act to amend Sections 130054.1 and 130054.8 of the Public Utilities Code, 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 (24)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Cedillo, Denham, Florez, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Soto, Speier, Vasconcellos, and Vincent.

NOES (4)—Senators Bowen, Karnette, Kuehl, and Sher.

Bill ordered transmitted to the Assembly.

Assembly Bill 305—An act to amend Section 65915 of the Government Code, relating to housing.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 218—An act to add Section 65584.1 to the Government Code, relating to local planning.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller,

Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 245—An act to add Section 243.83 to the Penal Code, relating to crimes.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (3)—Senators Bowen, Hollingsworth, and Knight.

Bill ordered transmitted to the Assembly.

Assembly Bill 255—An act to add Section 18304 to the Elections Code, and to repeal Section 25004.5 of the Government Code, relating to elections.

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 (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 322—An act to amend Sections 205.5 and 279 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller,

Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 852—An act to add Section 1773.11 to the Labor Code, relating to prevailing wages.

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 (24)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 915—An act to amend Section 18541 of the Elections Code, relating to elections.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1034—An act to amend Section 54988 of the Government Code, and to amend Sections 17958.8, 17980, 17980.1, 17991, and 17992 of, to amend and renumber Section 17980.8 of, and to add Sections 17960.10 and 17980.11 to, the Health and Safety Code, relating to housing.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado,

Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1402—An act to amend Section 11265.3 of the Welfare and Institutions Code, and to amend Section 71 of Chapter 1022 of the Statutes of 2002, relating to CalWORKs.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1544—An act to add Section 4004 to the Elections Code, relating to elections.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Stephan Castellanos, State Architect.

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, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Warren J. Kessler, Member, California Housing Partnership Corporation, Board of Directors.

Thomas E. Stringer, Member, Continuing Care Advisory Committee.

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 (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Senator Burton Presiding**THIRD READING OF SENATE BILLS**

Senate Bill 98—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Torlakson moved that **AB 35** be placed on the inactive file.

Motion carried.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Machado moved that **AB 1335** be taken from the inactive file and placed on the second reading file.

Motion carried.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Concurrent Resolution 11—Relative to HIV and AIDS drug treatment.

Resolution presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SCR 11?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above resolution ordered enrolled.

CONSENT CALENDAR**Objections Raised**

Senator Hollingsworth objected to **AB 371** being on the Special Consent Calendar.

Senator Knight objected to **AB 1736** being on the Special Consent Calendar.

Senator Ducheny objected to **AB 1079** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

SPECIAL CONSENT CALENDAR

Senate Bill 196—An act to amend Section 13201 of the Water Code, relating to California regional water quality control boards.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 728—An act to amend Section 69432.7 of the Education Code, relating to student financial aid.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1712—An act to amend Section 17511.12 of the Business and Professions Code, to amend Sections 798.61 and 1780 of the Civil Code, to amend Sections 116.130, 116.530, 198.5, 393, 415.50, 1141.10, 1141.11, 1141.12, 1141.16, 1141.18, 1141.24, and 1161.2 of the Code of Civil Procedure, to amend Section 48295 of the Education Code, to amend Sections 12150 and 12151 of the Fish and Game Code, to amend Sections 68097, 68097.1, and 68097.2 of the Government Code, to amend Sections 664 and 667 of the Harbors and Navigation Code, to amend Sections 108580, 110375, 111880, 111895, 117070, and 117120 of the Health and Safety Code, to amend Section 6436 of the Labor Code, to amend Sections 1035, 1038, and 1462.2 of, and to repeal Sections 1034 and 1039 of, the Penal Code, to amend Section 5560 of the Public Resources Code, and to amend Section 310 of the Water Code, relating to courts.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 936—An act to amend Section 602 of the Penal Code, relating to baby stalking.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 195—An act to amend Sections 51890 and 51913 of the Education Code, relating to health education.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 768—An act to amend Section 16 of, to add Sections 4.5 and 9.5 to, and to repeal and add Section 2 of, Chapter 464 of the Statutes of 2002, relating to the Hunters Point Shipyard.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1537—An act to amend Section 51221.3 of the Education Code, relating to curriculum.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1045—An act to amend Sections 114260 and 114265 of the Health and Safety Code, relating to mobile food facilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1384—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 255—An act to add Section 12077.5 to the Penal Code, relating to firearms.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 66—An act to amend Section 10511 of the Elections Code, to amend Sections 1752, 7902, 12463.1, 16429.1, 25210.3a, 25210.3b, 26922, 30056, 38638, 43002, 50060.5, 53316.2, 55863, 56381, 61601.27, 61601.28, 65048, 66031, 66474.4, and 67657 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, to add Section 25210.9d to, and to repeal Sections 38301, 43006, and 51282.2 of, the Government Code, to amend Sections 4730.65, 6512.7, 13812, 13845, and 40708 of the Health and Safety Code, to amend Section 1203.7 of the Penal Code, to amend Section 2854 of the Probate Code, to amend Sections 22010, 22012, 22017, and 22038 of the Public Contract Code, to amend Sections 5506.3, 5506.5, 5506.10, 5539.4, 5539.9, 35121, 49050, and 49195 of, and to repeal Division 32 (commencing with Section 60000) and Division 32.5 (commencing with Section 60200) of, the Public Resources Code, to amend Sections 15961.5, 19014, 100500, and 105303 of the Public Utilities Code, to amend Sections 6736, 6737, and 6738 of, and to repeal Section 2287 of, the Revenue and Taxation Code, to amend Section 35565.4 of, and to repeal Sections 21267, 30505, 35565.5,

35565.6, 35565.7, and 40501 of, the Water Code, and to add Section 5.20 to Chapter 283 of the Statutes of 1973, relating to local government.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 165—An act to amend Sections 655.6, 1260, 1262, and 1275 of the Business and Professions Code, relating to healing arts.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 212—An act to amend Section 742.24 of the Insurance Code, relating to investments.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 220—An act to add Sections 17.1 and 25620 to the Corporations Code, relating to business organizations.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 221—An act to amend Section 1029 of the Government Code, and to amend Sections 13503, 13506, and 13510.1 of, and to add Section 13510.7 to, the Penal Code, relating to peace officers.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 296—An act to relating to public trust lands.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 370—An act to add Section 14133.45 to the Welfare and Institutions Code, relating to Medi-Cal.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 521—An act to amend Sections 309.5 and 1802 of, and to add Section 1802.3 to, the Public Utilities Code, relating to public utilities.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 540—An act to add Section 1569.628 to the Health and Safety Code, relating to residential care facilities for the elderly.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 544—An act to add Section 27337 to the Government Code, relating to veterans.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 781—An act to amend Section 3042 of the Penal Code, relating to parole.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 799—An act to amend Section 36102 of, and to add Section 36013 to, the Vehicle Code, relating to vehicles.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 919—An act to amend Sections 241 and 243 of the Penal Code, relating to crime.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 940—An act to amend Sections 68085 and 77205 of the Government Code, and to amend Section 1463.010 of the Penal Code, relating to courts.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 984—An act to amend Sections 7950, 8708, and 8709 of the Family Code, and to amend Sections 15100 and 16120 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1079—An act to amend Sections 5640, 5657, 7583.36, 7820, 7841, and 7883 of, and to repeal Section 7849 of, the Business and

Professions Code, and to amend Section 26509 of the Government Code, relating to professions and vocations.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 479—An act to amend Sections 17209.3, 17312, 17314, 17321, 17331, and 17331.2 of the Financial Code, relating to escrow agents.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 878—An act to amend Sections 6055 and 6077.6 of, and to add Section 6084.2 to, the Harbors and Navigation Code, and to add Section 69.5 to the Humboldt Bay Harbor, Recreation, and Conservation District Act (Chapter 1283 of the Statutes of 1970), relating to harbor districts.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 820—An act to add Article 2.75 (commencing with Section 127940) to Chapter 2 of Part 3 of Division 107 of the Health and Safety Code, relating to statewide health planning and development.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 40—Relative to youth involvement. Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 47—Relative to eugenics.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

REQUEST TO BE ADDED TO ROLL CALL

August 21, 2003

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 255—Aye AB 852—Aye AB 915—Aye
SCR 11—Aye

JOHN L BURTON, President pro Tempore

August 21, 2003

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 305—No AB 915—No AB 1034—Aye
AB 1402—No AB 1544—No

JAMES L BRULTE, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Johnson.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 10:08 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 25, 2003.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 43	SB 276	SB 677	SB 967
SB 109	SB 476	SB 824	SB 993
SB 114	SB 515	SB 875	SB 1002
SB 245	SB 523	SB 911	SB 1076

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, August 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 44 SJR 5

Above resolutions ordered enrolled.

Assembly Chamber, August 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 134	AB 1069	AB 1505	AB 918
AB 301	AB 1080	AB 1606	AB 945
AB 355	AB 1098	AB 55	AB 1141
AB 360	AB 1102	AB 109	AB 1211
AB 447	AB 1125	AB 226	AB 1212
AB 524	AB 1166	AB 276	AB 1227
AB 540	AB 1207	AB 277	AB 1347
AB 542	AB 1217	AB 378	AB 1379
AB 722	AB 1247	AB 414	AB 1407
AB 777	AB 1294	AB 458	AB 1498
AB 790	AB 1386	AB 627	AB 1641
AB 794	AB 1413	AB 634	AB 1744
AB 967	AB 1420	AB 738	AJR 2
AB 976	AB 1436	AB 846	

Assembly Chamber, August 21, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 120

Assembly Chamber, August 21, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1755 and AB 1764 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 120—Relative to California Chronic Kidney Disease Education Day.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, August 21, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Supervisor Lali S. Moheno of Visalia as a member of the Senate Advisory Commission on Cost Control in State Government to serve at the pleasure of the Rules Committee.

Appointed Ms. Angelita Medina of Whittier as a member of the Domestic Violence Program Advisory Council to serve at the pleasure of the Rules Committee.

Appointed Ms. Linda Darling-Hammond of Stanford as a member of the California Quality Education Commission to serve for a term ending August 1, 2006.

Appointed Mr. Jeffrey T. Schmidt of Tustin as a member of the Board for Geologists and Geophysicists to serve for a term ending June 1, 2007.

Appointed Mr. Keith E. Flippin of San Leandro as a member of the Bipartisan California Commission on Internet Political Practices to serve for a term ending August 20, 2004.

Appointed Ms. Julie R. Brandt of San Francisco as a member of the Physical Therapy Board to serve for a term ending June 1, 2007.

Appointed Ms. Orié Medicinebull of Auberry and reappointed Mr. Patrick W. Connally of San Rafael as members of the Protection and Advocacy, Inc., Board of Directors to serve for terms ending June 20, 2006.

Appointed Ms. Sylvia Johnson of Los Angeles as a member of the Board of Psychology to serve for a term ending August 28, 2007.

Appointed Ms. Nancy Sarinana of Glendale as a member of the Student Opportunity and Access Program Project Grant Advisory Committee to serve at the pleasure of the Rules Committee.

Appointed Judge Luis Vargas of Chula Vista as a member of the California Council on Criminal Justice to serve at the pleasure of the Rules Committee.

BURTON, Chair

Committee on Appropriations

Date of Hearing, August 18, 2003

Mr. President: The Committee on Appropriations, to which were referred:

AB 47

AB 184

AB 1330

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, August 21, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 183	AB 833	AB 1130	AB 1625
AB 205	AB 999	AB 1179	AB 1628
AB 358	AB 1093	AB 1281	AB 1676
AB 662	AB 1108	AB 1449	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 183—An act to add Section 14132.415 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

Assembly Bill 205—An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, to amend Sections 17024.5 and 18521 of the Revenue and Taxation Code, and to amend Section 3 of Chapter 447 of the Statutes of 2002, relating to domestic partnerships.

Bill read second time.

Assembly Bill 358—An act to amend Sections 1419, 1420, and 1422 of the Health and Safety Code, relating to health facilities.

Bill read second time.

Assembly Bill 662—An act to amend Section 60643 of, and to add Sections 56353, 56354, and 56355 to, the Education Code, relating to special education.

Bill read second time.

Assembly Bill 833—An act to amend Sections 230 and 66271.7 of, and to add Sections 66271.6 and 66271.8 to, the Education Code, relating to sex equity in education.

Bill read second time.

Assembly Bill 999—An act to add Section 14132.27 to the Welfare and Institutions Code, relating to health care.

Bill read second time.

Assembly Bill 1093—An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages.

Bill read second time.

Assembly Bill 1108—An act to add and repeal Section 3041.5 of the Family Code, relating to family law, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1130—An act to amend Section 6254 of the Government Code, and to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.58, 12699.60, 12699.61, and 12699.62 of, to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, and to add Section 12699.525 to, the Insurance Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1179—An act to amend Section 6107 of, and to add Section 27201.5 to, the Government Code, and to amend Section 103526 of the Health and Safety Code, relating to public records, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1281—An act to add Section 21413.5 to the Government Code, relating to public employees' retirement.

Bill read second time.

Assembly Bill 1449—An act to amend Section 5443 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time.

Assembly Bill 1625—An act to amend Section 27315 of the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 1628—An act to amend Section 1371.4 of, and to add Section 1262.8 to, the Health and Safety Code, relating to health care.

Bill read second time.

Assembly Bill 1676—An act to amend Sections 125085, 125090, and 125107 of, and to add Section 125092 to, the Health and Safety Code, relating to AIDS.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Judiciary

Date of Hearing, August 19, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 512

AB 1634

Reports the same back with the recommendation: Do pass as amended and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, August 19, 2003

Mr. President: The Committee on Judiciary, to which were referred:

AB 1209

AB 1525

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measures ordered to second reading.

Date of Hearing, August 19, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1133

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, August 21, 2003

Mr. President: The Committee on Rules has examined:

SB 59

SB 182

SB 440

SB 818

SB 116

SB 265

SB 538

SB 1022

SB 175

SB 308

SB 732

SB 1045

And reports that the same have been correctly enrolled, and presented to the Governor on the 21st day of August, 2003, at 2 p.m.

BURTON, Chair

Committee on Business and Professions

Date of Hearing, August 21, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

AB 1467

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FIGUEROA, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Insurance

Date of Hearing, August 20, 2003

Mr. President: The Committee on Insurance, to which was referred:

AB 1005

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on August 25:

SCR 46	AB 747	AB 1386	AB 172
AB 767	AB 97	AB 188	AB 1214

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 2—An act to amend Sections 1191.15, 3041, and 3043.2 of, and to add Section 3043.6 to, the Penal Code, and to add Section 1767.9 to the Welfare and Institutions Code, relating to victims.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 2 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BOGH

Permission of Rules Committee

Senate Chamber, August 21, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 2.

BURTON, Chair

Amendments Adopted

Amendments to AB 2 proposed by Senator Battin were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 14—An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read third time.

Amendments Adopted

Amendments to AB 14 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 762—An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

Bill read third time.

Amendments Adopted

Amendments to AB 762 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 996—An act to amend Section 676.10 of the Insurance Code, relating to insurance.

Bill read third time.

Amendments Adopted

Amendments to AB 996 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1008—An act to add Section 17072.14 to the Education Code, relating to public schools.

Bill read third time.

Amendments Adopted

Amendments to AB 1008 proposed by Senator Brulte were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1090—An act to amend, repeal, and add Section 40420 of the Health and Safety Code, relating to air quality, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1090 proposed by Senator Brulte were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 278—An act to amend Section 19817 of the Business and Professions Code, and to amend Section 337j of the Penal Code, relating to gaming.

Bill read third time.

Amendments Adopted

Amendments to AB 278 proposed by Senator Vincent were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 956)

On request of Senator McPherson, unanimous consent was granted that AB 956 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 956

Assembly Bill 956—An act to add Section 44013 to the Education Code, relating to teacher credentialing.

Bill read second time.

Motion to Amend

Senator McPherson moved the adoption of amendments to AB 956.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 962)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 962 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 962

Assembly Bill 962—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

Bill read.

Motion to Amend

Senator Hollingsworth moved the adoption of amendments to AB 962. Amendments read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Health and Human Services

AB 71—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (1)—Senator Ashburn.

AB 685—Do pass as amended

AYES (10)—Senators Alarcón, Ashburn, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 8/20/03

Ortiz (Chair)

Committee on Insurance

AB 1005—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Escutia, Oller, Scott, Soto, and Speier.

NOES (0)—None.

Date of Hearing: 8/20/03

Speier (Chair)

Committee on Rules

ACR 106—Be adopted, to Consent Calendar

AYES (4)—Senators Burton, Karnette, Knight, and Romero.

NOES (0)—None.

AJR 14—Re-refer to Committee on Banking, Commerce and International Trade

AYES (4)—Senators Burton, Karnette, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 8/20/03

Burton (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Ray Wallin of Ontario.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Art Scott of Sacramento.

Senators McClintock and Kuehl requested that when the Senate adjourns this day it do so in memory of Clarence C. Slayton III of Camarillo.

Senator Scott requested that when the Senate adjourns this day it do so in memory of John Sadler, Judy McNulty and Libby Herrick of Pasadena and George Battey of Santa Barbara.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Peggy Flannery of San Gabriel.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Andrea Ravinett Martin of San Francisco.

Senator Vincent requested that when the Senate adjourns this day it do so in memory of Barbara J. Shelton of Dixon.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9:30 a.m., Monday, August 25, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, August 25, 2003

The Senate met at 9:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Lord Our God, Teach us, we beseech You, to ask You for the right blessings. Steer the vessels of our lives toward Yourself, tranquil haven of storm-tossed souls. Show us the course wherein we should go. Renew a willing spirit within us. Let Your Spirit guide and enable us toward that which is our true good, to keep Your laws, and in all our works evermore rejoice in Your glorious and gladdening presence.—AMEN.

(Basil the Great, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Johnson led the Senate in the pledge of allegiance to the Flag.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SCR 48** was withdrawn from Committee and placed on the Special Consent Calendar.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing AB 1297 and AB 1729 to be heard in the Committee on Insurance on August 27 without four days notice in the file.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, August 20, 2003

Mr. President: The Committee on Appropriations, to which were referred:

AB 694 AB 1389 SCR 30

Reports the same back with the recommendation: Do pass as amended.
ALPERT, Chair

Above measures ordered to second reading.

Date of Hearing, August 18, 2003

Mr. President: The Committee on Appropriations, to which was referred:

AB 356

Reports the same back with the recommendation: Do pass as amended.
ALPERT, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Senate Chamber, August 25, 2003

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 262

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 262—An act to amend Sections 56.05, 56.10, 56.11, 56.17, and 56.21 of, and to add Section 56.268 to, the Civil Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Date of Hearing, August 20, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 71

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

Date of Hearing, August 20, 2003

Mr. President: The Committee on Health and Human Services, to which was referred:

AB 685

Reports the same back with the recommendation: Do pass as amended.

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Judiciary

Date of Hearing, August 19, 2003

Mr. President: The Committee on Judiciary, to which was referred:

AB 1059

Reports the same back with the recommendation: Do pass as amended.

ESCUTIA, Chair

Above measure ordered to second reading.

Committee on Energy, Utilities and Communications

Senate Chamber, August 25, 2003

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 1618

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1618—An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, 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.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Without objection, AB 71 was given its second reading upon being reported from committee.

Assembly Bill 71—An act to add and repeal Division 8.6 (commencing with Section 22970) of the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend, repeal, and add Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and 30481 of, to add Sections 30 019, 30165.1, 30166.1, 30177.5, nd 30482 to, to add and repeal Sections 30435 and 30474.1 of, to add and repeal Article 2.5 (commencing with Section 30210) of Chapter 4 of Part 13 of Division 2 of, and to add and repeal Article 5 (commencing with Section 30355) of Chapter 5 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to cigarettes and tobacco products, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1335—An act to amend Section 12847 of the Food and Agricultural Code, relating to pesticides.

Bill read second time and ordered to third reading.

Assembly Concurrent Resolution 106—Relative to children's vision. Resolution read second time and ordered to Consent Calendar.

Assembly Bill 1330—An act to amend Section 8702 of, and to add and repeal Article 6 (commencing with Section 8780) of Chapter 4 of Part 6 of, the Education Code, relating to instructional programs.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 184—An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1634—An act relating to public lands.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 1209—An act to amend Section 6254 of the Government Code, relating to public agency security.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1133—An act to add Section 241 to the Labor Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1525—An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 512—An act to amend Sections 1363, 1368, and 1373 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to Consent Calendar.

Assembly Bill 2—An act to amend Sections 1191.15, 3041, and 3043.2 of, and to add Section 3043.6 to, the Penal Code, and to add Section

1767.9 to the Welfare and Institutions Code, relating to victims, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 14—An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 762—An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 956—An act to add Section 44013 to the Education Code, relating to teacher credentialing.

Bill read second time and ordered to third reading.

Assembly Bill 962—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

Bill read second time and ordered to third reading.

Assembly Bill 996—An act to amend Section 676.10 of the Insurance Code, relating to insurance.

Bill read second time and ordered to third reading.

Assembly Bill 1008—An act to add Section 17072.14 to the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 1090—An act to amend, repeal, and add Section 40420 of the Health and Safety Code, relating to air quality .

Bill read second time and ordered to third reading.

Assembly Bill 278—An act to amend Section 19817 of the Business and Professions Code, and to amend Section 337j of the Penal Code, relating to gaming.

Bill read second time and ordered to third reading.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

The President ordered that **AB 598** be placed on the inactive file.

Senator Chesbro moved that **AB 1362** be placed on the inactive file.

Senator Alarcón moved that **AB 1723** be placed on the inactive file.

Motions carried.

SPECIAL CONSENT CALENDAR
Objections Raised

Senator Ducheny objected to **AB 1731** being on the Special Consent Calendar.

Senator McPherson objected to **AB 1313** and **AB 608** being on the Special Consent Calendar.

Senator Machado objected to **AB 747** being on the Special Consent Calendar.

Senator Sher objected to **AB 1701** being on the Special Consent Calendar.

Senator Alpert objected to **AB 294** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

Senate Concurrent Resolution 35—Relative to United States Navy Lieutenant Commander Otis Vincent Tolbert Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 45—Relative to the Frank and Elly Hartmann Memorial Bridge.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Joint Resolution 17—Relative to veterans.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 13—An act to add Section 118.7 to the Streets and Highways Code, relating to the Department of Transportation.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 213—An act to add Section 9951 to the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 236—An act to amend Section 2221 of, and to add Section 2232 to, the Business and Professions Code, relating to medicine.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 284—An act to amend Sections 10168.1 and 10168.2 of, and to add Sections 10168.25 and 10168.92 to, the Insurance Code, relating to annuities.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 390—An act to add and repeal Section 41514.1 of the Health and Safety Code, relating to air resources.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 444—An act to amend Sections 10506.4 , 10507.5, and 12957 of the Insurance Code, relating to life insurers.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 506—An act to amend Section 13823.11 of the Penal Code, relating to sexual assault victims.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 591—An act to amend Section 51226.1 of the Education Code, relating to school curriculum.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 652—An act to amend Section 4040 of, and to add Section 1315 to, and to repeal Sections 4041 and 4043 of, the Insurance Code, relating to loans, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 928—An act to amend Section 499b of the Penal Code, relating to vessels.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 943—An act to amend Section 12640.04 of the Insurance Code, relating to mortgage guaranty insurance.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1014—An act to add Section 525.5 to the Harbors and Navigation Code, relating to vessels.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1180—An act to amend, repeal, and add Section 209 of the Code of Civil Procedure, relating to jurors.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1186—An act to amend Section 19984 of the Business and Professions Code, relating to gambling.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1348—An act to amend Sections 25200.19, 25250.1, 25250.7, and 25250.9 of, and to add Sections 25160.4 and 25160.6 to, the Health and Safety Code, relating to hazardous waste.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1382—An act to amend Sections 7071.17, 7085.5, 7085.6, 7090.1, 7099.2, 7121, 7122.1, and 7143 of the Business and Professions Code, relating to contractors.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1496—An act to amend Section 1374.34 of the Health and Safety Code, relating to health care.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1678—An act to amend Section 87407 of the Government Code, relating to the Political Reform Act of 1974.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1717—An act to amend Sections 8879.1, 14070.4, 14076.4, 14524.2, and 65082 of, and to repeal Sections 8879.17 and 14524.15 of, the Government Code, to amend Sections 21602, 21702, 21704, 21707, and 102015 of, and to repeal Section 21604 of, and Chapter 3.5 (commencing with Section 21501) of Division 9 of, the Public Utilities Code, and to amend Sections 72.1, 164.6, 188.5, 339, 354, 373, 390, 391, 407, 410, 411, 426, 460, and 820 of, and to repeal Sections 180.10, 391.1, 391.3, 401.1, 407.1, 411.5, and 509 of, the Streets and Highways Code, relating to transportation.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1724—An act to amend Section 8617 of the Business and Professions Code, and to amend Sections 11732 and 13000 of the Food and Agricultural Code, relating to pesticides.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1735—An act to add Sections 1701.5 and 1701.6 to the Public Utilities Code, relating to public utilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 177—An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing with Section 2300) to Division 2 of, the Elections Code, relating to elections.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 313—An act to amend Section 2948.5 of the Civil Code, and to amend Section 50204 of, and to repeal Section 50707 of, the Financial Code, relating to mortgage lending.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 941—An act to amend Section 1372 of the Penal Code, and to amend Sections 4100, 7200, and 7200.06 of, and to repeal Sections 7229 and 7233 of, the Welfare and Institutions Code, relating to state hospitals.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1740—An act to amend Sections 17041, 17052.6, 17301.3, 17302, and 19131 of, and to add Section 19136.11 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 62—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 63—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 46—Relative to Peace Officer Richard Perkins Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1368—An act to add Section 16724.4 to the Government Code, relating to bonds.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 172—An act to amend Section 30061 of the Government Code, relating to law enforcement.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 767—An act to amend Section 798.56 of the Civil Code, relating to mobilehomes.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 97—An act to amend Sections 48209.15, 48209.16, and 56836.155 of, to amend and repeal Section 47612 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 188—An act to amend Sections 3100, 3101, 3103, 3104, 3106, 3108, 3110, 3201, 3203, 3206, 3303, 3304, 3305, 3307, and 3308 of, and to repeal Sections 3105, 3306, and 3309 of, the Elections Code, relating to absentee voters.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1214—An act to add and repeal Section 2827.10 of the Public Utilities Code, relating to energy resources.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 48—Relative to Myositis Awareness Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 654—An act to add Section 87482.8 to the Education Code, relating to community colleges.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Figueroa, Karnette, Kuehl, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Senator Alpert Presiding

Assembly Bill 1545—An act to amend Sections 21091 and 21092.2 of the Public Resources Code, relating to environmental quality.

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 (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Bowen Presiding

Assembly Bill 424—An act to add and repeal Sections 45272.5 and 45277.5 of the Education Code, relating to school employees.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution 89—Relative to the Boy Scouts of America.

Resolution read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

Assembly Bill 1349—An act to amend Section 21350 of the Probate Code, relating to wills and trusts.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 317—An act to amend Section 78636 of the Food and Agricultural Code, relating to food and agriculture.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 668—An act to amend Section 65584 of the Government Code, relating to local planning.

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 (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 186—An act to amend Sections 4059, 4060, and 4061 of the Business and Professions Code, and to amend Sections 11250 and 11251 of the Health and Safety Code, relating to optometrists.

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 (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1022—An act to amend Sections 21455.5, 21455.6, and 21455.7 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1287—An act to amend Section 798.71 of, and to add Section 798.74.5 to, the Civil Code, relating to mobilehomes.

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 (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Karen Getman, Member, Alcoholic Beverage Control Appeals Board.

Sharon L. Lawin, Member, Board of Prison Terms.

Nancy H. Sutley, Member, State Water Resources Control 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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez,

Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Matthew R. McKinnon, Deputy Secretary, Labor and Workforce Development Agency.

John K. McNally, Deputy Secretary, Labor and Workforce Development Agency.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

James C. Ghielmetti, Member, California Transportation 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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

**Consideration of Appointments by the Governor
Division of Question Demanded**

Senator Denham demanded that the question be divided and that the confirmation of the appointments of:

John L. Growney, Member, California Exposition and State Fair Board of Directors.

Randy E. Paragary, Member, California Exposition and State Fair Board of Directors.

Alfred G. Montna, Member, California Bay-Delta Authority.

William A. Bianco, Jr., Member, California Horse Racing Board.

be taken up separately.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

James Costa, Member, California Bay-Delta Authority

Paula A. Daniels, Member, California Bay-Delta Authority

Patrick Johnston, Member, California Bay-Delta Authority

Susan P. Kennedy, Member, California Bay-Delta Authority

Timothy J. Brink, Member, State Building Standards Commission

Steven R. Winkel, Member, State Building Standards Commission

Willie L. Pelote, Sr., Member, California Exposition and State Fair Board of Directors

Larry E. Fanning, Member, State Mining and Geology Board

Robert Griego, Member, State Mining and Geology Board

Julian C. Isham, Member, State Mining and Geology Board

Allen M. Jones, Member, State Mining and Geology Board

James D. Falaschi, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun

William A. Ruh, Member, California Regional Water Quality Control Board, Santa Ana Region

Seymour D. Van Gundy, Ph.D., Member, California Regional Water Quality Control Board, Santa Ana Region

Catherine T. Campisi, Ph.D., Member, Medical Board of California

Mitchell S. Karlan, M.D., Member, Medical Board of California

Ronald I. Moy, M.D., Member, Medical Board of California

Caryl O. Hart, Member, State Park and Recreation Commission

Paul J. Witt, Member, State Park and Recreation 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 (30)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow,

Murray, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Hollingsworth.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

John L. Growney, Member, California Exposition and State Fair Board of Directors.

Randy E. Paragary, Member, California Exposition and State Fair Board of Directors.

Alfred G. Montna, Member, California Bay-Delta Authority.

William A. Bianco, Jr., Member, California Horse Racing Board.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (34)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1216—An act to amend Section 51189 of the Government Code, and to amend Section 13108.5 of the Health and Safety Code, relating to fire safety.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1250—An act to amend Section 44579.1 of the Education Code, relating to teachers.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 202—An act to add Chapter 6 (commencing with Section 122320) to Part 6 of Division 105 of the Health and Safety Code, relating to birds.

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 529—An act to amend Sections 1597.44 and 1597.465 of the Health and Safety Code, relating to care facilities.

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 (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Brulte, Cedillo, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (3)—Senators Bowen, Chesbro, and Ortiz.

Bill ordered transmitted to the Assembly.

Assembly Bill 1064—An act to amend Section 125550 of, and to add Sections 99159 and 120523 to, the Public Utilities Code, and to add Section 27512 to the Streets and Highways Code, relating to public transit district pension plans.

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 1708—An act to amend Sections 6031.5, 6065, 6086.10, 6140, 6140.5, 6141.1, 6145, and 6234 of, and to add Section 6086.16 to, the Business and Professions Code, relating to attorneys.

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 (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (8)—Senators Battin, Brulte, Denham, Hollingsworth, Johnson, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 179—An act to amend Sections 130110 and 130150 of the Health and Safety Code, relating to child development.

Bill read third time and presented by Senator Figueroa.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 137—An act to amend Section 18724 of the Revenue and Taxation Code, relating to designated taxpayer contributions.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Ackerman, Alarcón, Battin, Burton, Cedillo, Chesbro, Denham, Dunn, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (9)—Senators Aanestad, Alpert, Ashburn, Brulte, Hollingsworth, Johnson, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1263—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill read third time and presented by Senator Ackerman.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Alpert Presiding

Assembly Bill 1337—An act to amend Section 56505.2 of the Education Code, relating to special education.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 954—An act to amend Sections 44500 and 44664 of the Education Code, relating to teachers.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 935—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Dunn, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1584—An act to amend Sections 20057, 20161, 20501, 20585, 20588, 20590, 20610, 20611, 20752, 20816, 20890.2, 20907, 21013, 21220, 21571, 21572, 21661, 21663, 22009.03, 22009.1, 22013.7, 22013.78, 22018, 22156, 22502, 22754, and 22825 of, to add Sections 20672.5, 21220.5, and 22817.5 to, to repeal Sections 20677.1, 20732, 21253, 21431, and 22216 of, to repeal Chapter 10 (commencing with Section 20860) of Part 3 of Division 5 of Title 2 of, and to repeal and add Section 21252 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 503—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 310—An act to add Sections 45061.5, 45168.5, 87834.5, and 88167.5 to the Education Code, relating to school employees.

Bill read third time and presented by Senator Burton.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 202)**

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 202 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1585—An act to amend Sections 31452, 31510.2, 31529.9, 31597, 31597.1, 31899, 31899.1, and 31899.2 of, to amend the heading of Chapter 3.9 (commencing with Section 31899) of Part 3 of Division 4 of Title 3 of, to amend and renumber Sections 31899.7, 31899.8, 31899.9, and 31899.10 of, to amend, renumber, and add Section 31899.4 of, to add Section 31603 to, to repeal Section 31899.6 of, and to repeal and add Section 31899.5 of, the Government Code, relating to county employees' retirement systems.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 171—An act to amend Sections 6276.24 and 54956.87 of the Government Code, to amend Sections 14087.31, 14087.35, 14087.36, and 14087.38 of the Welfare and Institutions Code, and to repeal Section 7 of Chapter 642 of the Statutes of 1994, relating to public records and meetings.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (5)—Senators Aanestad, Bowen, Hollingsworth, Knight, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1409—An act to amend Section 35400 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators Ashburn and Morrow.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1064)**

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 1064 was passed by the following vote:

AYES (21)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, and Torlakson.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 16—An act to amend Section 30262 of the Public Resources Code, relating to oil and gas.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, McPherson, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Karnette, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 503)**

On motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 503 was refused passage by the following vote:

AYES (17)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Perata, Romero, Sher, Soto, and Torlakson.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, Poochigian, Scott, and Speier.

Motion to Reconsider (AB 503)

Senator Perata moved to reconsider the vote whereby AB 503 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Measure ordered returned to third reading.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communication was ordered printed in the Journal:

August 19, 2003

Gregory Schmidt
Secretary of the Senate

Dear Mr. Schmidt:

Senate Bill 308 would include tribes and tribal organizations within the definition of "local government" for purposes of the Medi-Cal Administrative Activities and Total Case Management functions.

By revising this definition, this bill would authorize tribal governments to use their resources to access matching federal funding, through the State Department of Health Services, for a variety of outreach and administrative services in support of medical services under the Medi-Cal program.

While this bill would have no effect on General Fund expenditures, the Department of Health Services does not have the staff available to implement this measure in the foreseeable future. Therefore, by this letter, I am clarifying that implementation of this bill will be deferred until our fiscal situation improves sufficiently to add staff at the Department of Health Services for this additional function.

Sincerely,

LIZ FIGUEROA
Senator, 10th District

REQUEST TO BE ADDED TO ROLL CALL

August 25, 2003

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 1216—Aye	AB 1250—Aye	AB 1708—Aye
AB 179—Aye	AB 137—Aye	AB 1337—Aye
AB 954—Aye	AB 935—Aye	AB 171—Aye

JOHN L BURTON, President pro Tempore

August 25, 2003

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 1022—Aye	AB 1708—No	AB 179—Aye
AB 137—No	AB 1337—No	AB 954—No
AB 935—No	AB 310—No	AB 1585—Aye
AB 171—Aye	AB 1409—Aye	AB 16—No

JAMES L BRULTE, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 12:21 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, August 26, 2003.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 25, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 129 SB 589

Above measures ordered enrolled.

Assembly Chamber, August 25, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 90 SB 144 SB 416 SB 445
SB 618 SB 684 SCR 12

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, August 25, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1101 AB 1675 AB 1710 ACR 71

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, August 25, 2003

Madam President: The Committee on Rules has examined:

SB 66 SB 221 SB 540 SB 919
SB 165 SB 255 SB 544 SB 940
SB 196 SB 296 SB 728 SB 984
SB 212 SB 370 SB 781 SB 1079
SB 220 SB 521 SB 799

And reports that the same have been correctly enrolled, and presented to the Governor on the 25th day of August, 2003, at 11 a.m.

BURTON, Chair

Committee on Public Employment and Retirement

Senate Chamber, August 25, 2003

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 977

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

Second Reading of Bills—Author's Amendments**Assembly Bill 977**—An act relating to state employees.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 977 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LONGVILLE

Permission of Rules Committee

Senate Chamber, August 25, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 977.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Senate Chamber, August 25, 2003

Madam President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

AB 1725

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 1725—An act to add Article 8.7 (commencing with Section 6047.60) to Chapter 9 of Part 1 of Division 4 of the Food and Agricultural Code, relating to pest control.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, August 25, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 650	AB 833	AB 1133
AB 1182	AB 1449	AB 1718

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, August 25, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 24	AB 728	AB 1005
AB 1031	AB 1179	AB 1398

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, August 22, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 1239	AB 1355	AB 1774	AB 1775
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Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, August 25, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 1531

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1531—An act to amend, repeal, and add Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, August 18, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 1266

Reports the same back with the recommendation: Do pass as amended.
ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, August 13, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 1306

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.
ALPERT, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, August 21, 2003

Madam President: The Committee on Environmental Quality, to which was referred:

AB 413

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure ordered to second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 655** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Appropriations; and

AB 1546 was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on August 27:

SB 109	SB 476	SB 1002	SB 1076
AB 184	AB 2	AB 962	AB 1008

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 51—An act to add Section 65302.4 to the Government Code, relating to land use planning.

Bill read third time.

Amendments Adopted

Amendments to AB 51 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 248—An act to amend Sections 6988 and 6989 of the Food and Agricultural Code, relating to advisory boards.

Bill read third time.

Amendments Adopted

Amendments to AB 248 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 294—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read third time.

Amendments Adopted

Amendments to AB 294 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 509—An act to amend Sections 19596.1 and 19596.2 of, and to add Section 19596.3 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 509 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 534—An act to amend Sections 22442, 22442.2, and 22443 of, and to add Section 22442.1 to, the Business and Professions Code, relating to immigration consultants.

Bill read third time.

Amendments Adopted

Amendments to AB 534 proposed by Senator Romero were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 620—An act to amend Section 10233 of, to add Article 6 (commencing with Section 10237) to Chapter 3 of Part 1 of Division 4 of, and to repeal Section 10229 of, the Business and Professions Code, and to amend Section 25102.5 of the Corporations Code, relating to real estate.

Bill read third time.

Amendments Adopted

Amendments to AB 620 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1086—An act to amend Section 1368 of the Civil Code, relating to common interest developments.

Bill read third time.

Amendments Adopted

Amendments to AB 1086 proposed by Senator Florez were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1220—An act to add and repeal Section 104141 of the Health and Safety Code, relating to disease prevention.

Bill read third time.

Amendments Adopted

Amendments to AB 1220 proposed by Senator Vincent were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1335—An act to amend Section 12847 of the Food and Agricultural Code, relating to pesticides.

Bill read third time.

Amendments Adopted

Amendments to AB 1335 proposed by Senator Machado were read and adopted and the measure ordered printed and re-referred to the Committee on Rules.

Assembly Bill 1541—An act to amend Section 13385 of the Water Code, relating to water.

Bill read third time.

Amendments Adopted

Amendments to AB 1541 proposed by Senator Sher were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1738)

On request of Senator Scott unanimous consent was granted that AB 1738 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1738

Assembly Bill 1738—An act to amend Sections 113750, 113785, 113895, 113995, 113998, 114002, 114055, 114056, 114265, 114294, 114300, 114302, 114303, 114304, 114313, 114314, 114315, 114319, 114332.3, 114362, and 114367.5 of, to add Sections 113750.1, 113817, 113841, 114287.5, and 114305 to, and to repeal Section 114322 of, the Health and Safety Code, relating to retail food facilities.

Bill read second time.

Motion to Amend

Senator Scott moved the adoption of amendments to AB 1738.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 123)**

Without objection the action was rescinded whereby AB 123 was passed to the Assembly and the measure was taken up at this time without reference to file.

Consideration of Assembly Bill 123

Assembly Bill 123—An act to amend Sections 1800 and 1805 of the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

Bill read.

Motion to Amend

Senator Aanestad moved the adoption of amendments to AB 123.

Amendments read and adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Burton requested that when the Senate adjourns this day it do so in memory of Bobby McDonnell of San Francisco.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Alice Warshofsky of Santa Cruz.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Chanh Lan Ly of Elk Grove.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Nora A. Maples of Springville and Robert S. Kaprielian and Jack D. Bedrosian of Fresno.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of Matt S. Meier of Sunnyvale.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, August 26, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, August 26, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett,
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and
Vasconcellos—38.

Quorum present.

*(NOTE: Senator Machado will be excused this day on legislative business
and Senator Vincent will be excused this day due to illness.)*

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 25, 2003

Mr. President: I am directed to inform your honorable body that the
Assembly amended, and on this day passed, as amended:

SB 457

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 Rules**

Senate Chamber, August 25, 2003

Mr. President: The Committee on Rules has examined:

SCR 11 SCR 38 SCR 44 SJR 5

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 25th day of August, 2003, at 4:30 p.m.

BURTON, Chair

Committee on Appropriations

Date of Hearing, August 25, 2003

Mr. President: The Committee on Appropriations, to which were referred:

AB 205 AB 1625

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Senate Chamber, August 26, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 459 AB 1369

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments**Assembly Bill 459**—An act to amend Sections 22792 and 22793 of, and to add Sections 22793.3 and 22793.4 to, the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

Bill read second time.

Assembly Bill 1369—An act to add Section 1569.7 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Senate Chamber, August 22, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 899

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Governmental Organization

Senate Chamber, August 26, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 79

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 79—An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, August 26, 2003

Mr. President: The Committee on Rules has examined:

SB 62 SB 63 SB 129 SB 589

And reports that the same have been correctly enrolled, and presented to the Governor on the 26th day of August, 2003, at 1 p.m.

BURTON, Chair

Senate Chamber, August 26, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 574

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 574—An act relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Environmental Quality

Date of Hearing, August 21, 2003

Mr. President: The Committee on Environmental Quality, to which was referred:

AB 83

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1690** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations;

AB 262 was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules;

AB 1531 was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules; and

AB 262 was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Concurrent Resolution 30—Relative to electricity cost refunds.

Resolution read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1389—An act to add Section 7912 to the Public Utilities Code, relating to public utilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 356—An act to amend Sections 52050.5, 52052, 52052.2, 52055.655, 60851, and 60856 of, to amend, repeal, and add Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60642, 60642.5, 60643, and 60643.1 of, to repeal Sections 52057 and 60859 of, and to repeal Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25 of, the Education Code, relating to education testing.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 694—An act to amend Section 6248 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 685—An act to amend Section 120917 of the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1059—An act to amend Section 1942.5 of, and to add Section 1940.2 to, the Civil Code, relating to landlord and tenant.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 650—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

Bill read second time and ordered to third reading.

Assembly Bill 833—An act to amend Sections 230 and 66271.7 of, and to add Sections 66271.6 and 66271.8 to, the Education Code, relating to sex equity in education.

Bill read second time and ordered to third reading.

Assembly Bill 1133—An act to add Section 241 to the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 1182—An act to amend Section 9109 of the Commercial Code, to amend Section 15147 of the Education Code, to amend Sections 8855, 53692, and 91521.3 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1449—An act to amend Section 5443 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time and ordered to third reading.

Assembly Bill 1718—An act to amend Sections 116.870 and 116.880 of the Code of Civil Procedure, to repeal Section 229.40 of the Streets and Highways Code, and to amend Sections 544, 3014, 3015, 3050.1, 3050.2, 3050.3, 3050.4, 3050.6, 3050.7, 3052, 3062, 3066, 3067, 4453, 12810.5, 16076, 24403, and 40508 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 24—An act to add Section 2079.7a to the Civil Code, and to add Section 115929 to the Health and Safety Code, relating to public safety.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 728—An act to amend Sections 11000.1 and 11018.12 of the Business and Professions Code, to amend Section 1675 of the Civil Code, and to amend Sections 66427 and 66452.4 of the Government Code, relating to subdivided lands.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1005—An act to add Section 12401.71 to the Insurance Code, relating to title insurance.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1031—An act to amend Sections 25102, 25212, 25230, 25232, 25241, 25247, 25252, 25532, 25540, 25541, and 25612.5 of, and to add Sections 25256, 25404, and 25612.3 to, the Corporations Code, and to amend Sections 12221, 17209.3, 22109, and 23001 of, and to add Sections 12307.5, 17424, and 22705.1 to, the Financial Code, relating to financial institutions.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1179—An act to amend Section 6107 of, and to add Section 27201.5 to, the Government Code, and to amend Section 103526 of the Health and Safety Code, relating to public records, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1398—An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1239—An act to amend Section 33561 of the Financial Code, and to add Section 23038.8 to the Revenue and Taxation Code, relating to payment instruments.

Bill read second time and ordered to third reading.

Assembly Bill 1355—An act to amend Sections 273, 506, 645, 646, 687, 688, 1547, 1780, 1938, 3359, 3369, 3376, 14256, 16201, and 16901 of, to add Section 216.3 to, and to repeal Section 14210 of, the Financial Code, relating to financial institutions.

Bill read second time and ordered to third reading.

Assembly Bill 1774—An act to amend Sections 261, 772, 1500, 1560, 1808, 1900, 3375.5, 4839, 4843, 4946, 8152, 14250, 14354, 16151, 16701, 31507, and 33903 of, to amend and renumber Sections 4879.12, 4879.13, and 4879.135 of, and to repeal Section 8012 of, the Financial Code, relating to financial institutions.

Bill read second time and ordered to third reading.

Assembly Bill 1775—An act to amend Section 1814 of the Financial Code, relating to money transmitters.

Bill read second time and ordered to third reading.

Assembly Bill 1266—An act to amend Sections 8957, 44393, 52055.610, 52055.650, 53081, 53083, 60423, 69440, and 84750 of, to amend, repeal, and add Sections 60640 and 60642 of, to add Sections 18866, 52055.54, 54761.4, 60227, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to add and repeal Section 60422.1 of, to repeal Sections 426 and 14044 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, to repeal Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal and add Section 53084 of, the Education Code, to repeal Chapter 1.2 (commencing with Section 628) of Title 15 of Part 1 of the Penal Code, and to amend Section 37 of Chapter 227 of the Statutes of 2003, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1306—An act to amend Section 1203.1b of, and to add Section 1203.95 to, the Penal Code, relating to probation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 413—An act to add Section 5003.18 to the Public Resources Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 51—An act to add Section 65302.4 to the Government Code, relating to land use planning.

Bill read second time and ordered to third reading.

Assembly Bill 123—An act to amend Sections 1800 and 1805 of the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

Bill read second time and ordered to third reading.

Assembly Bill 248—An act to amend Section 6988 of, and to repeal Section 6989 of, of the Food and Agricultural Code, relating to advisory boards.

Bill read second time and ordered to third reading.

Assembly Bill 294—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read second time and ordered to third reading.

Assembly Bill 509—An act to amend Sections 19596.1 and 19596.2 of, and to add Section 19596.3 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 534—An act to amend Sections 22442, 22442.2, and 22443 of, and to add Section 22442.1 to, the Business and Professions Code, relating to immigration consultants.

Bill read second time and ordered to third reading.

Assembly Bill 620—An act to amend Sections 10177 and 10233 of, to add Article 6 (commencing with Section 10237) to Chapter 3 of Part 1 of Division 4 of, and to repeal Section 10229 of, the Business and Professions Code, and to amend Section 25102.5 of the Corporations Code, relating to real estate.

Bill read second time and ordered to third reading.

Assembly Bill 1086—An act to amend Section 1368 of the Civil Code, relating to common interest developments.

Bill read second time and ordered to third reading.

Assembly Bill 1220—An act to add and repeal Section 104141 of the Health and Safety Code, relating to disease prevention.

Bill read second time and ordered to third reading.

Assembly Bill 1541—An act to add Section 13385.1 to the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 1738—An act to amend Sections 113750, 113785, 113895, 113995, 113998, 114002, 114055, 114056, 114265, 114294, 114300, 114302, 114303, 114304, 114313, 114314, 114315, 114319, 114332.3, 114362, and 114367.5 of, to add Sections 113750.1, 113817, 113841, 114287.5, and 114305 to, and to repeal Section 114322 of, the Health and Safety Code, relating to retail food facilities.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 25—An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Section 112 of the Penal Code, relating to government documents.

Bill read third time.

Amendments Adopted

Amendments to AB 25 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 650—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

Bill read third time.

Amendments Adopted

Amendments to AB 650 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1201—An act to add Sections 14132.28 and 14132.29 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time.

Amendments Adopted

Amendments to AB 1201 proposed by Senator Aanestad were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1248—An act to amend Section 13264 of, and to add Section 13167.5 to, the Water Code, relating to water.

Bill read third time.

Amendments Adopted

Amendments to AB 1248 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1501)

Senator Perata asked for, and was granted, unanimous consent that AB 1501 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1501

Assembly Bill 1501—An act to amend Section 85401 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1501 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LEVINE

Permission of Rules Committee

Senate Chamber, August 26, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1501.

BURTON, Chair

Motion to Amend

Senator Perata moved the adoption of amendments to AB 1501.

Amendments read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 23)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 23 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 23

Assembly Bill 23—An act to add Section 139 to the Health and Safety Code, relating to breast cancer.

Bill read.

Motion to Amend

Amendments to AB 23 were proposed by Senator Kuehl.

Amendments read and adopted and the measure ordered printed and referred to the Committee on Rules.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on August 28:

AB 1449	AB 1398	AB 123	AB 620
AB 1718	AB 1239	AB 248	AB 1738
AB 1005	AB 1774	AB 294	SCR 30
AB 1179	AB 1306	AB 534	SB 684

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations****SB 849**—Do pass as amended

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Speier.

AB 205—Do pass

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Battin, Johnson, and Poochigian.

AB 572—Do pass

AYES (2)—Senators Alpert and Karnette.

NOES (4)—Senators Aanestad, Battin, Johnson, and Poochigian.

Failed Passage

AB 572—Reconsideration granted

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1108—Do pass as amended

AYES (10)—Senators Alpert, Ashburn, Battin, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Aanestad.

AB 1485—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1625—Do pass

AYES (7)—Senators Alpert, Escutia, Johnson, Karnette, Machado, Murray, and Speier.

NOES (2)—Senators Aanestad and Ashburn.

Date of Hearing: 8/25/03

Alpert (Chair)

Committee on Environmental Quality

AB 83—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

AB 413—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 8/21/03

Sher (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Machado.

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Dr. Bernerd C. Kingsbury of Green Valley.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Madge Basuino of San Leandro.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Dr. Zhen Wei Liang of Monterey Park.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, August 27, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 27, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Almighty God, In a moment of quiet we seek communion with You. From the fret and fever of the day's business, from the world's discordant noises, from the praise and blame of others, from the confused thoughts and vain imaginations of our own hearts, we would pause and seek the quietness of Your presence. The day calls us to toil and strive; but now, in stillness of heart and in the clear light of Your eternity, let us ponder the patterns that our lives are weaving.—AMEN.

(John Baillie, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator McPherson led the Senate in the pledge of allegiance to the Flag.

REPORTS OF STANDING COMMITTEES**Committee on Public Employment and Retirement**

Date of Hearing, August 27, 2003

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

AB 977

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 Appropriations

Senate Chamber, August 27, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1197

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing AB 83, AB 574, AB 977, AB 262, AB 413, AB 655, AB 1467, AB 1546, AB 1690, AB 692, AB 571, AB 572, and AB 1210 to be heard in the Committee on Appropriations on August 28 without two days notice in the file.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 205—An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771

of the Government Code, and to amend Section 3 of Chapter 447 of the Statutes of 2002, relating to domestic partnerships.

Bill read second time and ordered to third reading.

Assembly Bill 1625—An act to amend Section 27315 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 899—An act to amend Section 1299.3 of the Code of Civil Procedure, relating to public employment relations.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 83—An act to add Section 110541 to, to add Article 12 (commencing with Section 116752) to Chapter 4 of Part 12 of, and to repeal Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of, Division 104 of the Health and Safety Code, relating to drinking water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 25—An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, and to amend Section 112 of the Penal Code, relating to government documents.

Bill read second time and ordered to third reading.

Assembly Bill 650—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

Bill read second time and ordered to third reading.

Assembly Bill 1201—An act to add Sections 14132.28 and 14132.29 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

Assembly Bill 1248—An act to add Section 13167.5 to the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 1501—An act to amend Section 85401 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 182—An act to amend Sections 681.030, 700.010, 703.140, 704.010, 704.030, 704.040, 704.060, 704.080, 704.090, and 704.100 of, and to add Section 703.150 to, the Code of Civil Procedure, and to amend Section 17409 of the Welfare and Institutions Code, relating to exempt property.

Bill read third time and presented by Senator Ackerman.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Oller, Ortiz, Perata, Scott, Sher, and Torlakson.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 324—An act to amend Sections 1771.5 and 1771.7 of the Labor Code, relating to public works.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, and Torlakson.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 394—An act to amend Sections 488.460 and 700.150 of the Code of Civil Procedure, to amend Sections 26721.2, 26738, and 26746 of, and to add Section 26723 to, the Government Code, and to amend Section 2892 of the Probate Code, relating to law enforcement fees.

Bill read third time and presented by Senator Scott.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, and Torlakson.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 299—An act to add Section 5386.5 to the Public Utilities Code, and to add Section 21100.4 to the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, and Torlakson.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 561—An act to add Sections 14504, 14504.1, 14504.2, and 14504.3 to the Welfare and Institutions Code, relating to family planning.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senator Romero Presiding

Assembly Bill 638—An act to add Section 14602.8 to the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (9)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 663—An act to add Section 2281 to the Business and Professions Code, relating to the healing arts.

Bill read third time and presented by Senator Figueroa.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 807—An act to amend Section 1773.1 of the Labor Code, relating to public works.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 948—An act to add Section 2115 to the Business and Professions Code, relating to physicians and surgeons.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1044—An act to amend Sections 11106 and 12051 of the Penal Code, relating to licenses to carry firearms.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators Knight and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1144—An act to add Sections 89539.1 and 89539.2 to the Education Code, relating to the California State University.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1301—An act to add Section 25658.2 to the Business and Professions Code, relating to alcoholic beverages.

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 Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1392—An act to amend Section 2220.05 of the Business and Professions Code, relating to medical services.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado,

Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1400—An act to add Section 17959.6 to the Health and Safety Code, relating to housing.

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 (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1476—An act to amend Section 5019.65 of the Public Resources Code, relating to public resources.

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, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1536—An act to amend Sections 12962, 12980, 12981, and 12983 of the Government Code, relating to fair employment and housing.

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 (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1553—An act to amend Sections 9855 and 9855.2 of the Business and Professions Code, relating to service contracts.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators Hollingsworth and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1683—An act to add Sections 1596.817 and 1596.8595 to the Health and Safety Code, relating to child day care.

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, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1715—An act to amend Section 1281 of the Code of Civil Procedure, and to add Section 12952 to the Government Code, relating to employment arbitration.

Bill read third time and presented by Senator Burton.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 290—An act to amend Sections 45117 and 88017 of the Education Code, relating to education.

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 (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 332—An act to amend Sections 21670, 21674.7, 21676, 21676.5, 21677, and 21678 of the Public Utilities Code, relating to airports.

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 (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 343—An act to amend Sections 12693.32, 12693.325, and 12693.326 of the Insurance Code, relating to health care coverage, and making an appropriation therefor.

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 (30)—Senators Aanestad, Alarcón, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (5)—Senators Ackerman, Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 862—An act to add Section 11045 to the Government Code, relating to state contracts.

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 (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1082—An act to amend Sections 22869 and 22872 of the Government Code, relating to public employee health care benefits, and making an appropriation therefor.

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 (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1095—An act to add Section 70394 to the Government Code, relating to libraries.

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 (35)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1218—An act to amend Sections 25299.50.1 and 25299.57 of, and to add Article 6.5 (commencing with Section 25299.64) to Chapter 6.75 of Division 20 of, the Health and Safety Code, relating to underground storage tanks, and making an appropriation therefor.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1303—An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 514—An act to add Section 111 to the Water Code, relating to water.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1038—An act to amend Sections 45207 and 88207 of, and to add Section 45120.2 to, the Education Code, relating to classified school employees.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1309—An act to add Article 9.5 (commencing with Section 35277) to Chapter 2 of Part 21 of the Education Code, relating to school facilities.

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 (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 377—An act to amend Section 42001 of, and to add Section 27150.3 to, the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1354—An act to add Article 12 (commencing with Section 8125) to Chapter 1 of Part 3 of Division 6 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

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 (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1371—An act to amend Sections 24173, 24176, and 24178 of the Health and Safety Code, relating to medical research.

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 (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 845—An act to amend Sections 5102, 5111, 5133, 5311, and 5316 of, to add Sections 5142, 5143, and 5317.5 to, and to add Article 5.4 (commencing with Section 5243) to Chapter 7 of Division 2 of, the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 544—An act to amend Section 7026.1 of the Business and Professions Code, relating to contractors, and making an appropriation therefor.

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 (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 528—An act to amend Section 1569.2 of, and to add Section 1569.7 to, the Health and Safety Code, relating to Alzheimer's disease.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1209—An act to amend Section 6254 of the Government Code, relating to public agency security.

Bill read third time and presented by Senator Johnson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (1)—Senator Chesbro.

Bill ordered transmitted to the Assembly.

Assembly Bill 956—An act to add Section 44013 to the Education Code, relating to teacher credentialing.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Ackerman, Ashburn, Battin, Bowen, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 996—An act to amend Section 676.10 of the Insurance Code, relating to insurance.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 685—An act to amend Section 120917 of the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ortiz.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray,

Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 762—An act to amend Section 5440 of, and to add Section 5442.13 to, the Business and Professions Code, relating to transportation.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (3)—Senators Battin, Bowen, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 728—An act to amend Sections 11000.1 and 11018.12 of the Business and Professions Code, to amend Section 1675 of the Civil Code, and to amend Sections 66427 and 66452.4 of the Government Code, relating to subdivided lands.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 51—An act to add Section 65302.4 to the Government Code, relating to land use planning.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado,

Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 635—An act to amend Section 6930 of the Fish and Game Code, relating to fish, and making an appropriation therefor.

Bill read third time and presented by Senator Chesbro.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 85—An act to amend Section 31640.5 of the Government Code, relating to county employees' retirement.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Joint Resolution 7—Relative to candidates for elective office.

Resolution read third time and presented by Senator Escutia.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (24)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl,

McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

Assembly Bill 190—An act to amend Section 14310 of Elections Code, relating to elections.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 577—An act to add Section 18941 to the Government Code, relating to civil service.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators McClintock and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1370—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Kuehl.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1689—An act to amend Section 14311 of the Elections Code, relating to elections.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 98—An act to add Section 512.5 to the Labor Code, relating to employment.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 986—An act to add Section 38 to the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1181—An act to add Section 381.1 to the Insurance Code, relating to automobile insurance.

Bill read third time and presented by Senator Speier.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 879—An act to add Chapter 17 (commencing with Section 121348) to Part 4 of Division 105 of the Health and Safety Code, relating to health care.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 43—An act to amend Section 18855 of the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 43?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (8)—Senators Ashburn, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, and Oller.

Above bill ordered enrolled.

Senate Bill 245—An act to amend Section 15007 of the Fish and Game Code, relating to fish.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 245?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 515—An act to add Section 425.17 to the Code of Civil Procedure, relating to civil actions.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 515?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Kuehl moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 911—An act to add Section 53115.1 to, to repeal Section 53100.5 of, and to repeal and add Section 53115.2 of, the Government Code, relating to emergency services.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 911?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Soto, Torlakson, and Vasconcellos.

NOES (2)—Senators McClintock and Oller.

Above bill ordered enrolled.

Senate Bill 993—An act to amend Section 602 of the Penal Code, relating to trespass.

Bill presented by Senator Poochigian.

The question being: Shall the Senate concur in the Assembly amendments to SB 993?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 90—An act to amend Section 1950.5 of the Civil Code, relating to tenancy.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 90?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 445—An act to amend Sections 30610.3, 31402.2 and 31402.3 of the Public Resources Code, and to repeal Section 6 of Chapter 518 of the Statutes of 2002, relating to coastal access.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 445?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Concurrent Resolution 12—Relative to the Joint Committee to Develop a Master Plan to End Poverty in California.

Resolution presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SCR 12?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above resolution ordered enrolled.

Senate Bill 967—An act to amend Sections 94739, 94800, 94802, 94901, 94905, and 94945 of, to amend and renumber Section 94740.1 of, and to add Sections 94740.3 and 94740.5 to, the Education Code, relating to postsecondary education.

Bill presented by Senator Burton.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 515)

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 515 by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 457—An act relating to workers' compensation.

Bill presented by Senator McPherson.

The question being: Shall the Senate concur in the Assembly amendments to SB 457?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

MOTIONS TO TAKE MEASURES FROM THE INACTIVE FILE

Senator Perata moved that **AB 94** be taken from the inactive file and placed on the second reading file.

Senator Vasconcellos moved that **AB 786** be taken from the inactive file and placed on the second reading file.

Senator Murray moved that **AB 1679** be taken from the inactive file and placed on the second reading file.

Senator Escutia moved that **AB 1096** and **AB 643** be taken from the inactive file and placed on the second reading file.

Motions carried.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Chesbro moved that **AB 1239** be placed on the inactive file.

Senator Alarcón moved that **AB 1719** and **AB 1521** be placed on the inactive file.

Motions carried.

CONSENT CALENDAR**Objections Raised**

Senator Karnette objected to **AB 184** being on the Special Consent Calendar.

Senator Hollingsworth objected to **AB 512**, **AB 1008**, and **AB 1634** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

Assembly Joint Resolution 35—Relative to training for court reporters and realtime writers.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 106—Relative to children's vision.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Bill 109—An act to amend Section 33080.8 of the Health and Safety Code, relating to redevelopment.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 476—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of the Health and Safety Code, relating to health.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1002—An act to amend Sections 25281 and 25297.1, of and to add Section 25296.09 to, the Health and Safety Code, relating to hazardous substances, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1076—An act to amend Sections 444.20, 444.22, 444.24, and 1771.7 of the Health and Safety Code, relating to consumer assistance.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 2—An act to amend Sections 1191.15, 3041, and 3043.2 of, and to add Section 3043.6 to, the Penal Code, and to add Section 1767.9 to the Welfare and Institutions Code, relating to victims, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 962—An act to amend and renumber Section 305.5 of the Welfare and Institutions Code, relating to minors.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette,

Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

REQUEST TO BE ADDED TO ROLL CALL

August 27, 2003

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 948—Aye	AB 1144—Aye	AB 1301—Aye
AB 1392—Aye	AB 182—Aye	AB 1044—Aye
AB 1536—Aye	AB 290—Aye	AB 343—Aye
AB 862—Aye	AB 1303—Aye	AB 1309—Aye
AB 377—Aye	AB 1371—Aye	AB 845—Aye
AB 544—Aye	AB 528—Aye	AB 1209—Aye
AB 956—Aye	AB 996—Aye	AB 685—Aye
AB 762—Aye	AB 51—Aye	AB 1354—Aye
AB 635—Aye	AB 85—Aye	AJR 7—Aye
AB 332—Aye	AB 190—Aye	AB 577—Aye
AB 1689—Aye	AB 98—Aye	AB 986—Aye
AB 1181—Aye	AB 879—Aye	SB 43—Aye
SB 245—Aye	SB 911—Aye	SB 993—Aye
SB 90—Aye	SB 445—Aye	

JOHN L BURTON, President pro Tempore

August 27, 2003

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 182—Aye	AB 324—No	AB 394—No
AB 299—No	AB 561—No	AB 638—No
AB 663—Aye	AB 807—No	AB 948—Aye
AB 1144—No	AB 1301—Aye	AB 1392—Aye
AB 1400—No	AB 1476—No	AB 1536—No
AB 1553—Aye	AB 1683—No	AB 1715—No
AB 290—No	AB 332—Aye	AB 343—Aye
AB 862—No		

JAMES L BRULTE, Minority Floor Leader

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communication was ordered printed in the Journal:

August 26, 2003

Dear President pro Tempore Burton:

This letter seeks to express the intent and reasons for Senate Bill 90.

Existing law authorizes a landlord to collect a security deposit from a tenant upon the rental of residential real property and allows the security deposit to be used to reimburse landlords for their out-of-pocket costs for

items and repairs for the unit and to cover any rent defaults incurred in connection with the tenancy.

I introduced SB 90 to address the egregious acts by some landlords who have excessively overcharged tenants for cleaning and repairs or fraudulently charged tenants for work that was never performed, the costs of which have ultimately denied tenants their security deposits.

SB 90, among other things, mandates that landlords provide tenants with copies of bills, invoices, receipts, vendor price lists, or other vendor documents for materials purchased and labor expended for rental units. The intent of SB 90 is to provide tenants with documentation to demonstrate that the total charges deducted from their security deposit by the landlord does not exceed the reasonable out-of-pocket costs of the landlord for those items and/or services.

At the same time, I recognize that a significant number of rental property owners and management companies in this state operate in an ethical and good faith manner. SB 90 specifically allows rental property owners to charge tenants for their reasonable and customary out-of-pocket expenses, which may include, but is not limited to, the owner and/or employees' reasonable hourly rate to make repairs or clean the unit (with the exception of reasonable wear and tear). While current law requires landlords to provide an itemized statement to tenants within 21 calendar days after the tenant has vacated the premises, SB 90 specifically clarifies an owners' ability to provide tenants a reasonable and good faith estimate of the cost of needed repairs when those repairs cannot reasonably be completed within 21 days after the tenant has left. All of this is intended to mitigate the trend toward increased legal challenges that have clogged our courts.

Respectfully submitted,

TOM TORLAKSON

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 11:43 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, August 28, 2003.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
August 27, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

John L. Scott, serves as Chief for the Los Angeles County Sheriff's Department. Appointed 8/21/03. Effective 8/25/03:

Member, Board of Corrections vice Robert H. Hoffman, resigned, term ending 1/1/05.

Sunne W. McPeak, served since 8/01; reappointed 8/25/03. Effective 8/27/03:

Member of the Board of Directors of the California Consumer Power and Conservation Financing Authority, term ending 8/13/07.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, August 13, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 942

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, August 27, 2003

Madam President: The Committee on Rules has examined:

SB 245

And reports that the same has been correctly enrolled, and presented to the Governor on the 27th day of August, 2003, at 1:30 p.m.

BURTON, Chair

Committee on Insurance

Senate Chamber, August 27, 2003

Madam President: The Chair of the Committee on Insurance, to which was referred:

AB 1729

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1729—An act to amend Section 63071 of, and to add Article 8 (commencing with Section 63049.6) to Chapter 2 of Division 1 of Title 6.7 of, the Government Code, and to amend Sections 985, 1063, 1063.50, 1063.52, 1063.53, 1063.54, 1063.55, and 1063.67 of the Insurance Code, relating to insolvency, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 574** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations; and

AB 459 was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 49: By Senator Burton—Relative to prevailing wage rates.

Senate Joint Resolution 22: By Senator Burton (Principal coauthor: Assembly Member Haynes) (Coauthor: Senator Sher)—Relative to the U.S.A. PATRIOT Act.

Senate Resolution 25: By Senators Burton and Sher—Relative to the U.S.A. PATRIOT Act.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 43—An act to amend Sections 12300, 14139.05, 14139.1, 14139.11, 14139.13, 14139.2, 14139.21, 14139.23, 14139.24, 14139.25, 14139.3, 14139.31, 14139.33, 14139.34, 14139.38, 14139.4, 14139.41, 14139.43, 14139.44, 14139.5, 14139.53, 14139.6, 14139.62, 14145, and 14145.1 of, to amend the heading of Article 4.3 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9 of, to add Sections 14139.30, 14139.63, and 14145.11 to, to add Article 4.31

(commencing with Section 14139.80) to Chapter 7 of Part 3 of Division 9 of, to repeal Sections 14139.12, 14139.35, 14139.36, 14139.51, and 14145.3 of, and to repeal and add Sections 14139.32, 14139.37, and 14139.42 of, the Welfare and Institutions Code, relating to long-term care.

Bill read third time.

Amendments Adopted

Amendments to AB 43 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 304—An act to amend Sections 51505 and 53533 of the Health and Safety Code, relating to housing.

Bill read third time.

Amendments Adopted

Amendments to AB 304 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 369—An act to add Section 21230 to the Government Code, relating to public employees' retirement.

Bill read third time.

Amendments Adopted

Amendments to AB 369 proposed by Senator Soto were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 401—An act to add Section 19605.53 to the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 401 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 453—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read third time.

Amendments Adopted

Amendments to AB 453 proposed by Senator Battin were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 658—An act relating to local government reorganization, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 658 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 739—An act to amend Section 706.030 of the Code of Civil Procedure, and to amend Sections 4200, 4201, 4204, 5235, 5237, 5240, 5247, 5253, and 17309 of, and to add Sections 17311, 17311.5, and 17311.7 to, the Family Code, relating to child support, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 739 proposed by Senator Romero were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 776—An act to amend Section 46013.1 of, and to add Section 32501.5 to the Food and Agricultural Code, and to amend Section 110815 of the Health and Safety Code, relating to agriculture.

Bill read third time.

Amendments Adopted

Amendments to AB 776 proposed by Senator Machado were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 946—An act to amend Section 11364.7 of, and to add Chapter 16 (commencing with Section 121345) to Part 4 of Division 105 of, the Health and Safety Code, relating to AIDS.

Bill read third time.

Amendments Adopted

Amendments to AB 946 proposed by Senator Vasconcellos were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 990—An act to add Article 7 (commencing with Section 79250) to Chapter 9 of Part 48 of the Education Code, relating to community colleges.

Bill read third time.

Amendments Adopted

Amendments to AB 990 proposed by Senator Cedillo were read and adopted and the measure ordered printed and referred to the Committee on Rules.

Assembly Bill 1313—An act to amend Sections 290 and 290.01 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1313 proposed by Senator McPherson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1418—An act to amend Section 27 of the Business and Professions Code, and to amend Sections 1741 and 1775 of the Labor Code, relating to labor.

Bill read third time.

Amendments Adopted

Amendments to AB 1418 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1541—An act to add Section 13385.1 to the Water Code, relating to water.

Bill read third time.

Amendments Adopted

Amendments to AB 1541 proposed by Senator Sher were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1555—An act to amend , repeal, and add Sections 654 and 654.05 of, and to add Section 654.03 to, the Harbors and Navigation Code, relating to vessels.

Bill read third time.

Amendments Adopted

Amendments to AB 1555 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1697—An act to amend, repeal, and add Section 27360 of the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 1697 proposed by Senator Murray were read and adopted and the measure ordered printed and to second reading.

Assembly Concurrent Resolution 66—Relative to the high school exit examination.

Resolution read third time.

Amendments Adopted

Amendments to ACR 66 proposed by Senator Vasconcellos were read and adopted and the measure ordered printed and to second reading.

Assembly Concurrent Resolution 69—Relative to the San Jose State University Processed Food Institute.

Resolution read third time.

Amendments Adopted

Amendments to ACR 69 proposed by Senator Vasconcellos were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Public Employment and Retirement

AB 977—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (1)—Senator Ashburn.

Date of Hearing: 8/27/03

Soto (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Burton requested that when the Senate adjourns this day it do so in memory of Edward White of San Francisco.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Alexis Claire Martin of Salinas.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Christine Dugo of Escalon.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Hollis G. Best of Yosemite and Dr. Arthur O. Hazarabedian of Lafayette.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Thursday, August 28, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, August 28, 2003

The Senate met at 8:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—38.

Quorum present.

(NOTE: Senators Johnson and Vincent will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Grant unto us Your servants: to our God—hearts of flame, to one another—hearts of love, to ourselves—hearts of steel, that we may begin the day in faith, continue in obedience and end with love.—AMEN.

(St. Augustine, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Ashburn led the Senate in the pledge of allegiance to the Flag.

REPORTS OF STANDING COMMITTEES**Committee on Revenue and Taxation**

Senate Chamber, August 28, 2003

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 1416

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1416—An act to add to Chapter 4.5 (commencing with Section 900) to Division 4 of the Military and Veterans Code, and to add and repeal Article 4 (commencing with Section 18732) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to veterans' dependents.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 6**, **ACR 11**, **ACR 107**, and **ACR 120** were withdrawn from Committee and placed on the Special Consent Calendar.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Insurance to hear AB 1729 on August 28, and of allowing the Committee on Appropriations to meet at 8 a.m., on August 29, without two days notice in the file.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Bowen:

Senate Chamber, August 22, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(11) in order that the Committee on Energy, Utilities and Communications may hold an informational hearing relative to PG&E after the deadline.

SENATOR BOWEN

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(11) be dispensed with as requested.

Resolution read and presented by Senator Knight.

Roll Call

The roll was called and the resolution was adopted by the following vote.

AYES (33)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Perata, Pochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 94—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to property taxation.

Bill read second time and ordered to third reading.

Assembly Bill 786—An act to add and repeal Chapter 14 (commencing with Section 15800) of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

Bill read second time and ordered to third reading.

Assembly Bill 1679—An act to amend Sections 13, 302, 321, 1303, 2187, 2194, 3103, 3304, 4101, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 1096—An act to amend Section 3074 of the Civil Code, and to amend Section 22851.12 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 643—An act to amend Sections 140 and 141 of the Labor Code, relating to occupational safety and health standards.

Bill read second time and ordered to third reading.

Assembly Bill 1197—An act to amend Sections 82019 and 87500 of the Government Code, relating to conflicts of interest.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 942—An act to add Section 49414.5 to the Education Code, relating to pupil health.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 43—An act to amend Sections 12300, 14139.05, 14139.1, 14139.11, 14139.13, 14139.2, 14139.21, 14139.23, 14139.24, 14139.25, 14139.3, 14139.31, 14139.33, 14139.34, 14139.38, 14139.4, 14139.41, 14139.43, 14139.44, 14139.5, 14139.53, 14139.6, 14139.62, 14145, and 14145.1 of, to amend the heading of Article 4.3 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9 of, to add Sections 14139.30, 14139.63, and 14145.11 to, to add Article 4.31 (commencing with Section 14139.80) to Chapter 7 of Part 3 of Division 9 of, to repeal Sections 14139.12, 14139.35, 14139.36, and 14139.51 of, and to repeal and add Sections 14139.32, 14139.37, and 14139.42 of, the Welfare and Institutions Code, relating to long-term care.

Bill read second time and ordered to third reading.

Assembly Bill 304—An act to amend Sections 51451.5, 51505, 51615, 51628, 51642, 51643.5, 51648, 51650, 51651, 51652, 51654, 51670, and 53533 of, and to repeal Section 51646 of, the Health and Safety Code, relating to housing and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 369—An act to add Section 21230 to the Government Code, relating to public employees' retirement.

Bill read second time and ordered to third reading.

Assembly Bill 401—An act to amend Section 19617 of, and to add Section 19605.53 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 453—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 658—An act to add and repeal Article 13.5 (commencing with Section 18845) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to public health.

Bill read second time and ordered to third reading.

Assembly Bill 739—An act to amend Section 706.030 of the Code of Civil Procedure, and to amend Sections 4200, 4201, 4204, 5235, 5237, 5240, 5247, 5253, and 17309 of, and to add Sections 17311, 17311.5, and 17311.7 to, the Family Code, relating to child support, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 776—An act to amend Sections 24001, 24011, 46013.1, and 62582 of, and to add Section 32501.5 to the Food and Agricultural Code, and to amend Section 110815 of the Health and Safety Code, relating to agriculture.

Bill read second time and ordered to third reading.

Assembly Bill 946—An act to amend Section 11364.7 of, and to add Chapter 17 (commencing with Section 121347) to Part 4 of Division 105 of, the Health and Safety Code, relating to AIDS.

Bill read second time and ordered to third reading.

Assembly Bill 1313—An act to amend Section 290.01 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1418—An act to amend Section 27 of the Business and Professions Code, and to amend Sections 1741 and 1775 of the Labor Code, relating to labor.

Bill read second time and ordered to third reading.

Assembly Bill 1541—An act to add Section 13385.1 to the Water Code, relating to water.

Bill read second time and ordered to third reading.

Assembly Bill 1555—An act to amend, repeal, and add Sections 654 and 654.05 of, and to add Section 654.03 to, the Harbors and Navigation Code, relating to vessels.

Bill read second time and ordered to third reading.

Assembly Bill 1697—An act to amend, repeal, and add Section 27360 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Concurrent Resolution 66—Relative to the high school exit examination.

Resolution read second time and ordered to third reading.

Assembly Concurrent Resolution 69—Relative to the San Jose State University Processed Food Institute.

Resolution read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Joint Rule 10.5, **AB 658** was referred to the Committee on Appropriations.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1191—An act to amend Section 678 of, and to add Chapter 11.5 (commencing with Section 679.9) to Part 1 of Division 1 of, the Insurance Code, relating to property insurance.

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.

Senator Romero Presiding**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 587—An act to amend Section 2150 of the Elections Code, relating to voters.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 315—An act to amend Sections 52323, 52324, and 52325 of the Food and Agricultural Code, relating to agriculture, and making an appropriation therefor.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (5)—Senators Brulte, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 513—An act to add Section 219.5 to the Code of Civil Procedure, relating to jurors.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 909—An act to add and repeal Section 2898 of the Public Utilities Code, relating to telecommunications.

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 1061—An act to amend Sections 10200, 10201, and 10205 of the Unemployment Insurance Code, relating to unemployment insurance.

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 (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (1)—Senator Brulte.

Bill ordered transmitted to the Assembly.

Assembly Bill 1241—An act to add and repeal Section 128401 of the Health and Safety Code, relating to health professions.

Bill read third time and presented by Senator Ashburn.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Kuehl, Machado, Margett, McPherson,

Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 841—An act to amend Sections 52890, 54726, 54734, and 58562 of the Education Code, relating to pupil retention.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1576—An act to amend Sections 19210, 19211, 19212, 19213, 19215, and 19216 of the Health and Safety Code, relating to water heaters.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1330—An act to amend Section 8702 of, and to add and repeal Article 6 (commencing with Section 8780) of Chapter 4 of Part 6 of, the Education Code, relating to instructional programs.

Bill read third time.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1090—An act to amend, repeal, and add Section 40420 of the Health and Safety Code, relating to air quality .

Bill read third time and presented by Senator Brulte.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Brulte moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1389—An act to add Section 7912 to the Public Utilities Code, relating to public utilities.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Escutia, Figueroa, Florez, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 833—An act to amend Sections 230 and 66271.7 of, and to add Sections 66271.6 and 66271.8 to, the Education Code, relating to sex equity in education.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1086—An act to amend Section 1368 of the Civil Code, relating to common interest developments.

Bill read third time and presented by Senator Florez.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Battin, Brulte, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, and Speier.

NOES (5)—Senators Ackerman, Ashburn, Bowen, Margett, and Torlakson.

Bill ordered transmitted to the Assembly.

Assembly Bill 205—An act to amend Sections 297, 298, and 298.5 of, to add Sections 297.5, 299.2, and 299.3 to, to repeal Section 299.5 of, and to repeal and add Section 299 of, the Family Code, to amend Section 14771 of the Government Code, and to amend Section 3 of Chapter 447 of the Statutes of 2002, relating to domestic partnerships.

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 1220—An act to add and repeal Section 104141 of the Health and Safety Code, relating to disease prevention.

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 (22)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Escutia, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (9)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 276—An act to amend Sections 11100, 11100.1, 11104, 11106, 11107, and 11107.1 of the Health and Safety Code, relating to

controlled substances, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Vasconcellos.

The question being: Shall the Senate concur in the Assembly amendments to SB 276?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 677—An act to amend Section 49431 of, and to add Section 49431.5 to, the Education Code, relating to schools.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 677?

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 144—An act to add Section 68511.6 to the Government Code, relating to courts.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 144?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (AJR 38)

Senator Chesbro asked for, and was granted, unanimous consent that AJR 38 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Joint Resolution 38

Assembly Joint Resolution 38—Relative to federal formula grants to states.

Resolution read.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (26)—Senators Aanestad, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (5)—Senators Ashburn, Battin, Hollingsworth, Knight, and Oller.

Resolution ordered transmitted to the Assembly

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 416—An act to amend Section 13352.5 of the Vehicle Code, relating to vehicles.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 416?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Aanestad, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1736—An act to amend Sections 15819.60 and 15819.65 of the Government Code, to amend Section 1104.1 of, and to repeal and amend Section 1104.2 of, the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Knight.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1191)**

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 1191 was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 909)**

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 909 was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

McClintock, McPherson, Murray, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1090)**

On motion of Senator Brulte, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1090 was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators McClintock and Sher.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 205)**

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 205 was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**CONSENT CALENDAR
Objections Raised**

Senator Bowen objected to **AB 1449** and **AB 248** being on the Special Consent Calendar.

Senator Alpert objected to **AB 294** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

SPECIAL CONSENT CALENDAR

Assembly Concurrent Resolution 6—Relative to Domestic Violence Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 11—Relative to Health Cares About Domestic Violence Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 107—Relative to Senator Ralph C. Dills Day and Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 120—Relative to California Chronic Kidney Disease Education Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1718—An act to amend Sections 116.870 and 116.880 of the Code of Civil Procedure, to repeal Section 229.40 of the Streets and Highways Code, and to amend Sections 544, 3014, 3015, 3050.1, 3050.2, 3050.3, 3050.4, 3050.6, 3050.7, 3052, 3062, 3066, 3067, 4453, 12810.5, 16076, 24403, and 40508 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1005—An act to add Section 12401.71 to the Insurance Code, relating to title insurance.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1179—An act to amend Section 6107 of, and to add Section 27201.5 to, the Government Code, and to amend Section 103526 of the Health and Safety Code, relating to public records, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1398—An act to amend Section 25664 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1774—An act to amend Sections 261, 772, 1500, 1560, 1808, 1900, 3375.5, 4839, 4843, 4946, 8152, 14250, 14354, 16151, 16701, 31507, and 33903 of, to amend and renumber Sections 4879.12, 4879.13, and 4879.135 of, and to repeal Section 8012 of, the Financial Code, relating to financial institutions.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1306—An act to amend Section 1203.9 of the Penal Code, relating to probation.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 123—An act to amend Sections 1800 and 1805 of the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to professional corporations.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 534—An act to amend Sections 22442, 22442.2, and 22443 of, and to add Section 22442.1 to, the Business and Professions Code, relating to immigration consultants.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 620—An act to amend Sections 10177 and 10233 of, to add Article 6 (commencing with Section 10237) to Chapter 3 of Part 1 of Division 4 of, and to repeal Section 10229 of, the Business and Professions Code, and to amend Section 25102.5 of the Corporations Code, relating to real estate.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1738—An act to amend Sections 113750, 113785, 113895, 113995, 113998, 114002, 114055, 114056, 114265, 114294, 114300, 114302, 114303, 114304, 114313, 114314, 114315, 114319, 114332.3, 114362, and 114367.5 of, to add Sections 113750.1, 113817, 113841, 114287.5, and 114305 to, and to repeal Section 114322 of, the Health and Safety Code, relating to retail food facilities.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 30—Relative to electricity cost refunds.

Resolution read, adopted, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Senate Bill 684—An act to amend Section 530.8 of the Penal Code, relating to identity theft.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 677)**

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 677 by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Machado, Margett, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

REQUEST TO BE ADDED TO ROLL CALL

August 28, 2003

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 587—Aye	AB 513—Aye	AB 1086—Aye
SB 276—Aye	SB 909—Aye	SB 416—Aye
AJR 38—Aye		

JOHN L BURTON, President pro Tempore

August 28, 2003

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 1389—No AB 1220—No SB 276—Aye
SB 144—No SB 416—No

JAMES L BRULTE, Minority Floor Leader

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to illness: Senators Johnson and Vincent.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 10:30 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Friday, August 29, 2003.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
August 28, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Charles "Chuck" J. Supple, former Executive Director, California Commission for Improving Life through Service. Appointed 8/27/03. Effective 8/28/03:

Member Youthful Offender Parole Board vice Raul Galindo, not confirmed, term ending 3/15/06.

Above appointment referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 28, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 179

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, August 27, 2003

Madam 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:

Matthew O. Franklin, Director, Department of Housing and Community Development (5-0)

Melinda F. Guzman Moore, Member, California Community Colleges, Board of Directors (3-0)

Fahari Jeffers, Member, California Community Colleges, Board of Directors (3-0)

Ronald W. Wong, Member, California Community Colleges, Board of Directors (3-0)

Alice A. Huffman, Member, Trustees of the California State University (3-0)

Robert J. Gerst, Member, Board of Behavioral Sciences (3-0)

Mark M. Church, Member, Seismic Safety Commission (3-0)

Bruce R. Clark, Ph.D., Member, Seismic Safety Commission (3-0)

Lawrence T. Klein, Member, Seismic Safety Commission (3-0)

Stan T. Moy, Member, Seismic Safety Commission (3-0)

Celestine W. Palmer, Member, Seismic Safety Commission (3-0)

Daniel Shapiro, Member, Seismic Safety Commission (3-0)

Jimmie R. Yee, Member, Seismic Safety Commission (3-0)

F. Thomas Kieley, Member, California Regional Water Quality Control Board, Colorado River Basin Region (3-0)

Gregory S. Pettis, Member, California Regional Water Quality Control Board, Colorado River Basin Region (3-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Committee on Appropriations

Senate Chamber, August 27, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 1771

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

Date of Hearing, August 25, 2003

Madam President: The Committee on Appropriations, to which was referred:

SB 849

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Insurance

Date of Hearing, August 28, 2003

Madam President: The Committee on Insurance, to which was referred:

AB 1729

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SPEIER, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Energy, Utilities and Communications

Date of Hearing, August 28, 2003

Madam President: The Committee on Energy, Utilities and Communications, to which was referred:

AB 1618

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

BOWEN, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Appropriations

Date of Hearing, August 28, 2003

Madam President: The Committee on Appropriations, to which were referred:

AB 692

AB 977

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Date of Hearing, August 28, 2003

Madam President: The Committee on Appropriations, to which were referred:

AB 1210

AB 1467

Reports the same back with the recommendation: Do pass as amended.
ALPERT, Chair

Above measures ordered to second reading.

Date of Hearing, August 25, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 1485

Reports the same back with the recommendation: Do pass as amended.
ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, August 28, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 572

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

ALPERT, Chair

Above measure ordered filed with the Secretary of the Senate.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing AB 83, AB 413 and AB 655 to be heard in the Committee on Appropriations on August 29.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Constitutional Amendment 13: By Senator Dunn—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 3 of Article XII thereof, relating to public utilities.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 2:

AB 1201 AB 1248 AB 786

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 24—An act to add Section 115929 to the Health and Safety Code, relating to public safety.

Bill read third time.

Amendments Adopted

Amendments to AB 24 proposed by Senator Bowen were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 76—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

Bill read third time.

Amendments Adopted

Amendments to AB 76 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 115—An act to amend Sections 35294.7 and 44276.1 of the Education Code, relating to school safety.

Bill read third time.

Amendments Adopted

Amendments to AB 115 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 274—An act to add Section 1182.9 to the Labor Code, relating to employment.

Bill read third time.

Amendments Adopted

Amendments to AB 274 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 560—An act to amend Section 37670 of the Education Code, relating to school programs.

Bill read third time.

Amendments Adopted

Amendments to AB 560 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 650—An act to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to county water authorities.

Bill read third time.

Amendments Adopted

Amendments to AB 650 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 839—An act to amend Sections 26202.6, 34090.6, and 34090.7 of, to add Sections 26206.7, 26206.8, and 34090.8 to, to add Article 9 (commencing with Section 53160) to Chapter 1 of Part 1 of Division 2 of Title 5 of, and to repeal Section 26202.3 of, the Government

Code, and to add Section 99163 to the Public Utilities Code, relating to local government records.

Bill read third time.

Amendments Adopted

Amendments to AB 839 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1594—An act to add Section 11139.4 to the Government Code, relating to veterans.

Bill read third time.

Amendments Adopted

Amendments to AB 1594 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1634—An act relating to public lands.

Bill read third time.

Amendments Adopted

Amendments to AB 1634 proposed by Senator Margett were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 890)

Senator Perata asked for, and was granted, unanimous consent that AB 890 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 890

Assembly Bill 890—An act to amend Section 66.5 of the Military and Veterans Code, relating to veterans.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 890 pursuant to Joint Rule 58.

ASSEMBLY MEMBER WESSON

Permission of Rules Committee

Senate Chamber, August 28, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 890.

BURTON, Chair

Motion to Amend

Senator Perata moved the adoption of amendments to AB 890.

Amendments read and adopted and the measure ordered printed and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS**Committee on Insurance**

AB 1729—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Escutia, Figueroa, Perata, Scott, Soto, and Speier.

NOES (0)—None.

Date of Hearing: 8/28/03

Speier (Chair)

Committee on Rules

SJR 15—Be adopted as amended

AYES (4)—Senators Burton, Karnette, Knight, and Romero.

NOES (0)—None.

Date of Hearing: 8/27/03

Burton (Chair)

Committee on Appropriations

AB 572—Do pass

AYES (6)—Senators Alpert, Bowen, Burton, Escutia, Karnette, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

Failed Passage

AB 692—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 977—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1210—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1467—Do pass as amended

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Karnette, Machado, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 8/28/03

Alpert (Chair)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 28, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day rescinded the action whereby they concurred in Senate amendments to AB 1227.

E. DOTSON WILSON, Chief Clerk of the Assembly

REQUESTS TO ADJOURN IN MEMORIAM

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of William Brown of Red Bluff.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of CHP Ofc. Shannon Distel of Murrieta.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Jack Boyer of Santa Clarita.

Senator Margett requested that when the Senate adjourns this day it do so in memory of James Thalman of Chino Hills.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Bobby Bonds of San Carlos and Lovie Lee Ward of San Francisco.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, August 29, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, August 29, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Chesbro,
Denham, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight,
Kuehl, Machado, McClintock, McPherson, Murray, Oller, Ortiz,
Poochigian, Romero, Scott, Sher, and Soto—28.

Quorum present.

(NOTE: Senators Ackerman, Brulte, Cedillo, Ducheny, Hollingsworth, Margett, Morrow, Perata, Torlakson, and Vasconcellos will be excused this day on legislative business and Senators Speier and Vincent will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
August 29, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate

confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Theresa Ann Parker, served since 6/97; reappointed 8/8/03. Effective 8/12/03:

Executive Director, California Housing Finance Agency, term ending five years from date of second commission.

Jack Cox, served since 3/00; reappointed 8/29/03. Effective 8/29/03
Member, Unemployment Insurance Appeals Board, term ending 7/1/07.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 112	SB 443	SB 530	SB 625
SB 690	SB 712	SB 798	

Above measures ordered enrolled.

Assembly Chamber, August 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 5	SCR 20
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Above resolutions ordered enrolled.

Assembly Chamber, August 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 54	SB 361	SB 907	SB 826
SB 75	SB 363	SB 145	SB 1032
SB 85	SB 376	SB 271	SB 1059
SB 93	SB 464	SB 285	SB 1062
SB 140	SB 619	SB 302	SB 1081
SB 183	SB 727	SB 552	SCR 36
SB 189	SB 739	SB 607	
SB 200	SB 752	SB 624	
SB 211	SB 795	SB 763	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, August 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 13	AB 768	AB 1409	AB 852
AB 172	AB 878	AB 1544	AB 928
AB 188	AB 936	AB 1712	AB 1022
AB 213	AB 943	AB 1717	AB 1034
AB 218	AB 1014	AB 1724	AB 1064
AB 255	AB 1045	AB 1735	AB 1263
AB 284	AB 1180	AB 104	AB 1337
AB 310	AB 1214	AB 171	AB 1349
AB 390	AB 1287	AB 186	AB 1537
AB 479	AB 1348	AB 202	AB 1584
AB 424	AB 1368	AB 245	AB 1585
AB 506	AB 1382	AB 305	AB 1705
AB 668	AB 1384	AB 529	AB 1708
AB 767	AB 1402	AB 813	

Assembly Chamber, August 28, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 114	ACR 127	ACR 130	AJR 46
ACR 117	ACR 128	ACR 137	AJR 48
ACR 124	ACR 129	AJR 40	

Assembly Chamber, August 28, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 177, AB 935, AB 313 to the Senate.

The Assembly on this day had AB 1498 returned from the Governor, and rescinded the action whereby Senate amendments to the bill were concurred in.

Pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Sincerely,

E. DOTSON WILSON
 Chief Clerk

Above measures ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 114—Relative to Invasive Weeds Awareness Week.

Assembly Concurrent Resolution 117—Relative to celebrating the 45th anniversary of NASA.

Assembly Concurrent Resolution 124—Relative to Educational Opportunity Programs Month.

Assembly Concurrent Resolution 127—Relative to foster care.

Assembly Concurrent Resolution 128—Relative to juvenile courts.

Assembly Concurrent Resolution 129—Relative to Myositis Awareness Day.

Assembly Concurrent Resolution 130—Relative to Railroad Safety Week.

Assembly Concurrent Resolution 137—Relative to literacy.

Assembly Joint Resolution 40—Relative to Chaldeans in Iraq.

Assembly Joint Resolution 46—Relative to congressional displays of child art.

Assembly Joint Resolution 48—Relative to Women's Equality Day.

REPORTS OF STANDING COMMITTEES
Committee on Business and Professions

Date of Hearing, August 19, 2003

Mr. President: The Committee on Business and Professions, to which was referred:

AB 473

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

FIGUEROA, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, August 29, 2003

Mr. President: The Committee on Rules has examined:

SB 43	SB 445	SB 967	SB 1076
SB 90	SB 476	SB 993	
SB 109	SB 515	SB 1002	

And reports that the same have been correctly enrolled, and presented to the Governor on the 29th day of August, 2003, at 1 p.m.

BURTON, Chair

Committee on Appropriations

Date of Hearing, August 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

SB 519	AB 433	AB 1027	AB 1405
AB 105	AB 436	AB 1042	AB 1428
AB 106	AB 446	AB 1077	AB 1438
AB 158	AB 455	AB 1085	AB 1453
AB 159	AB 490	AB 1097	AB 1506
AB 161	AB 526	AB 1119	AB 1524
AB 163	AB 642	AB 1130	AB 1572
AB 183	AB 676	AB 1131	AB 1598
AB 189	AB 844	AB 1196	AB 1647
AB 199	AB 847	AB 1321	AB 1668
AB 233	AB 974	AB 1331	AB 1669
AB 243	AB 999	AB 1350	AB 1676
AB 319	AB 1012	AB 1366	AB 1716
AB 331	AB 1017	AB 1383	AB 1783

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Committee on Education

Senate Chamber, August 29, 2003

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 790	AB 164
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Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 790—An act to repeal and add Sections 45103.1, 45103.5, 88003.1, and 88004.5 of the Education Code, and to add Section 3562.3 to the Government Code, relating to public education.

Bill read second time.

Assembly Bill 164—An act to add and repeal Article 17 (commencing with Section 35420) of Chapter 2 of Part 22 of the Education Code, relating to the Inglewood Unified School District.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 164 pursuant to Joint Rule 58.

ASSEMBLY MEMBER WOLK

Permission of Rules Committee

Senate Chamber, August 29, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 164.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Appropriations

Date of Hearing, August 25, 2003

Mr. President: The Committee on Appropriations, to which was referred:

AB 1108

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Date of Hearing, August 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

AB 52	AB 616	AB 1244	AB 1688
AB 54	AB 648	AB 1286	AB 1700
AB 66	AB 677	AB 1340	AB 300
AB 170	AB 826	AB 1426	AB 352
AB 231	AB 828	AB 1475	AB 898
AB 361	AB 866	AB 1512	AB 991
AB 403	AB 920	AB 1551	AB 1219
AB 413	AB 933	AB 1601	AB 1277
AB 547	AB 978	AB 1627	
AB 552	AB 1036	AB 1628	
AB 593	AB 1068	AB 1649	

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, August 29, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 17 AB 253 AB 1690

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 17—An act to add Section 10295.3 to the Public Contract Code, relating to public contracts.

Bill read second time.

Assembly Bill 253—An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

Bill read second time.

Assembly Bill 1690—An act to add Article 4 (commencing with Section 55650) to Chapter 4 of Part 2 of Division 2 of Title 5 of the Government Code, and to amend Sections 17041.5 and 19533 of, to add Section 99.3 to, and to add Part 10.1 (commencing with Section 18201) to, the Revenue and Taxation Code, relating to local government.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 658** and **AB 1532** were withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, August 29, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 1532

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 1532—An act to add Section 116288 to the Health and Safety Code, relating to water.

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 Bill 849—An act to add and repeal Section 1936.2 of, and to repeal and add Section 1936.3 of, the Civil Code, relating to rental vehicle

transaction fees, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1771—An act relating to state government, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 692—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 977—An act to add Sections 20035.4, 20035.5, and 22825.12 to the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1210—An act to amend Sections 8201 and 8203.1 of, and to add Section 8201.2 to, the Government Code, relating to notaries public.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1467—An act to amend Sections 1628, 1635.5, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1467 pursuant to Joint Rule 58.

ASSEMBLY MEMBER NEGRETE McLEOD

Permission of Rules Committee

Senate Chamber, August 29, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1467.

BURTON, Chair

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1485—An act to amend Section 51700 of, and to add Sections 51701 and 51701.5 to, the Education Code, relating to English learners.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 24—An act to amend Sections 1102.18 and 1940.7.5 of the Civil Code, and to add Section 115929 to the Health and Safety Code, relating to public safety.

Bill read second time and ordered to third reading.

Assembly Bill 76—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

Bill read second time and ordered to third reading.

Assembly Bill 115—An act to amend Sections 35294.7 and 44276.1 of, and to add Section 35294.95 to, the Education Code, relating to school safety.

Bill read second time and ordered to third reading.

Assembly Bill 274—An act to add Section 1182.9 to the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 560—An act to amend Section 37670 of the Education Code, relating to school programs.

Bill read second time and ordered to third reading.

Assembly Bill 650—An act to amend Section 5784.1 of the Public Resources Code, and to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to local government.

Bill read second time and ordered to third reading.

Assembly Bill 839—An act to amend Sections 26202.6, 34090.6, and 34090.7 of, to add Sections 26206.7, 26206.8, and 34090.8 to, to add Article 9 (commencing with Section 53160) to Chapter 1 of Part 1 of Division 2 of Title 5 of, and to repeal Section 26202.3 of, the Government Code, and to add Section 99164 to the Public Utilities Code, relating to local government records.

Bill read second time and ordered to third reading.

Assembly Bill 1594—An act to amend Section 50801.5 of the Health and Safety Code, relating to veterans.

Bill read second time and ordered to third reading.

Assembly Bill 1634—An act relating to public lands.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 14—An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read third time.

Amendments Adopted

Amendments to AB 14 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 184—An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 184 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 371 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 512—An act to amend Sections 1363, 1368, and 1373 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read third time.

Motion to Amend

Senator Morrow moved the adoption of amendments to AB 512.

Amendments read and adopted and the measure ordered printed and to second reading.

Assembly Bill 984—An act to amend Section 1794.41 of the Civil Code, and to amend Sections 116, 116.5, and 1634 of, and to add Part 8 (commencing with Section 12800) to Division 2 of, the Insurance Code, relating to service contracts.

Bill read third time.

Amendments Adopted

Amendments to AB 984 proposed by Senator Scott were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1238—An act to amend Section 11580.9 of the Insurance Code, to add and repeal Section 97.1 of the Streets and Highways Code, and to amend Sections 34501.12, 34620, and 34621 of the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 1238 proposed by Senator Murray were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1525—An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

Bill read third time.

Amendments Adopted

Amendments to AB 1525 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1679—An act to amend Sections 13, 302, 321, 1303, 2187, 2194, 4101, 6086, 6201, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of, and to repeal Sections 6022, 6083, 6084, 6085, 6202, 6203, and 6204 of, the Elections Code, relating to elections.

Bill read third time.

Amendments Adopted

Amendments to AB 1679 proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1731—An act to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, 18961, and 33333.6 of the Health and Safety Code, relating to buildings and housing.

Bill read third time.

Amendments Adopted

Amendments to AB 1731 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1777—An act to amend Sections 2475.3, 2481, 2483, 2878.5, 3732, 3750, 3750.6, 3760, 3761, 3775, 3775.2, 3777, and 4521 of, to add Sections 3775.6 and 3778 to, and to repeal Sections 3714, 3721, 3733, 3736.5, 3737, and 3751.1 of, the Business and Professions Code, relating to healing arts.

Bill read third time.

Amendments Adopted

Amendments to AB 1777 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1096—An act to add Section 14533.1 to the Government Code, relating to transportation.

Bill read third time.

Amendments Adopted

Amendments to AB 1096 proposed by Senator Escutia were read and adopted and the measure ordered printed and referred to the Committee on Rules.

Assembly Bill 747—An act to amend Sections 14105.48 and 19805 of the Welfare and Institutions Code, relating to human services.

Bill read third time.

Amendments Adopted

Amendments to AB 747 proposed by Senator Machado were read and adopted and the measure ordered printed and to second reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 2:

AB 1594	SB 271	SB 826	SCR 36
AB 1634	SB 285	SB 1032	
SB 140	SB 302	SB 1059	
SB 145	SB 607	SB 1062	

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: August 11, 2003, relating to Medi-Cal: Local Educational Agency Services was received from the Department of Health Services and transmitted to the Committee on Health and Human Services.

An audit report dated: August 19, 2003, relating to the Department of Social Services' community care facilities licensing and processing was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: August 20, 2003, relating to the Citizens' Option for Public Safety grant program was received from the Legislative Analyst's Office and transmitted to the Committee on Public Safety.

An audit report dated: August 20, 2003, relating to the Department of Justices' database of registered sex offenders was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: August 21, 2003, relating to the California Energy Resources Scheduling Division's activities and expenditures was received from the Department of Water Resources and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: August 21, 2003, relating to Statewide Rail Transportation Assessment was received from the Department of Transportation and transmitted to the Committee on Transportation.

A report dated: August 21, 2003, relating to MTBE was received from the California Energy Commission and transmitted to the Committee on Environmental Quality.

A report dated: August 22, 2003, relating to Notification of Data Used in Advance Apportionment FY 2003–04 was received from the Department of Education and transmitted to the Committee on Education.

A report dated: August 25, 2003, relating to Reducing California's Petroleum Dependence was received from the Resources Agency and transmitted to the Committee on Energy, Utilities and Communications.

The third report dated: August 26, 2003, relating to the Dental Board of California's Enforcement Monitor's program was received from the State and Consumer Agency and transmitted to the Committee on Business and Professions.

A revised Ballot Title and Summary dated: August 27, 2003, relating to Proposition 54, classification by race, ethnicity, color, or national origin, Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: August 27, 2003, relating to the Cruise Ship Environmental Task Force's evaluation of environmental practices and waste streams of large passenger vessels was received from the State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

An audit report dated: August 27, 2003, relating to the rising costs of medical services in California's workers' compensation system was received from the State Auditor and transmitted to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

SB 519—Do pass

AYES (7)—Senators Aanestad, Alpert, Bowen, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Ashburn, Battin, and Poochigian.

AB 49—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 52—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 54—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 66—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 71—Committee amendments

AYES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

NOES (6)—Senators Bowen, Burton, Escutia, Karnette, Machado, and Murray.

Failed Passage

AB 71—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (2)—Senators Aanestad and Ashburn.

AB 83—Do pass

AYES (4)—Senators Bowen, Burton, Escutia, and Karnette.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

Failed Passage

AB 83—Reconsideration granted

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 105—Do pass

AYES (8)—Senators Alpert, Battin, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (1)—Senator Ashburn.

AB 106—Do pass

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 158—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 159—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 161—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 163—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 170—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 183—Do pass

AYES (9)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Battin, Johnson, and Poochigian.

AB 189—Do pass

AYES (10)—Senators Aanestad, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 197—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 199—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 231—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 233—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 243—Do pass

AYES (11)—Senators Aanestad, Alpert, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Ashburn.

AB 260—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 264—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Murray.

NOES (1)—Senator Poochigian.

AB 300—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 319—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 331—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 352—Do pass as amended

AYES (10)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (1)—Senator Aanestad.

AB 361—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 366—Do pass as amended

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 396—Do pass as amended

AYES (10)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (1)—Senator Bowen.

AB 403—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Poochigian.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Johnson.

AB 413—Do pass as amended

AYES (8)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Poochigian.

NOES (2)—Senators Ashburn and Battin.

AB 433—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 436—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 446—Do pass

AYES (9)—Senators Aanestad, Alpert, Battin, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Ashburn, Johnson, and Poochigian.

AB 455—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 490—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

AB 491—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Johnson.

AB 493—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 526—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 539—Do pass as amended

AYES (9)—Senators Aanestad, Alpert, Ashburn, Battin, Burton, Escutia, Johnson, Machado, and Poochigian.

NOES (2)—Senators Bowen and Murray.

AB 547—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 552—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 593—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 616—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 626—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 642—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 648—Do pass as amended

AYES (9)—Senators Aanestad, Alpert, Battin, Bowen, Burton, Escutia, Johnson, Karnette, and Machado.

NOES (0)—None.

AB 676—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 677—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 766—Do pass as amended

AYES (7)—Senators Alpert, Ashburn, Bowen, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Aanestad, Battin, and Poochigian.

AB 826—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 828—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 844—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 847—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

AB 855—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Johnson, and Poochigian.

AB 866—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Ashburn.

AB 898—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 920—Do pass as amended

AYES (10)—Senators Aanestad, Ashburn, Battin, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Bowen.

AB 933—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 974—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Aanestad, Ashburn, and Poochigian.

AB 978—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 991—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 998—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 999—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1012—Do pass

AYES (7)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Machado, and Murray.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

AB 1017—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1027—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1036—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1042—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1051—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1068—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1077—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1085—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1093—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1097—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1119—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1130—Do pass

AYES (7)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, and Machado.

NOES (4)—Senators Ashburn, Battin, Johnson, and Poochigian.

AB 1131—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1137—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1145—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1151—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1196—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Battin.

AB 1219—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1244—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1277—Do pass as amended

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1286—Do pass as amended

AYES (7)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, and Machado.

NOES (1)—Senator Battin.

AB 1321—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1326—Do pass as amended

AYES (8)—Senators Alpert, Ashburn, Burton, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (3)—Senators Aanestad, Battin, and Bowen.

AB 1331—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1340—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1350—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1360—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1366—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Battin.

AB 1383—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1405—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1410—Do pass

AYES (6)—Senators Alpert, Bowen, Burton, Escutia, Karnette, and Machado.

NOES (5)—Senators Aanestad, Ashburn, Battin, Murray, and Poochigian.

Failed Passage

AB 1410—Reconsideration granted

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1426—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1428—Do pass

AYES (10)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (1)—Senator Aanestad.

AB 1438—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1453—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1462—Do pass as amended

AYES (8)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (2)—Senators Ashburn and Battin.

AB 1475—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1492—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Johnson.

AB 1497—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1506—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1512—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1524—Do pass

AYES (8)—Senators Aanestad, Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Ashburn, Battin, and Poochigian.

AB 1548—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1551—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Poochigian.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Johnson.

AB 1572—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1598—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1601—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Johnson.

AB 1627—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1628—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Poochigian.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

AB 1647—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1649—Do pass as amended

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

AB 1668—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1669—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 1676—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

AB 1685—Do pass as amended

AYES (8)—Senators Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Battin, Johnson, and Poochigian.

AB 1688—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1700—Do pass as amended

AYES (8)—Senators Alpert, Battin, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (4)—Senators Aanestad, Ashburn, Johnson, and Poochigian.

AB 1716—Do pass

AYES (8)—Senators Alpert, Battin, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (2)—Senators Aanestad and Ashburn.

AB 1760—Do pass as amended

AYES (7)—Senators Alpert, Battin, Bowen, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Aanestad, Ashburn, and Johnson.

AB 1783—Do pass

AYES (12)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Poochigian.

NOES (0)—None.

Date of Hearing: 8/29/03

Alpert (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ackerman, Brulte, Cedillo, Ducheny, Hollingsworth, Margett, Morrow, Perata, Torlakson, and Vasconcellos.

The following Senators were granted leaves of absence for the day due to illness: Senators Speier and Vincent.

REQUEST TO ADJOURN IN MEMORIAM

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of George Hitomi of Sacramento.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 10 a.m., Tuesday, September 2, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, September 2, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Dear Lord, So many times we forget that each new day is a gift. Count us not among those who sit and look without ever untying the ribbon.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Florez led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 519—An act to add Sections 1765.5 and 1765.6 to the Welfare and Institutions Code, relating to controlled substances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 473—An act to amend Sections 7135 and 7135.1 of, and to add Sections 7018 and 7137.6 to, the Business and Professions Code, relating to contractors, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Business and Professions were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 105—An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, relating to agricultural lands.

Bill read second time and ordered to third reading.

Assembly Bill 106—An act to amend Section 22171 of the Education Code, relating to state teachers' retirement.

Bill read second time and ordered to third reading.

Assembly Bill 158—An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

Bill read second time and ordered to third reading.

Assembly Bill 159—An act to add Section 19636 to the Government Code, relating to state employment.

Bill read second time and ordered to third reading.

Assembly Bill 161—An act to amend Section 12076 of, and to repeal Section 12071 of, the Penal Code, and to amend Section 3 of Chapter 909 of the Statutes of 2002, and Section 4 of Chapter 911 of the Statutes of 2002, relating to firearms, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 163—An act to add and repeal Section 52086.5 of the Education Code, relating to class size reduction.

Bill read second time and ordered to third reading.

Assembly Bill 183—An act to add Section 14132.415 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

Assembly Bill 189—An act to add Section 6363.8 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Assembly Bill 199—An act to add Chapter 7 (commencing with Section 99560) to Part 11 of Division 10 of the Public Utilities Code, relating to transit employer-employee relations.

Bill read second time and ordered to third reading.

Assembly Bill 233—An act to amend Section 11379.6 of the Health and Safety Code, relating to controlled substances.

Bill read second time and ordered to third reading.

Assembly Bill 243—An act to amend Section 19827.5 of the Government Code, relating to state employees, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Assembly Bill 319—An act to amend Section 12021 of the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Assembly Bill 331—An act to amend Section 1253 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time and ordered to third reading.

Assembly Bill 433—An act to amend Sections 71200, 71201, 71201.5, 71202, 71203, 71204, 71205, 71206, 71207, 71211, 71212, 71213, 71215, 71216, and 71271 of, to amend the headings of Chapter 4 (commencing with Section 71215) of, and Chapter 5 (commencing with Section 71216) of, Division 36 of, to add Sections 71201.7, 71204.2, 71204.3, 71204.5, 71204.7, 71204.9, 71210.5, and 71217 to, and to repeal and add Section 71210 of, the Public Resources Code, and to amend Sections 44000, 44005, 44007, and 44008 of the Revenue and Taxation Code, relating to vessels.

Bill read second time and ordered to third reading.

Assembly Bill 436—An act to add and repeal Section 14133.55 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

Assembly Bill 446—An act to amend Sections 215 and 220 of, and to add Section 210.1 to, the Labor Code, relating to state employees.

Bill read second time and ordered to third reading.

Assembly Bill 455—An act to add Article 10.3 (commencing with Section 25214.11) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time and ordered to third reading.

Assembly Bill 490—An act to amend Sections 48645.5, 48850, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, 16000, and 16501.1 of the Welfare and Institutions Code, relating to minors.

Bill read second time and ordered to third reading.

Assembly Bill 526—An act to add and repeal Section 2107.5 of the Elections Code, relating to registration.

Bill read second time and ordered to third reading.

Assembly Bill 642—An act to add Section 60605.4 to the Education Code, relating to curriculum.

Bill read second time and ordered to third reading.

Assembly Bill 676—An act to add Section 21025.5 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 844—An act to add Chapter 8.7 (commencing with Section 25770) to Division 15 of the Public Resources Code, relating to tire efficiency.

Bill read second time and ordered to third reading.

Assembly Bill 847—An act to amend Section 31220 of, and to amend the heading of Chapter 5.5 (commencing with Section 31220) of Division 21 of, the Public Resources Code, relating to natural resources.

Bill read second time and ordered to third reading.

Assembly Bill 974—An act to repeal and add Section 30244 of the Public Resources Code, relating to the coastal zone.

Bill read second time and ordered to third reading.

Assembly Bill 999—An act to add Section 14132.22 to the Welfare and Institutions Code, relating to health care.

Bill read second time and ordered to third reading.

Assembly Bill 1012—An act to add Section 48906.5 to the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 1017—An act to add Sections 59001.2, and 59001.4 to, and to add Article 4 (commencing with Section 59050) to Chapter 1 of Part 32 of, to the Education Code, relating to teachers.

Bill read second time and ordered to third reading.

Assembly Bill 1027—An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees.

Bill read second time and ordered to third reading.

Assembly Bill 1042—An act to add Title 8.5 (commencing with Section 7560) to Part 3 of the Penal Code, relating to inmates.

Bill read second time and ordered to third reading.

Assembly Bill 1077—An act to amend Sections 148.6, 832.5, and 13012 of the Penal Code, relating to peace officers.

Bill read second time and ordered to third reading.

Assembly Bill 1085—An act to amend Section 6032 of the Food and Agricultural Code, relating to pests.

Bill read second time and ordered to third reading.

Assembly Bill 1097—An act to amend Section 41851 of the Education Code, relating to school districts.

Bill read second time and ordered to third reading.

Assembly Bill 1119—An act to add Title 4.7 (commencing with Section 13630) to Part 4 of the Penal Code, relating to law enforcement agencies.

Bill read second time and ordered to third reading.

Assembly Bill 1130—An act to add Section 6254.23 to the Government Code, and to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.58, 12699.60, 12699.61, and 12699.62 of, to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, and to add Section 12699.525 to, the Insurance Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1131—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read second time and ordered to third reading.

Assembly Bill 1196—An act to amend Section 2836.1 of the Business and Professions Code, and to amend, repeal, and add Section 11165 of the Health and Safety Code, relating to drugs.

Bill read second time and ordered to third reading.

Assembly Bill 1321—An act to amend Section 20235 of the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1331—An act to add Chapter 4.8 (commencing with Section 832.91) to Title 3 of Part 2 of the Penal Code, relating to peace officers.

Bill read second time and ordered to third reading.

Assembly Bill 1350—An act relating to the Ravenswood City Elementary School District, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1366—An act to amend Sections 47632 and 47635 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1383—An act to amend Section 13519.4 of, to add Section 13519.13 to, and to add Article 6 (commencing with Section 13560) to Chapter 1 of Title 6.4 of Part 4 of, the Penal Code, relating to peace officers.

Bill read second time and ordered to third reading.

Assembly Bill 1405—An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

Bill read second time and ordered to third reading.

Assembly Bill 1428—An act to amend Section 20092 of the Government Code, relating to the Public Employees' Retirement System.

Bill read second time and ordered to third reading.

Assembly Bill 1438—An act to add Section 1536.5 to the Penal Code, relating to business records.

Bill read second time and ordered to third reading.

Assembly Bill 1453—An act to add and repeal Section 12803.3 of the Government Code, relating to long-term care.

Bill read second time and ordered to third reading.

Assembly Bill 1506—An act to add Section 1771.9 to the Labor Code, relating to public works.

Bill read second time and ordered to third reading.

Assembly Bill 1524—An act to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.61, and 12699.62 of, and

to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, the Insurance Code, relating to health care coverage.

Bill read second time and ordered to third reading.

Assembly Bill 1572—An act to amend Sections 18070, 18070.2, 18070.3, and 18070.5 of, and to add Sections 18070.6 and 18070.7 to, the Health and Safety Code, relating to manufactured housing, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1598—An act to amend Section 3 of Chapter 899 of the Statutes of 1995, and to amend Section 2 of Chapter 895 of the Statutes of 2001, relating to seismic activity, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1647—An act to add Section 17357.5 to the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 1668—An act to amend Sections 8278.3, 54745, and 54749 of the Education Code, relating to child care funding.

Bill read second time and ordered to third reading.

Assembly Bill 1669—An act to add Sections 2247 and 2960.2 to the Business and Professions Code, to amend, repeal, and add Section 1031 of the Government Code, and to add Section 832.05 to the Penal Code, relating to peace officers.

Bill read second time and ordered to third reading.

Assembly Bill 1676—An act to amend Sections 125085, 125090, and 125107 of, and to add Section 125092 to, the Health and Safety Code, relating to AIDS.

Bill read second time and ordered to third reading.

Assembly Bill 1716—An act to amend Section 17605 of the Welfare and Institutions Code, relating to human services.

Bill read second time and ordered to third reading.

Assembly Bill 1783—An act to amend Section 66753 of, and to repeal Section 66756 of, the Education Code, relating to public postsecondary education.

Bill read second time and ordered to third reading.

Assembly Bill 1108—An act to add and repeal Section 3041.5 of the Family Code, relating to family law, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 52—An act to amend Section 42239 of, to add Section 37254 to, and to repeal Section 37252.2 of, the Education Code, relating to pupil instruction, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 54—An act relating to teachers.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 66—An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 170—An act to add Section 65302.4 to the Government Code, relating to local planning.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 231—An act to amend Section 11155 of, to add Sections 18901.6, 18901.9, and 18901.10 to, and to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 361—An act to amend Section 132352.6 of, and to add Article 6.5 (commencing with Section 132360) to Chapter 3 of Division 12.7 of the Public Utilities Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 403—An act to amend Section 12104 of, and to add Section 12200.9 to, the Financial Code, relating to check sellers and proraters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 413—An act to add Section 5003.18 to the Public Resources Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 547—An act to add Sections 66025.6 and 69433.4 to the Education Code, and to add Section 981.8 to the Military and Veterans Code, relating to postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 552—An act to add Section 21039 to the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 593—An act to amend Section 3206 of, and to add Article 3.5 (commencing with Section 2145) to Chapter 2 of Division 2 of, the Elections Code, and to amend Section 12950 of, and to add Section 12950.5 to, the Vehicle Code, relating to voter registration.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 616—An act to add Section 22854.5 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 648—An act to add and repeal Article 7 (commencing with Section 33600) of Chapter 4 of Part 20 of the Education Code, relating to commissions.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 677—An act to add Section 21152.1 to the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 826—An act to amend Section 25404 of, to add Section 25504.1 to, and to add Article 10.01 (commencing with Section 25210.5) and Article 12.5 (commencing with Section 25249.1) to Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 828—An act to amend Sections 14299, 15210, and 15211 of, and to add Sections 14299.5, 14299.7, and 14299.9 to, the Elections Code, relating to election day procedures.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 866—An act to amend Sections 30940, 30947, and 30950 of, and to amend and renumber Section 30950 of, the Public Resources Code, and to amend Section 79543 of, and to add Section 79563.5 to, the Water Code, relating to water quality.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 920—An act to amend Sections 1102.6a, 1102.17, and 1103.2 of the Civil Code, and to amend Sections 53340.3 and 53754 of the Government Code, relating to real estate disclosures.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 933—An act to amend Section 68120 of the Education Code, and to amend Sections 21541 , 31781.1, and 31787 of the Government Code, relating to death benefits.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 978—An act to amend Section 710.8 of the Unemployment Insurance Code, relating to the California State University, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1036—An act to amend Sections 987.65, 987.71, 987.775, and 988.4 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1068—An act to amend Section 15399.21 of the Government Code, relating to underground storage tanks, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1244—An act to amend Sections 17073.15, 17073.20, and 17074.10 of the Education Code, relating to school facilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1286—An act to add Article 12 (commencing with Section 1399.820) to Chapter 2.2 of Division 2 of, and to repeal Sections 1373.65, 1373.95, and 1373.96 of, the Health and Safety Code, and to add Section 10133.561 to the Insurance Code, relating to health care coverage.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1340—An act to amend Section 25364 of, and to add Section 25355 to, the Public Resources Code, relating to energy.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1426—An act to add and repeal Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code, relating to land use.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1475—An act to amend Sections 50675.14, 53315, and 53533 of the Health and Safety Code, and to amend Sections 5808 and 5814 of the Welfare and Institutions Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1512—An act to add Chapter 5.1 (commencing with Section 8820) to Part 6 of, and to repeal Chapter 5 (commencing with Section 8810) of Part 6 of, the Education Code, and to add an article heading to Chapter 9 of Division 1 of Title 2 immediately preceding Section 8750 of, to add Article 3 (commencing with Section 8758.10), Article 4 (commencing with Section 8758.50), and Article 5 (commencing with Section 8758.70) to, and to add and repeal Article 2 (commencing with Section 8757.10) of, Chapter 9 of Division 1 of Title 2 of, the Government Code, relating to arts education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1551—An act to add Article 3 (commencing with Section 9700) to Chapter 2 of Part 1 of Division 3 of the Unemployment Insurance Code, relating to employment.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1601—An act to amend Sections 18648, 19116, 19164, 19166, 19173, 19177, 19179, 19504, 19715, and 21028 of, to add Section 18407 to, and to add Chapter 9.5 (commencing with Section 19751) to Part 10.2 of, the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1627—An act to add Article 11 (commencing with Section 1339.50) to Chapter 2 of Division 2 of the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1628—An act to amend Section 1371.4 of, and to add Section 1262.8 to, the Health and Safety Code, relating to health care.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1649—An act to amend Sections 56836.16 and 56836.17 of, and to add Sections 48207.5 and 56836.175 to, the Education Code, relating to special education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1688—An act to add and repeal Part 8.5 (commencing with Section 2050) to Division 2 of the Labor Code, relating to car washes.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1700—An act to add Section 25353.5 to the Health and Safety Code, and to add Section 13177.7 to the Water Code, relating to hazardous substances, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 14—An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 184—An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 512—An act to amend Sections 1363, 1363.6, 1368, and 1373 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) to, and to add chapter and article

headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read second time and ordered to third reading.

Assembly Bill 747—An act to amend Sections 14105.48 and 19805 of the Welfare and Institutions Code, relating to human services.

Bill read second time and ordered to third reading.

Assembly Bill 984—An act to amend Section 1794.41 of the Civil Code, and to amend Sections 116, 116.5, and 1634 of, and to add Part 8 (commencing with Section 12800) to Division 2 of, the Insurance Code, relating to service contracts.

Bill read second time and ordered to third reading.

Assembly Bill 1238—An act to amend Section 11580.9 of the Insurance Code, to add and repeal Section 97.1 of the Streets and Highways Code, and to amend Sections 34501.12, 34620, and 34621 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 1525—An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

Bill read second time and ordered to third reading.

Assembly Bill 1679—An act to amend Sections 13, 302, 321, 1303, 2187, 2194, 4101, 6086, 6201, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of, and to repeal Sections 6022, 6083, 6084, 6085, 6202, 6203, and 6204 of, the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 1731—An act to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, 18961, and 33333.6 of the Health and Safety Code, relating to buildings and housing.

Bill read second time and ordered to third reading.

Assembly Bill 1777—An act to amend Sections 2475.3, 2481, 2483, 2878.5, 3732, 3750, 3750.6, 3760, 3761, 3775, 3775.2, 3777, and 4521 of, to add Sections 3775.6 and 3778 to, and to repeal Sections 3714, 3721, 3733, 3736.5, 3737, and 3751.1 of, the Business and Professions Code, relating to healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 300—An act to amend Sections 8206, 8206.1, 8206.6, 8242, 8263, 8805, 32211, 35160.5, 39831.5, 41344, 42285.2, 44505, 45037, 46201, 46202, 48916, 48918, 48980, 51224.5, 52055.640, 56343.5, and 60040 of, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 17912.1, 45357, 45358, 51132, 51882, 62006, 62007, and 62008 of, the Education Code, to amend Section 19050.8 of the Government Code, and to amend Section 45 of Chapter 1167 of the Statutes

of 2002, relating to education, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 352—An act to amend, repeal, and add Section 1203.097 of the Penal Code, relating to domestic violence.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 898—An act to add Section 680 to the Penal Code, relating to DNA evidence.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 991—An act to add Section 13514.1 to the Penal Code, relating to peace officer training.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1219—An act to add Chapter 10.8 (commencing with Section 6500) to Title 7 of Part 3 of, and to repeal Section 2053.4 of, the Penal Code, relating to prisons.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1277—An act to amend Sections 13848 and 13848.6 of the Penal Code, relating to high technology crime.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Senator Romero Presiding

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 75—An act to amend Sections 1164, 1164.3, and 1164.12 of, and to repeal Section 1164.14 of, the Labor Code, relating to employment.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 75?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 85—An act to amend Section 31780.2 of the Government Code, relating to county employees' retirement.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 85?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 114—An act to amend Section 53084 of the Government Code, and to amend Section 33426.7 of the Health and Safety Code, relating to local government.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 114?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, and Poochigian.

Above bill ordered enrolled.

Senate Bill 183—An act to amend Section 25401.6 of, and to add Chapter 8.6 (commencing with Section 25740) to Division 15 of, the Public Resources Code, and to amend Sections 383.6, 394.25, and 399.8 of, and to repeal Sections 383.5, 383.7, 399.6, 399.8, and 445 of, the Public Utilities Code, relating to energy.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 183?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Above bill ordered enrolled.

Senate Bill 189—An act to add Section 104324.25 to the Health and Safety Code, relating to environmental health.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 189?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 211—An act to add Article 9 (commencing with Section 1569.880) to Chapter 3.2 of Division 2 of the Health and Safety Code, relating to care facilities.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 211?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 361—An act to amend Sections 4001, 4002, 4003, 4008, 4062, 4200, 4202, 4312, 4400, and 4403 of, and to add Sections 4083, 4106, 4200.2, 4200.3, 4200.4, 4314, and 4315 to, the Business and Professions Code, relating to pharmacy.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 361?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 376—An act to amend Section 2401 of, and to add and repeal Section 2401.1 of, the Business and Professions Code, relating to healing arts.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 376?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson,

Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (5)—Senators Aanestad, Ackerman, Ashburn, Battin, and Brulte.

Above bill ordered enrolled.

Senate Bill 464—An act to add Section 56341.2 to the Education Code, relating to special education.

Bill presented by Senator Murray.

The question being: Shall the Senate concur in the Assembly amendments to SB 464?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 727—An act to amend Sections 4903 and 4904 of the Labor Code, and to amend Sections 140.5, 984, 1143, 2601, 2613, 2656, 2676, 2679, 2707.5, 2708, 2708.1, 2709, 2714, 3012, 3253, 3254, 3300, 3301, 3302, 3303, and 3305 of, to amend the heading of Chapter 7 (commencing with Section 3300) of Part 2 of Division 1 of, and to add Sections 3302.1, 3303.1, and 3306 to, the Unemployment Insurance Code, relating to disability compensation.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 727?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 752—An act to amend Sections 853.5 and 853.6 of the Penal Code, and to amend Sections 40303, 40305, 40305.5, 40500, and 40504 of the Vehicle Code, relating to identification.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 752?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 795—An act to amend Sections 2557 and 2558 of, and to add Section 2551.6 to, the Streets and Highways Code, and to amend Sections 2421.5, 2430.1, 2430.2, 2435, and 2436 of, and to repeal Sections 2437, 2438, 2439, and 2440 of, the Vehicle Code, relating to streets and highways.

Bill presented by Senator Karnette.

The question being: Shall the Senate concur in the Assembly amendments to SB 795?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 907—An act to amend Sections 101, 144, 146, and 149 of, and to add and repeal Chapter 8.2 (commencing with Section 3610) of Division 2 of, the Business and Professions Code, and to amend Section 13401.5 of the Corporations Code, relating to the professions and vocations, and making an appropriation therefor.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 907?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 552—An act to amend Section 14666.6 of the Government Code, relating to state property.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 552?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

Senate Bill 54—An act to amend Sections 18300, 18610.5, 18865, and 18872.1 of, and to add Section 18407 to, the Health and Safety Code, relating to mobilehomes.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 54?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 200—An act to add and repeal Section 10233.1 of the Insurance Code, relating to long-term care insurance.

Bill presented by Senator Murray.

The question being: Shall the Senate concur in the Assembly amendments to SB 200?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (3)—Senators Hollingsworth, McClintock, and Morrow.

Above bill ordered enrolled.

Senate Bill 624—An act to amend Section 19826 of, and to repeal Sections 19994.20 and 19996.40 of, the Government Code, relating to state personnel administration.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 624?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Request to Return Bill to Assembly

On the request of Senator Brulte, SB 763 was returned to the Assembly for further action.

Senate Bill 1081—An act to amend Sections 1603.1, 1603.2, 1603.3, 1603.4, 1621.5, and 120990 of the Health and Safety Code, relating to human blood.

Bill presented by Senator Ortiz.

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 (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 93—An act to amend Sections 25350, 25350.60, and 25537 of the Government Code, relating to county real property.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 93?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1741—An act to amend Sections 8102, 8103, 8104, and 13563 of, and to add and repeal Section 6487.06 of, the Revenue and Taxation Code, relating to taxation.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 669—An act to amend Sections 14837, 14839, 14842, and 14842.5 of, and to repeal Section 14838.6 of, the Government Code, and to amend Sections 999, 999.6, and 999.9 of the Military and Veterans Code, relating to public contracts.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1479—An act to amend Section 11205 of, to add Section 11205.2 to, and to repeal and add Section 11214 of, the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1742—An act to amend Sections 18621.9, 19104, 19120, 19368, 19411, and 23114 of, to amend and renumber Section 24328 of, and to add Section 19520 to, the Revenue and Taxation Code, relating to taxation.

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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1625—An act to amend Section 27315 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Ackerman, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (12)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1124—An act to add Sections 17070.755 and 17584.3 to the Education Code, relating to public schools.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, and Vasconcellos.

NOES (12)—Senators Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 248—An act to amend Section 6988 of, and to repeal Section 6989 of, of the Food and Agricultural Code, relating to advisory boards.

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 (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Machado,

Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Torlakson, and Vasconcellos.

NOES (2)—Senators Brulte and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 643—An act to amend Sections 140 and 141 of the Labor Code, relating to occupational safety and health standards.

Bill read third time and presented by Senator Escutia.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 43—An act to amend Sections 12300, 14139.05, 14139.1, 14139.11, 14139.13, 14139.2, 14139.21, 14139.23, 14139.24, 14139.25, 14139.3, 14139.31, 14139.33, 14139.34, 14139.38, 14139.4, 14139.41, 14139.43, 14139.44, 14139.5, 14139.53, 14139.6, 14139.62, 14145, and 14145.1 of, to amend the heading of Article 4.3 (commencing with Section 14139.05) of Chapter 7 of Part 3 of Division 9 of, to add Sections 14139.30, 14139.63, and 14145.11 to, to add Article 4.31 (commencing with Section 14139.80) to Chapter 7 of Part 3 of Division 9 of, to repeal Sections 14139.12, 14139.35, 14139.36, and 14139.51 of, and to repeal and add Sections 14139.32, 14139.37, and 14139.42 of, the Welfare and Institutions Code, relating to long-term care.

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 (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 946—An act to amend Section 11364.7 of, and to add Chapter 17 (commencing with Section 121347) to Part 4 of Division 105 of, the Health and Safety Code, relating to AIDS.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1418—An act to amend Section 27 of the Business and Professions Code, and to amend Sections 1741 and 1775 of the Labor Code, relating to labor.

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 (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1555—An act to amend, repeal, and add Sections 654 and 654.05 of, and to add Section 654.03 to, the Harbors and Navigation Code, relating to vessels.

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, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1697—An act to amend, repeal, and add Section 27360 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1771—An act relating to state government, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Ducheny moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS (RESUMED)**Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Matthew O. Franklin, Director, Department of Housing and Community Development.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Robert J. Gerst, Member, Board of Behavioral Sciences.

Mark M. Church, Member, Seismic Safety Commission.

Bruce R. Clark, Ph.D., Member, Seismic Safety Commission.

Lawrence T. Klein, Member, Seismic Safety Commission.

Stan Y. Moy, Member, Seismic Safety Commission.

Celestine W. Palmer, Member, Seismic Safety Commission.

Daniel Shapiro, Member, Seismic Safety Commission

Jimmie R. Yee, Member, Seismic Safety Commission.

F. Thomas Kieley, Member, California Regional Water Quality Control Board, Colorado River Basin Region.

Gregory S. Pettis, Member, California Regional Water Quality Control Board, Colorado River Basin 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 (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Battin.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 694—An act to amend Section 6248 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 24—An act to amend Sections 1102.18 and 1940.7.5 of the Civil Code, and to add Section 115929 to the Health and Safety Code, relating to public safety.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 76—An act to amend Section 12940 of the Government Code, relating to unlawful employment practices.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 560—An act to amend Section 37670 of the Education Code, relating to school programs.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 650—An act to amend Section 5784.1 of the Public Resources Code, and to amend Section 13 of the County Water Authority Act (Chapter 545 of the Statutes of 1943), relating to local government.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Alpert Presiding

Assembly Bill 839—An act to amend Sections 26202.6, 34090.6, and 34090.7 of, to add Sections 26206.7, 26206.8, and 34090.8 to, to add Article 9 (commencing with Section 53160) to Chapter 1 of Part 1 of Division 2 of Title 5 of, and to repeal Section 26202.3 of, the Government Code, and to add Section 99164 to the Public Utilities Code, relating to local government records.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Ackerman, Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (11)—Senators Ashburn, Battin, Bowen, Brulte, Hollingsworth, Knight, Morrow, Murray, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

Assembly Bill 938—An act to add Sections 2987.2, 4984.75, and 4996.65 to the Business and Professions Code, and to add Article 4 (commencing with Section 128454) to Chapter 5 of Part 3 of Division 104 of the Health and Safety Code, relating to health professions

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 739—An act to amend Section 706.030 of the Code of Civil Procedure, and to amend Sections 4200, 4201, 4204, 5235, 5237, 5240, 5247, 5253, and 17309 of, and to add Sections 17311, 17311.5, and 17311.7 to, the Family Code, relating to child support, and making an appropriation therefor.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (9)—Senators Aanestad, Ackerman, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 739—An act to add and repeal Section 10553.3 of the Welfare and Institutions Code, relating to tribal health.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 739?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators Ackerman and Denham.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

(Reconsideration granted later this day.)

THIRD READING OF SENATE BILLS

Senate Bill 1067—An act to add amend Section 25110 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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.

SPECIAL CONSENT CALENDAR

Assembly Bill 1201—An act to add Sections 14132.28 and 14132.29 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1248—An act to add Section 13167.5 to the Water Code, relating to water.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 786—An act to add and repeal Chapter 14 (commencing with Section 15800) of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1594—An act to amend Section 50801.5 of the Health and Safety Code, relating to veterans.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1634—An act relating to public lands.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 140—An act to amend Section 51747.3 of, to amend, add, and repeal Section 48204 of, and to add Section 46601.5 to, the Education

Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 36—Relative to the centennial anniversary of flight.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 145—An act to amend Sections 56329, 56505, 56505.1, and 56506 of the Education Code, relating to special education.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 271—An act to amend Sections 20572, 20574, 20576, 20577, 20578, and 20581 of, and to add Section 20577.5 to, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 285—An act to amend, repeal, and add Section 18533 of the Revenue and Taxation Code, relating to taxation.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 302—An act to amend Section 11135 of the Government Code, relating to discrimination.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 607—An act to amend Section 14509.4 of the Public Resources Code, relating to beverage container recycling.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 826—An act to add and repeal Section 42283.6 of the Education Code, relating to the Hot Springs Elementary School District.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1032—An act to add Section 653z to the Penal Code, relating to crime.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1059—An act to amend Section 6105 of the Commercial Code, and to amend Sections 72, 220.5, 531.9, 533, and 1610.8 of, and to add Sections 256.6, 256.7, and 276.5 to, the Revenue and Taxation Code, relating to property taxation.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1062—An act to amend Sections 51203 and 51283 of the Government Code, and to amend Sections 69.4, 75.11, 75.31, 155, 194, 213.7, 214, 214.01, 214.8, 218, 231, 254.5, 259.5, 259.7, 272, 423, 439.2, 532, 534, 1609.5, 1841, 6066.3, 6066.4, and 11006 of, to add Sections 74.7 and 254.6 to, and to repeal Sections 75.30, 401.9, 5098, and 5098.5 of, the Revenue and Taxation Code, relating to taxation.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1771)

On motion of Senator Ducheny, 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 AB 1771 was refused adoption by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, McClintock, Morrow, and Oller.

Motion to Reconsider (AB 1771)

Senator Ducheny moved to reconsider the vote whereby the urgency clause to AB 1771 was refused adoption.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Measure ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 694)**

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 694 was refused passage by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Motion to Reconsider (AB 694)

Senator Dunn moved to reconsider the vote whereby AB 694 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Measure ordered returned to third reading.

MOTION TO RECONSIDER (AB 47)

Senator Sher moved to reconsider the vote whereby AB 47 passed.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Measure ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 1067)**

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 SB 1067 was refused passage by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Motion to Reconsider (SB 1067)

Senator Speier moved to reconsider the vote whereby SB 1067 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Measure ordered returned to third reading.

REQUEST FOR UNANIMOUS CONSENT (SCR 49)

Senator Burton asked for, and was granted, unanimous consent that SCR 49 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 49

Senate Concurrent Resolution 49—Relative to prevailing wage rates.

Resolution read third time and presented by Senator Burton.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Sher moved that **AB 1701** be placed on the inactive file.

Motion carried.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Burton moved that **AB 944** be taken from the inactive file and placed on the second reading file.

Motion carried.

GOVERNOR REQUESTED TO RETURN BILLS

On the request of Senator Florez, the Secretary of the Senate was requested to ask the Governor to return SB 476 to the Senate for further action.

On the request of Senator Burton, the Secretary of the Senate was requested to ask the Governor to return SB 440 to the Senate for further action.

REQUEST TO BE ADDED TO ROLL CALL

September 2, 2003

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 114—Aye	SB 211—Aye	SB 361—Aye
SB 795—Aye	SB 93—Aye	AB 1479—Aye
AB 643—Aye	AB 43—Aye	AB 1697—Aye
AB 560—Aye		

JOHN L BURTON, President pro Tempore

September 2, 2003

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 183—Aye	AB 1741—Aye	Gov Appt—Aye
AB 938—No	AB 739—No	SB 739—Aye
AB 47—No	SB 1067—No	SCR 49—No

JAMES L BRULTE, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 12 m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Wednesday, September 3, 2003.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 1, 2003

To the Members of the Senate:

I am signing SB 175 which modifies the definition of "dangerous drug" or "dangerous device" to clarify that the Board of Pharmacy has the authority to regulate all dangerous prescription drugs or devices regardless of whether or not they are for human or animal use.

In signing this measure, I am also directing that the Board of Pharmacy implement the provisions of this bill within existing resources.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
September 1, 2003

To the Members of the Senate:

I am signing SB 308. This bill would allow tribal health programs to contract with the Department of Health Services to participate in the Medi-Cal Administrative Activities program and receive federal matching funds. This bill is discretionary.

SB 308 will include tribal organizations within the definition of "local government" for purposes of the Medi-Cal Administrative Activities and Total Case Management functions. By revising this definition, this bill will provide the Department of Health Services with the authority to authorize tribal governments to use their resources to access matching federal matching funding for a variety of services in support of medical services under the Medi-Cal program.

I support expansion of these programs to include tribal organizations. However, because of workload concerns and staff resource constraints, I am directing the Department of Health Services to implement this bill when our fiscal situation improves and sufficient new staff are available for these functions.

Sincerely,

GRAY DAVIS, Governor

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 3, 2003

To the Members of the Senate:

Pursuant to your request, I am returning SB 440 and SB 476, on behalf of the Governor, to the Senate for further action.

Sincerely,

PAMELA K. OTO
Private Secretary of the Governor

SB 440 held at the Desk.

Action Rescinded

On request of Senator Flores, the action was rescinded whereby the Senate concurred in Assembly amendments to SB 476 and the bill was returned to the Assembly for further action.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 2, 2003

Madam President: The Committee on Rules has examined:

SB 144	SB 179	SB 276
SB 416	SB 677	SB 684

And reports that the same have been correctly enrolled, and presented to the Governor on the 2nd day of September, 2003, at 1 p.m.

BURTON, Chair

Date of Hearing, August 27, 2003

Madam President: The Committee on Rules, to which was referred:
SJR 15

Reports the same back with the recommendation: Be adopted as amended.
BURTON, Chair

Above measure ordered to second reading.

Senate Chamber, September 2, 2003

Madam President: The Committee on Rules has examined:
SB 75

And reports that the same has been correctly enrolled, and presented to the Governor on the 2nd day of September, 2003, at 1:30 p.m.

BURTON, Chair

Committee on Appropriations

Date of Hearing, August 29, 2003

Madam President: The Committee on Appropriations, to which were referred:

- | | | | |
|--------|--------|---------|---------|
| AB 197 | AB 493 | AB 1093 | AB 1548 |
| AB 260 | AB 539 | AB 1326 | AB 766 |
| AB 366 | AB 855 | AB 1360 | |
| AB 396 | AB 998 | AB 1492 | |

Reports the same back with the recommendation: Do pass as amended.
ALPERT, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, September 2, 2003

Madam President: The Committee on Rules has examined:
SB 440

And reports that the same has been correctly enrolled, and presented to the Governor on the 2nd day of September, 2003, at 2 p.m.

BURTON, Chair

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 4:

- | | | | |
|---------|---------|---------|---------|
| AB 158 | AB 1321 | AB 1068 | AB 898 |
| AB 233 | AB 1572 | AB 1649 | AB 991 |
| AB 676 | AB 1783 | AB 184 | AB 1277 |
| AB 999 | AB 66 | AB 371 | AB 608 |
| AB 1085 | AB 616 | AB 512 | |
| AB 1097 | AB 933 | AB 1777 | |
| AB 1131 | AB 1036 | AB 300 | |

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 294—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read third time.

Amendments Adopted

Amendments to AB 294 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 453—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read third time.

Amendments Adopted

Amendments to AB 453 proposed by Senator Battin were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 682—An act to amend Sections 798.55 and 798.73 of the Civil Code, relating to mobilehomes.

Bill read third time.

Amendments Adopted

Amendments to AB 682 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1087 pursuant to Joint Rule 58.

ASSEMBLY MEMBER FROMMER

Permission of Rules Committee

Senate Chamber, September 2, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1087.

BURTON, Chair

Amendments Adopted

Amendments to AB 1087 proposed by Senator Machado were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1541—An act to add Section 13385.1 to the Water Code, relating to water.

Bill read third time.

Amendments Adopted

Amendments to AB 1541 proposed by Senator Sher were read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1469)

Senator Alarcón asked for, and was granted, unanimous consent that AB 1469 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1469

Assembly Bill 1469—An act to amend Sections 364, 366, and 366.21 of the Welfare and Institutions Code, relating to minors.

Bill read second time.

Motion to Amend

Senator Alarcón moved the adoption of amendments to AB 1469.

Amendments read and adopted and the measure ordered printed and to second reading.

REQUEST FOR UNANIMOUS CONSENT (AB 35)

Senator Ortiz asked for, and was granted, unanimous consent that AB 35 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 35

Assembly Bill 35—An act to amend Sections 65352 and 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 35 pursuant to Joint Rule 58.

ASSEMBLY MEMBER VARGAS

Permission of Rules Committee

Senate Chamber, September 2, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 35.

BURTON, Chair

Motion to Amend

Senator Ortiz moved the adoption of amendments to AB 35.

Amendments read and adopted and the measure ordered printed and re-referred to the Committee on Rules.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 177)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 177 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 177

Assembly Bill 177—An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing with Section 2300) to Division 2 of, the Elections Code, relating to elections.

Bill read.

Motion to Amend

Amendments to AB 177, proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 313)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 313 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 313

Assembly Bill 313—An act to amend Section 2948.5 of the Civil Code, and to amend Section 50204 of, and to repeal Section 50707 of, the Financial Code, relating to mortgage lending.

Bill read.

Motion to Amend

Amendments to AB 313, proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1498)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1498 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1498

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1498 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

MESSAGE FROM THE INSURANCE COMMISSIONER

September 2, 2003

*To the Senate of the State of California:*Re. Appointment of Chief Executive Officer,
Conservation and Liquidation Office

Dear Senators: Pursuant to Government Code Section 1035, I am advising you that I have appointed Mr. Fred Buck as Chief Executive Officer of the Conservation and Liquidation Office effective September 1, 2003.

The Conservation and Liquidation Office acts on my behalf to conserve, rehabilitate, or liquidate failed insurance companies licensed under the Insurance Code. This Office also operates as a fiduciary for the benefit of claimants.

I would appreciate your favorable consideration of this appointment. Should you have questions or concerns regarding Mr. Buck's appointment, please contact me or Richard Baum, Chief Deputy Insurance Commissioner at (415) 538-4363.

Sincerely,

JOHN GARAMENDI, Insurance Commissioner

Above appointment referred to the Committee on Rules.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Jamie Westoby of Santa Rosa.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Tyson John Saccone of Linden.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Kevin Keane and Travis Whitaker of Sacramento.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Judge William P. Hogoboom of Pasadena and Mike Rubinfeld of North Hollywood.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Georgina "Gina" Martin of Brentwood.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Paul Boghosian of Fowler and Grace Melikian Gostanian and Mike Semper of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, September 3, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, September 3, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

A blessing from Senator Knight: "As you slide down the banister of life, may the splinters be pointed in the right direction."—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Margett led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 2, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Major General William J. Jeffereds (ret), former Director of Military Base Retention. Appointed 8/29/03. Effective 9/3/03:

Director, General Services vice Barry D. Keene, resigned, term ending at the pleasure of the Governor.

Anthony S. Molica, former Executive Director of the Washington State Lottery. Appointed 8/6/03. Effective 9/2/03:

Director, The California State Lottery vice Joan Wilson, resigned, term ending at the pleasure of the Governor.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 2, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 60	SB 305	SB 774	SB 1065
SB 65	SB 338	SB 801	
SB 78	SB 620	SB 851	
SB 99	SB 642	SB 1025	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 2, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 92

Above measure ordered enrolled.

Assembly Chamber, September 2, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 47

Above resolution ordered enrolled.

Assembly Chamber, September 2, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

- | | | | |
|--------|---------|---------|---------|
| AB 51 | AB 948 | AB 820 | AB 332 |
| AB 179 | AB 956 | AB 833 | AB 620 |
| AB 182 | AB 996 | AB 909 | AB 728 |
| AB 195 | AB 1038 | AB 1086 | AB 962 |
| AB 236 | AB 1044 | AB 1090 | AB 986 |
| AB 309 | AB 1095 | AB 1191 | AB 1005 |
| AB 377 | AB 1144 | AB 1220 | AB 1301 |
| AB 394 | AB 1209 | AB 1241 | AB 1398 |
| AB 514 | AB 1216 | AB 1330 | AB 1718 |
| AB 528 | AB 1218 | AB 1389 | AB 1738 |
| AB 544 | AB 1303 | AB 1400 | ACR 106 |
| AB 591 | AB 1309 | AB 1476 | AJR 7 |
| AB 635 | AB 1354 | AB 1536 | AJR 38 |
| AB 762 | AB 1371 | AB 1545 | |
| AB 845 | AB 1392 | AB 1683 | |
| AB 879 | AB 587 | AB 123 | |

Assembly Chamber, September 2, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

- | | | |
|---------|---------|---------|
| ACR 125 | ACR 132 | ACR 134 |
| ACR 136 | AJR 49 | |

Assembly Chamber, September 2, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 763 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 125—Relative to Breast Cancer Awareness Month.

Assembly Concurrent Resolution 132—Relative to Red Ribbon Week.

Assembly Concurrent Resolution 134—Relative to California Small and Rural Telecommunications Week.

Assembly Concurrent Resolution 136—Relative to Assisted Living Week.

Assembly Joint Resolution 49—Relative to immigration.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 2, 2003

Mr. President: The Committee on Rules has examined:

SCR 12

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 2nd day of September, 2003, at 3:45 p.m.

BURTON, Chair

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 114, ACR 117, ACR 124, ACR 127, ACR 128, ACR 130, ACR 137,** and **AJR 48** were withdrawn from Committee and placed on a Special Consent Calendar.

APPOINTMENT OF COMMITTEE ON CONFERENCE

Mr. President: The Committee on Rules announces the appointment of Senators Burton, Murray, and McPherson as a Senate Committee on Conference concerning SB 552 to meet a like committee of the Assembly.

BURTON, Chair

Senator Romero Presiding**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Joint Resolution 15—Relative to the federal poverty level.
Resolution read second time.

The amendments proposed by the Committee on Rules were read and adopted and the measure ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 944—An act to amend Sections 65302, 65560, 65561, 65562, 65564, 65566, and 65567 of, to amend the heading of Article 10.5 (commencing with Section 65560) of Division 1 of Title 7 of, and to add Sections 65565 and 65571 to, the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

Assembly Bill 197—An act to amend Section 12419.10 of the Government Code, relating to offset payments.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 260—An act to amend Section 91.5 of, and to add Section 91.6 to, the Streets and Highways Code, relating to highways.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 366—An act to amend Sections 1502 and 1522.02 of the Health and Safety Code, relating to care facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 396—An act to repeal and add Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 of, the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 493—An act to amend Section 50650.3 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 539—An act to amend Section 1766 of the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 855—An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 709.5 to, the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 998—An act to add Article 9.1 (commencing with Section 41998) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1093—An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1326—An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of the Education Code, relating to child care.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1360—An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1492—An act to amend Section 51257 of, and to add Section 51250 to, the Government Code, relating to agricultural land conservation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1548—An act to amend Sections 33541 and 51226.4 of the Education Code, to amend Sections 40507, 42622, 42645, and 42647 of, and to add Part 4 (commencing with Section 71300) to Division 34 of, to repeal Section 42603 of, the Public Resources Code, relating to environmental education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 766—An act to add and repeal Section 49452.6 of the Education Code, relating to pupil health.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 177—An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing with Section 2300) to Division 2 of, the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 294—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read second time and ordered to third reading.

Assembly Bill 313—An act to amend Section 2948.5 of the Civil Code, and to amend Section 50204 of, and to repeal Section 50707 of, the Financial Code, relating to mortgage lending.

Bill read second time and ordered to third reading.

Assembly Bill 453—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 682—An act to amend Sections 798.55 and 798.73 of the Civil Code, relating to mobilehomes.

Bill read second time and ordered to third reading.

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1469—An act to add Sections 364.05 and 366.05 to the Welfare and Institutions Code, relating to minors.

Bill read second time and ordered to third reading.

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1541—An act to add Section 13385.1 to the Water Code, relating to water.

Bill read second time and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 385—An act to amend Section 19849.7 of the Government Code, relating to state employment.

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 (21)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Florez, Kuehl, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1343—An act to amend Sections 11104, 12509, 12660, and 12814.6 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn,

Escutia, Florez, Johnson, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (3)—Senators Hollingsworth, Knight, and McClintock.

Bill ordered transmitted to the Assembly.

COMMUNICATIONS

Senator Morrow requested that the following letter be printed in the Journal:

September 3, 2003

Dear Colleagues: I wish to clarify that I inadvertently cast an “aye” vote for AB 1343 (Spitzer) during the rush of business on the Senate Floor today. I intended to vote against this bill, and would do so if given another opportunity.

Sincerely,

BILL MORROW
Senator, 38th District

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1059—An act to amend Section 1942.5 of, and to add Section 1940.2 to, the Civil Code, relating to landlord and tenant.

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 1031—An act to amend Sections 25102, 25212, 25230, 25232, 25241, 25247, 25252, 25532, 25540, 25541, and 25612.5 of, and to add Sections 25256, 25404, and 25612.3 to, the Corporations Code, and to amend Sections 12221, 17209.3, 22109, and 23001 of, and to add Sections 12307.5, 17424, and 22705.1 to, the Financial Code, relating to financial institutions.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Knight, Kuehl, Machado, Margett, McClintock,

McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 1182—An act to amend Section 9109 of the Commercial Code, to amend Section 15147 of the Education Code, to amend Sections 8855, 53692, and 91521.3 of, to amend the heading of Chapter 11.5 (commencing with Section 8855) of Division 1 of Title 2 of, and to repeal Section 8858 of, the Government Code, and to amend Section 44533 of the Health and Safety Code, relating to government financing, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ortiz.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1449—An act to amend Section 5443 of the Business and Professions Code, relating to outdoor advertising.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Chesbro.

Bill ordered transmitted to the Assembly.

Assembly Bill 942—An act to add Section 49414.5 to the Education Code, relating to pupil health.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 369—An act to add Section 21230 to the Government Code, relating to public employees' retirement.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Johnson, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1059)**

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 1059 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1313—An act to amend Section 290.01 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator McPherson.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 115—An act to amend Sections 35294.7 and 44276.1 of, and to add Section 35294.95 to, the Education Code, relating to school safety.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution 66—Relative to the high school exit examination.

Resolution read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution 69—Relative to the San Jose State University Processed Food Institute.

Resolution read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Assembly Bill 189—An act to add Section 6363.8 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time and presented by Senator Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 455—An act to add Article 10.3 (commencing with Section 25214.11) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 642—An act to add Section 60605.4 to the Education Code, relating to curriculum.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 847—An act to amend Section 31220 of, and to amend the heading of Chapter 5.5 (commencing with Section 31220) of Division 21 of, the Public Resources Code, relating to natural resources.

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 (30)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1350—An act relating to the Ravenswood City Elementary School District, and making an appropriation therefor.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Hollingsworth, Johnson, McClintock, Morrow, Oller, Poochigian, Romero, Scott, and Vasconcellos.

Bill ordered transmitted to the Assembly.

Assembly Bill 1405—An act to add Chapter 6.5 (commencing with Section 5808) to Division 5 of the Public Resources Code, relating to watersheds.

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 (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1716—An act to amend Section 17605 of the Welfare and Institutions Code, relating to human 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, Alpert, Battin, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 552—An act to add Section 21039 to the Government Code, relating to public employees' retirement.

Bill read third time and presented by Senator Ashburn.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 866—An act to amend Sections 30940, 30947, and 30950 of the Public Resources Code, and to amend Section 79543 of, and to add Section 79563.5 to, the Water Code, and to repeal Section 7 of Chapter 727 of the Statutes of 2002, relating to water quality.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Ashburn and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 199—An act to add Chapter 7 (commencing with Section 99560) to Part 11 of Division 10 of the Public Utilities Code, relating to transit employer-employee relations.

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 (22)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1244—An act to amend Sections 17073.15, 17073.20, and 17074.10 of the Education Code, relating to school facilities.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 984—An act to amend Section 1794.41 of the Civil Code, and to amend Sections 116, 116.5, and 1634 of, and to add Part 8 (commencing with Section 12800) to Division 2 of, the Insurance Code, relating to service contracts.

Bill read third time and presented by Senator Scott.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 14—An act to add and repeal Article 60.3 (commencing with Section 20919) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

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 (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1238—An act to amend Section 11580.9 of the Insurance Code, to add and repeal Section 97.1 of the Streets and Highways Code, and to amend Sections 34501.12, 34620, and 34621 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1525—An act to add Section 1353.6 to the Civil Code, relating to common interest developments.

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 (28)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Battin, Brulte, Denham, Hollingsworth, Knight, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1679—An act to amend Sections 13, 302, 321, 1303, 2187, 2194, 4101, 6086, 6201, 10405, 10411, 14105, 15641, 17502, 17503, and 19005 of, and to repeal Sections 6022, 6083, 6084, 6085, 6202, 6203, and 6204 of, the Elections Code, relating to elections.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Alpert Presiding

Assembly Bill 1731—An act to amend Sections 18951, 18952, 18953, 18954, 18955, 18958, 18959, 18960, 18961, and 33333.6 of the Health and Safety Code, relating to buildings and housing.

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 (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 243—An act to amend Section 19827.5 of the Government Code, relating to state employees, to take effect immediately, tax levy.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 593—An act to amend Section 3206 of, and to add Article 3.5 (commencing with Section 2145) to Chapter 2 of Division 2 of, the Elections Code, and to amend Section 12950 of, and to add Section 12950.5 to, the Vehicle Code, relating to voter registration.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 619—An act to amend Sections 65008, 65589.5, and 65914 of, and to add Section 65589.4 to, the Government Code, to amend

Sections 50650.4 and 50650.5 of the Health and Safety Code, and to amend Section 30604 of the Public Resources Code, relating to housing.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 619?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senator Romero Presiding

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 Sections 1653.5, 12800, 12801, 12801.5, 12814.5, and 13000 of, and to add Sections 12801.2 and 12801.9 to, 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 (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above measure ordered enrolled.

Senator Burton Presiding**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 824—An act to amend Sections 12071, 12074, 12077, and 12082, of the Penal Code, relating to firearms.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 824?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill 849—An act to add and repeal Section 1936.2 of, and to repeal and add Section 1936.3 of, the Civil Code, relating to rental vehicle transaction fees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Torlakson.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McPherson, Morrow, Oller, Perata, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Bowen, Burton, Denham, Dunn, Florez, Knight, McClintock, Sher, and Speier.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McPherson, Morrow,

Oller, Perata, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Bowen, Burton, Denham, Dunn, Florez, Knight, McClintock, Sher, and Speier.

Bill ordered transmitted to the Assembly.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Kuehl moved that **AB 159** be placed on the inactive file.

Motion carried.

MOTIONS TO TAKE MEASURES FROM THE INACTIVE FILE

Senator Ortiz moved that **AB 1570** be taken from the inactive file and placed on the second reading file.

Senator Escutia moved that **AB 579** be taken from the inactive file and placed on the second reading file.

Senator Murray moved that **AB 710** be taken from the inactive file and placed on the second reading file.

Senator Burton moved that **AB 598** be taken from the inactive file and placed on the second reading file.

Motions carried.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Johnson, SB 530 was withdrawn from enrollment and returned to the Assembly for further action.

REQUEST TO BE ADDED TO ROLL CALL

September 3, 2003

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 1031—Aye	AB 1182—Aye	AB 1449—Aye
AB 369—Aye	AB 1059—Aye	ACR 66—Aye
AB 115—Aye	ACR 69—Aye	AB 642—Aye
AB 847—Aye	AB 455—Aye	AB 1350—Aye
AB 866—Aye	AB 199—Aye	AB 1244—Aye
AB 1525—Aye	AB 243—Aye	

JOHN L BURTON, President pro Tempore

September 3, 2003

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 942—Aye	AB 1313—Aye	AB 552—Aye
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JAMES L BRULTE, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 12:36 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, September 4, 2003.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 3, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Ruth G. Coleman, former Chief Deputy Director of the Department of Parks and Recreation. Appointed 9/3/03. Effective 9/8/03:
Director of Parks and Recreation vice Rusty Areias, resigned, term ending at the pleasure of the Governor.

Nhung T. Ngo, a student at UC Davis. Appointed 8/28/03. Effective 9/3/03:
Member, Student Aid Commission vice Eva Juarez, term expired, term ending 6/1/05.

Above appointments referred to the Committee on Rules.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, AB 118 was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, September 3, 2003

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 1587

AB 1618

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measures ordered to second reading.

Date of Hearing, August 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

AB 71 AB 626 AB 1051 AB 1151
 AB 1462 AB 1497 AB 1685

Reports the same back with the recommendation: Do pass as amended.
 ALPERT, Chair

Above measures ordered to second reading.

Committee on Rules

State Capitol, September 3, 2003

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:

Joan C. Chang, O.M.D., Ph.D., Member, Acupuncture Board (4-0)
 Wilson E. Massey, Member, State Athletic Commission (4-0)
 Armando Vergara, Member, State Athletic Commission (4-0)
 Paul R. Baldacci, Jr., Member, Contractors' State License Board (4-0)
 Larry R. Booth, Member, Contractors' State License Board (4-0)
 B. Timothy Gage, Member, Independent System Operator Governing Board (4-0)
 David Rosenberg, Member, Commission on State Mandates (4-0)
 Elmy A. Bermejo, Member, Commission on the Status of Women (4-0)
 Roslyn R. Cooperman, Member, Commission on the Status of Women (4-0)
 Cheryl D. Kendrick, Member Commission on the Status of Women (4-0)
 Marilyn Kizziah, Member, Commission on the Status of Women (4-0)
 Roberta J. Shouse, Member, Commission on the Status of Women (4-0)
 Charles L. Moore, Member, California Student Aid Commission (4-0)
 James W. Sandoval, Member, California Student Aid Commission (4-0)
 Leo P. Burke, Member, California Veterans Board (4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Senate Chamber, September 3, 2003

Mr. President: The Committee on Rules has examined:

SB 60

And reports that the same has been correctly enrolled, and presented to the Governor on the 3rd day of September, 2003, at 2 p.m.

BURTON, Chair

Senate Chamber, September 3, 2003

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 118

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 118—An act to repeal and add Section 1936.3 of, the Civil Code, relating to vehicles, making an appropriation therefor, 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.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 8:

AB 197	AB 177	AB 1087	SB 642
AB 366	AB 294	AB 1498	SB 801
AB 493	AB 313	SB 338	SB 851

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution 33—Relative to the Joint Rules.

Resolution read third time.

Amendments Adopted

Amendments to SCR 33 proposed by Senator Speier were read and adopted and the measure ordered printed, engrossed, and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read third time.

Amendments Adopted

Amendments to AB 47 proposed by Senator Sher were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 68—An act to add Chapter 22 (commencing with Section 22575) to Division 8 of the Business and Professions Code, relating to privacy.

Bill read third time.

Amendments Adopted

Amendments to AB 68 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 401—An act to amend Section 19617 of, and to add Section 19605.53 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 401 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 801—An act to amend Section 853 of, and to add Article 10.5 (commencing with Section 2198) to Chapter 5 of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read third time.

Amendments Adopted

Amendments to AB 801 proposed by the committee Business and Professions were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 944—An act to amend Sections 65302, 65560, 65561, 65562, 65564, 65566, and 65567 of, to amend the heading of Article 10.5 (commencing with Section 65560) of Division 1 of Title 7 of, and to add Sections 65565 and 65571 to, the Government Code, relating to local planning.

Bill read third time.

Amendments Adopted

Amendments to AB 944 proposed by Senator Burton were read and adopted and the measure ordered printed and referred to Committee on Rules.

Assembly Bill 1028—An act to add and repeal Section 3073.2 of the Labor Code, relating to apprenticeship.

Bill read third time.

Amendments Adopted

Amendments to AB 1028 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1049—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

Bill read third time.

Amendments Adopted

Amendments to AB 1049 proposed by Senator Soto were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1266—An act to amend Sections 8957, 44393, 52055.51, 52055.610, 52055.650, 53081, 53083, 60423, 69440, and 84750 of, to amend and renumber Section 52055.52 of, to add Sections 18866, 41474, 52055.54, 54761.4, and 69999.3 to, to add Chapter 4.6

(commencing with Section 18880) to Part 11 of, to add and repeal Section 60422.1 of, to repeal Section 426 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, to repeal chapter 7 (commencing with Section 99300) of Part 65, of the Education Code, and to amend Section 12.40 of Chapter 157 of, and to amend Section 37 of Chapter 227 of, the Statutes of 2003, relating to schools, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1266 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1770—An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, and 8282 of, to add Sections 6950.5, 6951, and 6957 to, to repeal Section 2250, and Article 3 (commencing with Section 6430) of Chapter 5 of, and to repeal and add Section 1002 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Section 36711 to, the Public Resources Code, and to Amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 1770 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (AB 691)

Unanimous consent was granted that the action be rescinded whereby AB 691 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 691

Assembly Bill 691—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read.

Motion to Amend

Amendments to AB 691 proposed by the committee on Health and Human Services were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 935)**

Unanimous consent was granted that the action be rescinded whereby AB 935 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 935

Assembly Bill 935—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read.

Motion to Amend

Amendments to AB 935 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 151	SB 504	SB 760	SB 294
SB 345	SB 617	SB 802	SCR 40
SB 452	SB 636	SB 68	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 297	SB 639
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Above measures ordered enrolled.

Assembly Chamber, September 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 24	SCR 41	SCR 43
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Above resolutions ordered enrolled.

Assembly Chamber, September 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 115	ACR 116	ACR 121	ACR 131
ACR 133	ACR 135	AJR 50	

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, September 3, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

- | | | |
|---------|---------|---------|
| AB 205 | AB 534 | AB 841 |
| AB 299 | AB 862 | AB 1061 |
| AB 1553 | AB 1576 | AB 1774 |

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 50: By Senator Ashburn—Relative to David W. Manning Memorial Freeway.

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 115—Relative to the Inspector Raymond J. Giacomelli Memorial Overcrossing.

Assembly Concurrent Resolution 116—Relative to history and social science curriculum.

Assembly Concurrent Resolution 121—Relative to the Semper Fi Highway.

Assembly Concurrent Resolution 131—Relative to the William Alexander Leidesdorff, Jr. Memorial Highway.

Assembly Concurrent Resolution 133—Relative to the Oceanside Police Officer Tony Zeppetella Memorial Highway.

Assembly Concurrent Resolution 135—Relative to the Deputy Sheriff Stephen Sorensen Memorial Highway.

Assembly Joint Resolution 50—Relative to fuel cell vehicles.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Emilia Hurtado DeRascón of Sonora, Mexico and Socorro Avila of Pacoima.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Selena Brown Sutherland of Carson and George Kasmer of Mar Vista.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Edna Willis Barr of Redding.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Christopher David Parker of Salinas.

Senator Figueroa requested that when the Senate adjourns this day it do so in memory of Tom Goff of San Leandro.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Thomas William "Bill" McDonald of Long Beach.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Sfc. Mitchell Arthur Lane of Lompoc.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Ryan Gonzales and Jessie Pino of Belen, New Mexico.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Wendell Coffelt of Burbank.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Bryan Dilley of Stockton.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, September 4, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, September 4, 2003

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

(NOTE: Senator Margett will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Into Your hands, O Lord, we commend ourselves this day. Let Your presence be with us to its close. Strengthen us to remember that in whatsoever good works we do we are serving You. Give us a diligent and watchful spirit, that we may seek in all things to know Your will, and knowing it, gladly perform it, to the honor and glory of Your name.—AMEN.

(Gelasian Sacramentary)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Escutia led the Senate in the pledge of allegiance to the Flag.

Senator Romero Presiding**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol
September 4, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Norman J. Pattiz, served since 9/01, resigned 9/2/03; reappointed to another slot on board 9/3/03. Effective 9/4/03:

Member, The Regents of The University of California vice William T. Bagley, term expired, term ending 3/1/14.

Above appointment referred to the Committee on Rules.

UNANIMOUS CONSENT TO READ BILLS A SECOND TIME

Without objection, measures reported "as amended" this day by the Committee on Appropriations will be given their second reading upon being reported.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, August 29, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 491

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, September 4, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 421 AB 574 AB 1690

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 421—An act to add Section 110423.10 to the Health and Safety Code, relating to cancer.

Bill read second time.

Assembly Bill 574—An act to add Section 9250.16 to the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 1690—An act to add Article 4 (commencing with Section 55650) to Chapter 4 of Part 2 of Division 2 of Title 5 of the Government Code, and to amend Sections 17041.5 and 19533 of, to add Section 99.3 to, and to add Part 10.1 (commencing with Section 18201) to, the Revenue and Taxation Code, relating to local government.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, September 4, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 11

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 11—An act relating to public safety.

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 33—Relative to the Joint Rules.

Resolution read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 710—An act to amend Section 130052 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 598—An act to amend Section 17074.25 of the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 579—An act to amend Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 366.21 of the Welfare and Institutions Code, relating to dependent children.

Bill read second time and ordered to third reading.

Assembly Bill 1570—An act to amend Section 10313 of the Public Contract Code, relating to public contracts.

Bill read second time and ordered to third reading.

Assembly Bill 1587—An act to amend Sections 20352, 20638, 31461.3, 31520.1, 31520.5, 31700, 31831, 31833, 31834, 31835, 31835.02, 31837, 31837.1, and 31840.5 of, to add Section 31485.9 to, and to repeal Sections 20355, 20356, 31485.10, 31840.4, 31840.6, and 31840.7 of, the Government Code, relating to public retirement systems.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1618—An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 71—An act to add and repeal Division 8.6 (commencing with Section 22970) of the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend, repeal, and add Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and 30481 of, to add Sections 30019, 30165.1, 30166.1, 30177.5, and 30482 to, to add and repeal Sections 30435 and 30474.1 of, to add and repeal Article 2.5 (commencing with Section 30210) of Chapter 4 of Part 13 of Division 2 of, and to add and repeal Article 5 (commencing with Section 30355) of Chapter 5 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to cigarettes and

tobacco products, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 626—An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1051—An act to amend Section 54999.1 of, and to add Sections 54999.7 and 54999.8 to, the Government Code, relating to local government.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1151—An act to amend Section 911.4 of, and to add Section 6252.6 to, the Government Code, to amend Section 1527.6 of the Health and Safety Code, and to amend Section 16501.1 of, and to add Section 16000.1 to, the Welfare and Institutions Code, relating to foster care.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1462—An act to amend Section 50517.5 of the Health and Safety Code, relating to farmworker housing.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1497—An act to amend Sections 44004 and 45011 of, and to add Section 43501.5 to, the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1685—An act to amend Section 353.2 of, and to add Section 379.6 to, the Public Utilities Code, relating to energy.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read second time and ordered to third reading.

Assembly Bill 68—An act to add Chapter 22 (commencing with Section 22575) to Division 8 of the Business and Professions Code, relating to privacy.

Bill read second time and ordered to third reading.

Assembly Bill 401—An act to amend Section 19617 of, and to add Section 19605.53 to, the Business and Professions Code, relating to horse racing

Bill read second time and ordered to third reading.

Assembly Bill 691—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read second time and ordered to third reading.

Assembly Bill 801—An act to amend Section 853 of, and to add Article 10.5 (commencing with Section 2198) to Chapter 5 of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 935—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.

Assembly Bill 1028—An act to add Section 3073.3 to, and to add and repeal Section 3073.2 of the Labor Code, relating to apprenticeship.

Bill read second time and ordered to third reading.

Assembly Bill 1049—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

Bill read second time and ordered to third reading.

Assembly Bill 1266—An act to amend Sections 8957, 44393, 52055.51, 52055.610, 52055.650, 53081, 53083, 60423, 69440, and 84750 of, to amend and renumber Section 52055.52 of, to add Sections 18866, 41474, 52055.54, 54761.4, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to add and repeal Section 60422.1 of, to repeal Section 426 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, to repeal Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal and add Section 53084 of, the Education Code, and to amend Section 12.40 of Chapter 157 of, and amend Section 37 of Chapter 227 of, the Statutes of 2003, relating to schools, making an

appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1770—An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, 2250, and 8282 of, to add Sections 6950.5, 6951, and 6957 to, and to repeal Article 3 (commencing with Section 6430) of Chapter 5 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Section 36711 to, the Public Resources Code, and to amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

Bill read second time and ordered to third reading.

REQUESTS TO RETURN BILLS TO ASSEMBLY

On the request of Senator Scott, SB 620 was returned to the Assembly for further action.

On the request of Senator Torlakson, SB 78 was returned to the Assembly for further action.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 827—An act to amend Section 450.5 of, and to repeal Section 450.4 of, the Business and Professions Code, relating to professions and vocations.

Bill read third time.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1458—An act to amend Section 18824 of, and to add Section 18640.5 to the Business and Professions Code, relating to boxing.

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 (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, McClintock,

McPherson, Murray, Oller, Perata, Pochigian, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 183—An act to add Section 14132.415 to the Welfare and Institutions Code, relating to Medi-Cal.

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 (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (8)—Senators Ackerman, Battin, Brulte, Hollingsworth, Knight, McClintock, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 331—An act to amend Section 1253 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 433—An act to amend Sections 71200, 71201, 71201.5, 71202, 71203, 71204, 71205, 71206, 71207, 71211, 71212, 71213, 71215, 71216, and 71271 of, to amend the headings of Chapter 4 (commencing with Section 71215) of, and Chapter 5 (commencing with Section 71216) of, Division 36 of, to add Sections 71201.7, 71204.2, 71204.3, 71204.5, 71204.7, 71204.9, 71210.5, and 71217 to, and to repeal and add Section 71210 of, the Public Resources Code, and to amend Sections 44000, 44005, 44007, and 44008 of the Revenue and Taxation Code, relating to vessels.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 844—An act to add Chapter 8.7 (commencing with Section 25770) to Division 15 of the Public Resources Code, relating to tire efficiency.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1196—An act to amend Section 2836.1 of the Business and Professions Code, and to amend, repeal, and add Section 11165 of the Health and Safety Code, relating to drugs.

Bill read third time and presented by Senator Figueroa.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Battin and Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 1438—An act to add Section 1536.5 to the Penal Code, relating to business records.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1428—An act to amend Section 20092 of the Government Code, relating to the Public Employees' Retirement System.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1108—An act to add and repeal Section 3041.5 of the Family Code, relating to family law, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Escutia.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,

Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Bill ordered transmitted to the Assembly.

Assembly Bill 52—An act to amend Section 42239 of, and to repeal Section 37252.2 of, the Education Code, relating to pupil instruction

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 (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 54—An act to add Section 44238 to the Education Code, relating to teachers.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 776—An act to amend Sections 24001, 24011, 46013.1, and 62582 of, and to add Section 32501.5 to the Food and Agricultural Code, and to amend Section 110815 of the Health and Safety Code, relating to agriculture.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz,

Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 446—An act to amend Sections 215 and 220 of, and to add Section 210.1 to, the Labor Code, relating to state employees.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 361—An act to amend Section 132352.6 of, and to add Article 6.5 (commencing with Section 132360) to Chapter 3 of, Division 12.7 of the Public Utilities Code, relating to transportation.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 547—An act to add and repeal Sections 66025.6 and 69433.4 to, and to add and repeal Article 12.5 (commencing with Section 69750) of Chapter 2 of Part 42 of, the Education Code, and to add and repeal Section 981.8 of, the Military and Veterans Code, relating to postsecondary education.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray,

Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 648—An act to add and repeal Article 7 (commencing with Section 33600) of Chapter 4 of Part 20 of the Education Code, relating to commissions.

Bill read third time and presented by Senator Vincent.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Brulte, Hollingsworth, Knight, and Morrow.

Bill ordered transmitted to the Assembly.

Assembly Bill 828—An act to amend Sections 14299, 15210, and 15211 of, and to add Sections 14299.5, 14299.7, and 14299.9 to, the Elections Code, relating to election day procedures.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Machado, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 978—An act to amend Section 710.8 of the Unemployment Insurance Code, relating to the California State University, and making an appropriation therefor.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado,

Murray, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1512—An act to amend and renumber Section 8820 of, and to add Chapter 5.1 (commencing with Section 8820) to Part 6 of, the Education Code, relating to arts education.

Bill read third time and presented by Senator Scott.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1627—An act to amend Sections 1971, 2154.2, 2201, and 3516.1 of the Business and Professions Code, to amend Section 92725 of the Education Code, and to amend Sections 124425, 124760, 124765, 127755, 127928, 128040, 128205, 128215, 128235, 128260, 128330, and 128385 of, to add Section 128207 to, and to add Article 11 (commencing with Section 1339.50) to Chapter 2 of Division 2 of, the Health and Safety Code, relating to health care.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1628—An act to amend Section 1371.4 of, and to add Section 1262.8 to, the Health and Safety Code, relating to health care.

Bill read third time and presented by Senator Scott.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Aanestad, Ackerman, Battin, Hollingsworth, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1700—An act to add Section 25353.5 to the Health and Safety Code, and to add Section 13177.7 to the Water Code, relating to hazardous substances, and making an appropriation therefor.

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 (26)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1219—An act to add Chapter 10.8 (commencing with Section 6500) to Title 7 of Part 3 of, and to repeal Section 2053.4 of, the Penal Code, relating to prison education reform.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 396—An act to repeal and add Article 3 (commencing with Section 1570) of Chapter 5 of Division 2 of, the Fish and Game Code, relating to wildlife.

Bill read third time and presented by Senator Johnson.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Johnson moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 998—An act to add Article 9.1 (commencing with Section 41998) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to air quality.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1548—An act to amend Sections 33541, 51226.4, and 60041 of the Education Code, to amend Sections 40507, 42622, 42645, and 42647 of, and to add Part 4 (commencing with Section 71300) to Division 34 of, to repeal Section 42603 of, the Public Resources Code, relating to environmental education.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 766—An act to add and repeal Section 49452.6 of the Education Code, relating to pupil health.

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 (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette,

Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Battin, Brulte, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 453—An act to add Section 5110 to the Public Contract Code, relating to public contracts.

Bill read third time and presented by Senator Battin.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Bowen.

Bill ordered transmitted to the Assembly.

Assembly Bill 682—An act to amend Sections 798.55 and 798.73 of the Civil Code, relating to mobilehomes.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1469—An act to add Sections 364.05 and 366.05 to the Welfare and Institutions Code, relating to minors.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 396)**

On motion of Senator Johnson, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 396 was passed by the following vote:

AYES (22)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Cedillo, Chesbro, Denham, Ducheny, Hollingsworth, Johnson, Knight, Machado, McPherson, Morrow, Oller, Perata, Poochigian, Scott, Torlakson, and Vincent.

NOES (15)—Senators Alarcón, Bowen, Burton, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Romero, Sher, Soto, Speier, and Vasconcellos.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1541—An act to add Section 13385.1 to the Water Code, relating to water.

Bill read third time and presented by Senator Sher.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1366—An act to amend Sections 47632 and 47635 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Battin and Hollingsworth.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Karnette, Knight, Kuehl, Machado, McClintock, McPherson,

Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Battin and Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 1245—An act to amend Sections 9002 and 9004 of the Elections Code, relating to initiatives.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senator Alpert Presiding

Assembly Bill 1210—An act to amend Sections 8201 and 8203.1 of, and to add Section 8201.2 to, the Government Code, relating to notaries public.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1669—An act to add Sections 2247 and 2960.2 to the Business and Professions Code, to amend, repeal, and add Section 1031 of the Government Code, and to add Section 832.05 to the Penal Code, relating to peace officers.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl,

Machado, McPherson, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 352—An act to amend, repeal, and add Section 1203.097 of the Penal Code, relating to domestic violence.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Aanestad.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1541)

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1541 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (17)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny, Hollingsworth, Johnson, Knight, Machado, McClintock, McPherson, Morrow, Oller, Poochigian, and Soto.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution 3—Relative to student financial aid.

Resolution read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 99—An act to add Section 10205.1 to the Government Code, relating to state civil service.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 99?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 65—An act to amend Section 35182.5 of the Education Code, relating to school district governing boards.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 65?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 774—An act to amend Section 4145 of, and to repeal Section 4146 of, the Business and Professions Code, to amend Section 11364 of, and to add Chapter 16 (commencing with Section 121350) to Part

4 of Division 105 of, the Health and Safety Code, and to amend Sections 41770 and 41900 of, and to add Section 41803 to, the Public Resources Code, relating to hypodermic needles and syringes.

Bill presented by Senator Vasconcellos.

The question being: Shall the Senate concur in the Assembly amendments to SB 774?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Oller, and Poochigian.

Above bill ordered enrolled.

Senator Bowen Presiding

Senate Bill 523—An act to add Sections 2207 and 17655 to the Corporations Code, relating to corporations.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 523?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Chesbro, Denham, Hollingsworth, Knight, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 777—An act to amend Sections 1102.5 and 1106 of, and to add Sections 1102.6, 1102.7, 1102.8, and 1102.9 to, the Labor Code, relating to whistleblowers.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 777?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, McPherson, Oller, and Pochigian.

Above bill ordered enrolled.

Senate Bill 875—An act to add Section 123232 to the Health and Safety Code, relating to nutrition, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 875?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Aanestad, Ackerman, Battin, Brulte, Knight, McClintock, and Pochigian.

Above bill ordered enrolled.

Senate Bill 345—An act to amend Section 1954 of the Civil Code, to amend Section 1161.2 of, and to repeal and add Section 1166 of, the Code of Civil Procedure, and to amend Section 34328.1 of the Health and Safety Code, relating to tenancy.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 345?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Pochigian.

Above bill ordered enrolled.

Senate Bill 504—An act to add Chapter 7 (commencing with Section 132600) to Division 12.7 of the Public Utilities Code, relating to transportation.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 504?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 617—An act to amend Section 1639 of, and to add Sections 1639.35 and 7158.3 to, the Health and Safety Code, relating to anatomical gifts.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 617?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Knight, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 636—An act to add Section 56509 to the Education Code, relating to special education.

Bill presented by Senator Machado.

The question being: Shall the Senate concur in the Assembly amendments to SB 636?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny,

Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 68—An act to add and repeal Chapter 5.3 (commencing with Section 13368) of Division 7 of the Water Code, relating to water.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 68?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

CONSENT CALENDAR

Objections Raised

Senator Scott objected to **AB 1277** being on the Special Consent Calendar.

Senator Hollingsworth objected to **AB 371** being on the Special Consent Calendar.

Senator McPherson objected to **AB 493** being on the Special Consent Calendar.

Senator Bowen objected to **AB 1131** being on the Special Consent Calendar.

Senator Machado objected to **AB 1087** being on the Special Consent Calendar.

Senator Chesbro objected to **AB 300** being on the Special Consent Calendar.

The President ordered the above measures placed on the third reading file.

Assembly Bill 158—An act to amend Section 11383 of the Health and Safety Code, relating to controlled substances.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 233—An act to amend Section 11379.6 of the Health and Safety Code, relating to controlled substances.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 676—An act to add Section 21025.5 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 999—An act to add Section 14132.22 to the Welfare and Institutions Code, relating to health care.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1085—An act to amend Section 6032 of the Food and Agricultural Code, relating to pests.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1097—An act to amend Section 41851 of the Education Code, relating to school districts.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1321—An act to amend Section 20235 of the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1572—An act to amend Sections 18070, 18070.2, 18070.3, and 18070.5 of, and to add Sections 18070.6 and 18070.7 to, the Health and Safety Code, relating to manufactured housing, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1783—An act to amend Section 66753 of, and to repeal Section 66756 of, the Education Code, relating to public postsecondary education.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 66—An act to amend Section 7270.5 of, and to add Sections 7275 and 7276 to, the Food and Agricultural Code, and to add

Division 2.7 (commencing with Section 1970) to the Streets and Highways Code, relating to riparian habitat.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 616—An act to add Section 22854.5 to the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 933—An act to amend Section 68120 of the Education Code, and to amend Sections 21541, 31781.1, and 31787 of the Government Code, relating to death benefits.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1036—An act to amend Sections 987.65, 987.71, 987.775, and 988.4 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1068—An act to add and repeal Chapter 6.76 (commencing with Section 25299.100) of Division 20 of the Health and Safety Code, relating to underground storage tanks, and making an appropriation therefor.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1649—An act to amend Sections 56836.16 and 56836.17 of, and to add Section 56836.175 to, the Education Code, relating to special education.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 184—An act to amend Section 1808.21 of the Vehicle Code, relating to vehicles.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 512—An act to amend Sections 1363, 1363.6, 1368, and 1373 of, to add Sections 1350.5 and 1350.7 to, to add Article 4 (commencing with Section 1357.100) to, and to add chapter and article headings to Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1777—An act to amend Sections 2475.3, 2481, 2483, 2878.5, 3732, 3750, 3750.6, 3760, 3761, 3775, 3775.2, 3777, and 4521 of, to add Sections 3775.6 and 3778 to, and to repeal Sections 3714, 3721, 3733, 3736.5, 3737, and 3751.1 of, the Business and Professions Code, relating to healing arts.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 898—An act to add Section 680 to the Penal Code, relating to DNA evidence.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 991—An act to add Section 13514.1 to the Penal Code, relating to peace officer training.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Bill 608—An act to amend Section 11591 of the Health and Safety Code, and to amend Sections 291 and 291.1 of the Penal Code, relating to crimes.

Bill read third time, passed, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 114—Relative to Invasive Weeds Awareness Week.

Resolution read, adopted, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 117—Relative to celebrating the 45th anniversary of NASA.

Resolution read, adopted, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 124—Relative to Educational Opportunity Programs Month.

Resolution read, adopted, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 127—Relative to foster care.

Resolution read, adopted, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 128—Relative to juvenile courts.

Resolution read, adopted, and ordered transmitted to the Assembly.
(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 130—Relative to Railroad Safety Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 137—Relative to literacy.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 48—Relative to Women's Equality Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Perata moved that **AB 1486** be placed on the inactive file.

Senator Alpert moved that **AB 347** be placed on the inactive file.

Senator Chesbro moved that **AB 974** be placed on the inactive file.

Motions carried.

MOTIONS TO TAKE MEASURES FROM THE INACTIVE FILE

Senator Alarcón moved that **AB 1723** and **AB 1719** be taken from the inactive file and placed on the second reading file.

Senator Perata moved that **AB 1521** be taken from the inactive file and placed on the second reading file.

Motions carried.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Alpert:

Senate Chamber, September 4, 2003

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rules 61(a)(10), (a)(11) and 62(a) in order that AB 121, AB 253, AB 408, AB 906, AB 1417, AB 1631, AB 1666, AB 1410 may be heard and reported by the Committee on Appropriations after the deadline.

SENATOR ALPERT

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

JOINT RULES DISPENSED WITH

Without objection, pursuant to Joint Rule 33.1, Joint Rules 61(a)(10), (a)(11) and 62(a) were dispensed with as requested.

REQUEST TO BE ADDED TO ROLL CALL

September 4, 2003

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 827—Aye	AB 1458—Aye	AB 183—Aye
AB 331—Aye	AB 844—Aye	AB 1196—Aye
AB 1428—Aye	AB 52—Aye	AB 54—Aye
AB 361—Aye	AB 648—Aye	AB 828—Aye
AB 978—Aye	AB 1627—Aye	AB 1628—Aye
AB 1700—Aye	AB 1219—Aye	AB 998—Aye
AB 453—Aye	AB 682—Aye	AB 1469—Aye
AB 1366—Aye	AB 1245—Aye	AB 1669—Aye
SB 65—Aye	SB 617—Aye	SB 68—Aye

JOHN L BURTON, President pro Tempore

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 1:10 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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, September 8, 2003.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 4, 2003

*The Honorable Greg Schmidt
Secretary of the Senate*

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1208 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing, September 4, 2003

Madam President: The Committee on Appropriations, to which were referred:

AB 121 AB 906 AB 1666

Reports the same back with the recommendation: Do pass as amended.
ALPERT, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, September 4, 2003

Madam President: The Committee on Rules has examined:

SB 112 SB 443 SB 625
SB 690 SB 712 SB 798

And reports that the same have been correctly enrolled, and presented to the Governor on the 4th day of September, 2003, at 9 a.m.

BURTON, Chair

Committee on Appropriations

Date of Hearing, September 4, 2003

Madam President: The Committee on Appropriations, to which were referred:

AB 253 AB 1410

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Senate Chamber, September 4, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 568

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

Date of Hearing, August 29, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 1760

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, September 4, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 914

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 914—An act to amend Sections 53100, 53103, 53104, 53105, 53106, 53108.1, 53108.5, 53109, 53112, 53113, 53114, 53114.2, 53115, 53115.3, 53116, and 53117 of, to add Section 53102.5 to, to repeal Sections 53108, 53109.5, 53115.2, 53119, and 53120 of, and to repeal and add Section 53107 of, the Government Code, and to amend Sections 41001, 41007, 41009, 41010, 41011, 41012, 41015, 41016, 41017, 41018, 41020, 41021, 41025, 41027, 41030, 41031, 41136, 41137, 41137.1, 41138, 41140, 41141, 41142, and 41150 of the Revenue and Taxation Code, relating to public safety communications.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, August 29, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 1137

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Revenue and Taxation

Senate Chamber, September 4, 2003

Madam President: The Chair of the Committee on Revenue and Taxation, to which was referred:

AB 382

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 382—An act to amend Section 17133 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.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Resolution 26: By Senator Ortiz—Relative to Ovarian Cancer Awareness Month.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 491—An act to add Article 3 (commencing with Section 89730) to Chapter 6 of Part 55 of the Education Code, and to amend Section 12100.5 of the Public Contract Code, relating to the California State University.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 121—An act to add Division 38 (commencing with Section 72400) to the Public Resources Code, relating to vessels.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 906—An act to add Division 39 (commencing with Section 72500) to the Public Resources Code, relating to vessels.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1666—An act to amend Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 568—An act to amend Section 14006 of, and to add Section 14005.5 to, the Penal Code, relating to the Community Law Enforcement and Recovery Demonstration Project.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1760—An act to amend, repeal, and add Section 13957 of, and to add and repeal Section 13964.5 of, the Government Code, and to amend Section 2085.5 of, and to amend, repeal, and add Sections 1001.90 and 1202.4 of the Penal Code, relating to victims of crime, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1137—An act to amend Sections 44579.1, 44579.2, 44579.5, 47607, 47612.5, 47634, 60242, and 60421 of, to amend and repeal Sections 14002.3 and 47612 of and, to add Sections 47604.32, and 47604.33 to, the Education Code, relating to charter schools, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 8, 2003.

AB 579	AB 1151	AB 691
SB 151	SB 452	SB 802

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 170—An act to add Section 65302.1 to the Government Code, relating to local planning.

Bill read third time.

Amendments Adopted

Amendments to AB 170 proposed by Senator Florez were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 304—An act to amend Sections 51451.5, 51505, 51615, 51628, 51642, 51643.5, 51648, 51650, 51651, 51652, 51654, 51670, and 53533 of, and to repeal Section 51646 of, the Health and Safety Code, relating to housing and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 304 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 319—An act to amend Section 12021 of the Penal Code, relating to firearms.

Bill read third time.

Amendments Adopted

Amendments to AB 319 proposed by Senator Scott were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 327—An act to amend Sections 1465.5 and 1465.6 of the Penal Code, and to amend Sections 22511.55, 22511.59, 42001, and 42001.5 of, and to add Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.

Bill read third time.

Amendments Adopted

Amendments to AB 327 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 413—An act to add Section 5003.18 to the Public Resources Code, relating to state property, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 413 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 677—An act to add Section 21152.1 to the Public Resources Code, relating to environmental quality.

Bill read third time.

Amendments Adopted

Amendments to AB 677 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 903)**

Unanimous consent was granted that the action be rescinded whereby AB 903 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 903

Assembly Bill 903—An act to amend Sections 916 and 941 of, and to amend, renumber, and add Section 942 to, the Civil Code, relating to construction defects.

Bill read.

Motion to Amend

Amendments to AB 903 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 977—An act to add Sections 20035.4, 20035.5, and 22825.12 to the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 977 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1008—An act to add Section 17072.14 to the Education Code, relating to public schools.

Bill read third time.

Amendments Adopted

Amendments to AB 1008 proposed by Senator Brulte were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1017—An act to add Sections 59001.2, and 59001.4 to, and to add Article 4 (commencing with Section 59050) to Chapter 1 of Part 32 of, the Education Code, relating to teachers.

Bill read third time.

Amendments Adopted

Amendments to AB 1017 proposed by Senator Brulte were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1131—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read third time.

Amendments Adopted

Amendments to AB 1131 proposed by Senator Bowen were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 1599—An act to add and repeal Section 14576 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

Bill read third time.

Amendments Adopted

Amendments to AB 1599 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 900—An act to amend Section 19617 of, and to add and repeal Section 19441.5 of, the Business and Professions Code, relating to horse racing.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 900 pursuant to Joint Rule 58.

ASSEMBLY MEMBER JEROME HORTON

Permission of Rules Committee

Senate Chamber, September 4, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 900.

BURTON, Chair

Amendments Adopted

Amendments to AB 900 proposed by Senator Vincent were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations**

AB 121—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 253—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

AB 408—Do pass as amended

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 906—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

AB 1410—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Murray.

AB 1417—Do pass as amended

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1631—Do pass as amended

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

AB 1666—Do pass as amended

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 9/4/03

Alpert (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Knight requested that when the Senate adjourns this day it do so in memory of Gordon E. Harrison of Lancaster.

Senators Kuehl and Machado requested that when the Senate adjourns this day it do so in memory of James George Leathers of Woodland.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Harry Cavaiani.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Elizabeth Yiamkis of Sacramento.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Victor L. Hanson, Jr. "Tor" of Alameda.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Monday, September 8, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, September 8, 2003

The Senate met at 10 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

If as some say, "There are no answers, only choices", Grant dear Lord, that the choices we make this day will be of benefit to the people of California, humankind and to You.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Ashburn led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 3, 2003

To the Members of the Senate:

I am signing SB 940 which (1) requires the Judicial Council to establish a court-county working group and adopt guidelines for a program to collect judicially imposed fines and penalties (e.g., traffic, misdemeanor, and felony violations), (2) requires each superior court and county to develop a cooperative plan to implement the Judicial Council's guidelines, and (3) establishes an amnesty program to waive the interest or collections costs on outstanding fines or assessments.

While this bill would result in a reimbursable state-mandated local program, the bill is meritorious because it could result in increased revenue of between \$181 to \$404 million, which would benefit the counties' special and general funds as well as the State's special and general funds. Specifically, this bill could significantly increase revenue used to compensate crime victims.

I note, however, that I have concerns with this bill. First, I am encouraging the Judicial Council to expand the membership of its workgroup and include in its deliberations representatives of the various entities involved in court-ordered debt collection such as the Victim Compensation and Government Claims Board, the Franchise Tax Board, the California Department of Corrections, and the California Youth Authority. Their participation will ensure the collection guidelines promote a seamless and efficient system for collecting these debts. Second, given the State's current fiscal situation, I strongly urge the Judicial Council and members of the collaborative court-county working group to ensure that the collections program established under this legislation is self-funded. Additionally, any such self-funded implementation should include the mitigation of costs counties would incur as a result of this bill to address the potential state-mandate costs associated with this measure.

Finally, the author of this bill has agreed to introduce future legislation should any of the concerns I have outlined need to be implemented through the legislative process.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
September 5, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Thomas T. Haider, president and founder of Haider Spine Center.
Appointed 9/7/03. Effective 9/8/03:

Member, Board of Governors of the State Bar of California vice
Joseph T. Rouzan, not confirmed, term ending 9/1/06.

Melvin D. Lee, president of San Francisco Care Center. Appointed 9/7/03.
Effective 9/8/03:

Member, Board of Governors of the State Bar of California vice
William Eastman, resigned, term ending 9/1/06.

Kent K. Sasaki, a structural engineer. Appointed 9/5/03. Effective 9/8/03:
Member, State Building Standards Commission vice Patrick
Buscovich, term expired, term ending 1/1/06.

Anita Grier, an Administrator at Lowell High School in San Francisco.
Appointed 9/5/03. Effective 9/8/03:

Member, Board of Governors of the California Community
Colleges vice Phillip J. Forhan, term expired, term ending 1/15/08.

Laurie J. Black, president of Downtown San Diego Partnership.
Appointed 9/5/03. Effective 9/8/03:

Member, Board of Governors of the California Community
Colleges vice Thomas F. Kranz, term expired, term ending 1/15/08.

Kathleen A. Prosper, former chief deputy warden at Sierra Conservation
Center. Appointed 9/4/03. Effective 9/5/03:

Warden, California Correctional Center at Susanville, Department
of Corrections vice Roy A. Castro, retired, term ending at the
pleasure of the Director of Corrections.

Bruce L. Simon, an attorney. Appointed 9/5/03. Effective 9/8/03:

Member, Board of Directors, Hastings College of the Law vice
William R. Channell, term expired, term ending 9/5/15.

Carin T. Fujisaki, an attorney. Appointed 9/5/03. Effective 9/8/03:

Member, Board of Directors, Hastings College of the Law vice
Wendy H. Borchardt, withdrawn from the Senate, term ending
9/5/15.

- John C. Harris, served since 11/00; reappointed 9/5/03. Effective 9/8/03:
Member, California Horse Racing Board, term ending 7/26/07.
- Frank Miramontes, president of the International Brotherhood of Electrical Workers Local 18 in Los Angeles. Appointed 9/5/03. Effective 9/8/03:
Member, Independent System Operator Governing Board vice Tal Finney, resigned, term ending 12/31/03.
- Phillip H. Tagami, managing general partner of an investment firm. Appointed 9/5/03: Effective 9/8/03:
Member, State Park and Recreation Commission vice John W. Murray, term expired, term ending 1/15/06.
- Alan Barcelona, president of California Union of Safety Employees. Appointed 9/5/03. Effective 9/8/03:
Member, Commission on Peace Officer Standards and Training vice W. Collene Campbell, withdrawn from the Senate, term ending 9/18/04.
- Louis Papan, former legislator. Appointed 9/5/03. Effective 9/8/03:
Member, Board of Prison Terms vice David A. Hepburn, term expired, term ending 3/15/07.
- Os-maun Rasul, Dean of Students at Luther King Middle School in San Francisco. Appointed 9/5/03. Effective 9/8/03:
Member, Commission on Teacher Credentialing vice Doris M. Miner, term expired, term ending 11/20/04.
- Miguel A. Pulido, Mayor of Santa Ana. Appointed 9/5/03. Effective 9/8/03:
Member, Teachers' Retirement Board vice Karney Hodge, withdrawn from the Senate, term ending four years from date of second commission.
- Stanley M. Toy, a physician. Appointed 9/5/03. Effective 9/8/03:
Member, Trustees of the California State University vice Stanley T. Wang, term expired, term ending 3/1/10.
- Milton M. Younger, an attorney. Appointed 9/5/03. Effective 9/8/03:
Member, Trustees of the California State University vice Martha C. Fallgatter-Walda, term expired, term ending 3/1/11.
- William R. Shadish, a retired surgeon. Appointed 9/5/03. Effective 9/8/03:
Member, California Veterans Board vice John L. Fitzke, term expired, term ending 1/15/06.
- Ashok K. Bhatt, owner of an investment and management services business. Appointed 9/5/03. Effective 9/8/03:
Member, California Water Commission vice Homer F. Lundberg, withdrawn from the Senate, term ending 1/15/06.

Katherine W. Moret, business owner. Appointed 9/5/03. Effective 9/8/03:
Member, California Water Commission vice Nancy H. Sutley,
resigned, term ending 1/15/07.

Kenneth J. Harrington, special assistant to the Mayor of San Francisco.
Appointed 9/5/03. Effective 9/8/03:
Court Administrator, Division of Workers' Compensation
Division, Department of Industrial Relations, newly created 2002
legislation, term ending at the pleasure of Administrative Director.

Lucille Palmer-Byrd, business agent for Operative Plasterers & Cement
Masons Local 300. Appointed 9/5/03. Effective 9/8/03:
Member, California Regional Water Quality Control Board,
Central Valley Region vice Susan L. Azevedo, term expired, term
ending 9/30/05.

Ronnie Caplane, president of the Piedmont Unified School District Board
of Education. Appointed 9/5/03. Effective 9/8/03:
Commissioner, Workers' Compensation Appeals Board vice
Colleen Sue Casey, term expired, term ending six years from date
of second commission.

William Wachob, a partner at William Wachob and Associates. Appointed
9/5/03. Effective 9/8/03:
Member, Youthful Offender Parole Board vice Ute Watson, retired,
term ending 12/31/03.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
September 8, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the
following appointees heretofore submitted and now before your honorable
body for confirmation.

William R. Shadish Member, California Veterans Board
Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 4, 2003

Mr. President: I am directed to inform your honorable body that the
Assembly on this day passed:

SB 448 SB 507

Above measures ordered enrolled.

Assembly Chamber, September 5, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 115	AB 942	AB 1634	AB 739
AB 199	AB 954	AB 1716	AB 839
AB 290	AB 984	AB 1731	AB 938
AB 369	AB 1031	AB 1742	AB 946
AB 552	AB 1059	AB 14	AB 1124
AB 593	AB 1244	AB 24	AB 1201
AB 642	AB 1248	AB 43	AB 1418
AB 786	AB 1350	AB 76	AB 1555
AB 847	AB 1525	AB 248	AB 1625
AB 866	AB 1594	AB 560	AB 1697

Assembly Chamber, September 5, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 37

Assembly Chamber, September 5, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 97, AB 455, AB 1313 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 112—Relative to the California Department of Forestry and Fire Protection firefighters.

Assembly Joint Resolution 37—Relative to Amtrak and rail funding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 4, 2003

Mr. President: The Committee on Rules has examined:

SB 911

And reports that the same has been correctly enrolled, and presented to the Governor on the 4th day of September, 2003, at 4:30 p.m.

BURTON, Chair

Senate Chamber, September 8, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 427 AB 23 AB 653
AB 1285 AB 1589

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 427—An act relating to the Department of Transportation.
Bill read second time.

Assembly Bill 23—An act to amend Section 65 of the Revenue and Taxation Code, relating to property taxation, to take effect immediately, tax levy.

Bill read second time.

Assembly Bill 653—An act to amend Section 15814.15 of the Government Code, relating to energy efficiency.

Bill read second time.

Assembly Bill 1285—An act to add Section 5090 to the Vehicle Code, relating to vehicles.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1285 pursuant to Joint Rule 58.

ASSEMBLY MEMBER SALINAS

Permission of Rules Committee

Senate Chamber, September 8, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1285.

BURTON, Chair

Assembly Bill 1589—An act relating to state employees.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, September 5, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1367

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

Senate Chamber, September 8, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1729

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1729—An act to amend Section 1861.02 of the Insurance Code, relating to automobile insurance.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1729 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BERMUDEZ

Permission of Rules Committee

Senate Chamber, September 8, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1729.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, August 29, 2003

Mr. President: The Committee on Appropriations, to which were referred:

AB 49

AB 264

AB 1145

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, September 5, 2003

Mr. President: The Committee on Rules has examined:

SB 54	SB 189	SB 376	SB 826
SB 85	SB 200	SB 464	SB 907
SB 93	SB 211	SB 607	SB 1032
SB 114	SB 271	SB 624	SB 1059
SB 140	SB 285	SB 727	SB 1062
SB 145	SB 302	SB 752	SB 1081
SB 183	SB 361	SB 795	

And reports that the same have been correctly enrolled, and presented to the Governor on the 5th day of September, 2003, at 3 p.m.

BURTON, Chair

Committee on Insurance

Senate Chamber, September 8, 2003

Mr. President: The Chair of the Committee on Insurance, to which was referred:

AB 1297

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1297—An act to add Sections 413.35, 664.61, and 2017.5 to the Code of Civil Procedure, and to amend Sections 1623, 1625, 1662, and 1732 of, and to add Section 1704.1 to, the Insurance Code, relating to insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, September 5, 2003

Mr. President: The Committee on Appropriations, to which was referred:

AB 806

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended, but first amend, and re-refer to the Committee on Rules.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, September 5, 2003

Mr. President: The Committee on Rules has examined:

SCR 5 SCR 20 SCR 36

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 5th day of September, 2003, at 4:45 p.m.

BURTON, Chair

Senate Chamber, September 8, 2003

Mr. President: The Committee on Rules has examined:

SB 92 SB 619 SB 639 SB 824

And reports that the same have been correctly enrolled, and presented to the Governor on the 8th day of September, 2003, at 9 a.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, September 8, 2003

Mr. President: The Committee on Appropriations, to which was referred:

AB 496

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended, but first amend, and re-refer to the Committee on Rules.

ALPERT, Chair

Above measure ordered to second reading.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 125, ACR 132, ACR 134, ACR 136**, and **SR 26** were withdrawn from Committee and placed on a Special Consent Calendar.

AB 23, AB 35, and **AB 1532** were withdrawn from Committee and placed on file.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 421** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

UNANIMOUS CONSENT TO READ BILLS A SECOND TIME

Without objection, all bills reported "As amended" from the Committee on Appropriations shall be given their second reading upon being reported.

MOTION TO DEMAND APOLOGY FROM GOVERNOR

Senator Brulte moved that the Senate demand an apology from the Governor for his anti-immigrant remarks last weekend.

Motion continued until the next legislative day.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 1723—An act to amend Section 1401 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 1719—An act to amend Sections 515.6, 6309, and 6315 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

Assembly Bill 1521—An act to repeal Sections 10004, 10005, 10006, 10007, 10008, 10009, and 10031 of, the Food and Agricultural Code, relating to diseased animals.

Bill read second time and ordered to third reading.

Assembly Bill 253—An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

Bill read second time and ordered to third reading.

Assembly Bill 1410—An act to amend Sections 54220 and 54222 of the Government Code, relating to surplus land.

Bill read second time and ordered to third reading.

Assembly Bill 170—An act to add Section 65302.1 to the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

Assembly Bill 304—An act to amend Sections 51451.5, 51505, 51615, 51628, 51642, 51643.5, 51648, 51650, 51651, 51652, 51654, 51670, and 53533 of, and to repeal Section 51646 of, the Health and Safety Code, relating to housing, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 319—An act to amend Section 12021 of the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Assembly Bill 327—An act to amend Sections 1465.5 and 1465.6 of the Penal Code, and to amend Sections 22511.55, 22511.59, 42001, and 42001.5 of, and to add Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Assembly Bill 413—An act to add Section 5003.18 to the Public Resources Code, relating to state property

Bill read second time and ordered to third reading.

Assembly Bill 677—An act to add Section 21152.1 to the Public Resources Code, relating to environmental quality.

Bill read second time and ordered to third reading.

Assembly Bill 903—An act to amend Sections 896, 911, 912, 916, 936, 938, 941, and 945.5 of, and to amend, renumber, and add Section 942 to, the Civil Code, relating to construction defects.

Bill read second time and ordered to third reading.

Assembly Bill 977—An act to add Sections 20035.4, 20035.5, and 22825.12 to the Government Code, relating to state employees .

Bill read second time and ordered to third reading.

Assembly Bill 1008—An act to add Section 17072.14 to the Education Code, relating to public schools.

Bill read second time and ordered to third reading.

Assembly Bill 1017—An act to add Sections 59001.2 and 59001.4 to, and to add Article 4 (commencing with Section 59050) to Chapter 1 of Part 32 of, the Education Code, relating to teachers.

Bill read second time and ordered to third reading.

Assembly Bill 1131—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read second time and ordered to third reading.

Assembly Bill 1599—An act to add and repeal Section 14576 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

Bill read second time and ordered to third reading.

Assembly Bill 900—An act to add Sections 19605.75, 19605.76, and 19605.77 to the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

MEASURE RE-REFERRED TO COMMITTEE

Without objection, **AB 1051** was re-referred to the Committee on Rules.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Soto, SB 294 was returned to the Assembly for further action.

UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (SB 53)

Without objection, unanimous consent was granted that the action be rescinded whereby the Senate refused to concur in Assembly amendments to SB 53 and that the measure be returned to the Assembly for further action.

Senator Bowen Presiding**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 356—An act to amend Sections 44650, 44651, 44652, 52055.655, 52057, 60851, and 60856 of, to amend, repeal, and add Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60642, 60642.5, 60643, and 60643.1 of, and to repeal Sections 44653, 44654, and 60859 of, the Education Code, relating to education testing.

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 1355—An act to amend Sections 273, 506, 645, 646, 687, 688, 1547, 1780, 1938, 3359, 3369, 3376, 14256, 16201, and 16901 of, to add Section 216.3 to, and to repeal Section 14210 of, the Financial Code, relating to financial institutions.

Bill read third time and presented by Senator Florez.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, and Torlakson.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1775—An act to amend Section 1814 of the Financial Code, relating to money transmitters.

Bill read third time.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 509—An act to amend Sections 19596.1 and 19596.2 of, and to add Section 19596.3 to, the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time and presented by Senator Denham.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 1501—An act to amend Section 85401 of 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 Perata.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 692—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read third time and presented by Senator Murray.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Murray moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 106—An act to amend Section 22171 of the Education Code, relating to state teachers' retirement.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 161—An act to amend Section 12076 of, and to repeal Section 12071 of, the Penal Code, and to amend Section 3 of Chapter 909 of the Statutes of 2002, and Section 4 of Chapter 911 of the Statutes of 2002, relating to firearms, and making an appropriation therefor.

Bill read third time and presented by Senator Sher.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 526—An act to add and repeal Section 2107.5 of the Elections Code, relating to registration.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1598—An act to amend Section 3 of Chapter 899 of the Statutes of 1995, and to amend Section 2 of Chapter 895 of the Statutes of

2001, relating to seismic activity, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators McClintock and Oller.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (2)—Senators McClintock and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1286—An act to repeal and add Sections 1373.65, 1373.95, and 1373.96 of the Health and Safety Code, and to amend Section 10133.56 of the Insurance Code, relating to health care coverage.

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 (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (7)—Senators Ackerman, Battin, Brulte, Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 260—An act to amend Section 91.5 of, and to add Section 91.6 to, the Streets and Highways Code, relating to highways.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Figueroa, Florez, Karnette, Kuehl, Machado,

McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1685—An act to amend Sections 353.2 and 379.5 of, and to add Section 379.6 to, the Public Utilities Code, relating to energy.

Bill read third time and presented by Senator Alpert.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Alpert moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 47—An act to add Section 4551.9 to the Public Resources Code, relating to forest practices.

Bill read third time and presented by Senator Sher.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 68—An act to add Chapter 22 (commencing with Section 22575) to Division 8 of the Business and Professions Code, relating to privacy.

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 Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 401—An act to amend Section 19617 of, and to add Section 19605.53 to, the Business and Professions Code, relating to horse racing

Bill read third time and presented by Senator Denham.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Hollingsworth and Scott.

Bill ordered transmitted to the Assembly.

Assembly Bill 801—An act to amend Section 853 of, and to add Article 10.5 (commencing with Section 2198) to Chapter 5 of Division 2 of, the Business and Professions Code, relating to the healing arts.

Bill read third time and presented by Senator Vincent.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 935—An act to add Chapter 9 (commencing with Section 100600) to Part 12 of Division 10 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1028—An act to add Section 3073.3 to, and to add and repeal Section 3073.2 of the Labor Code, relating to apprenticeship.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1049—An act to amend Section 791.12 of the Insurance Code, relating to underwriting.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1770—An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, 2250, and 8282 of, to add Sections 6950.5, 6951, and 6957 to, and to repeal Article 3 (commencing with Section 6430) of Chapter 5 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Section 36711 to, the Public Resources Code, and to amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado,

McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1666—An act to amend, repeal, and add Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 121—An act to add Division 38 (commencing with Section 72400) to the Public Resources Code, relating to vessels.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 906—An act to add Division 39 (commencing with Section 72500) to the Public Resources Code, relating to vessels.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 568—An act to amend Section 14006 of the Penal Code, relating to the Community Law Enforcement and Recovery Demonstration Project.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1137—An act to amend Sections 44579.1, 44579.2, 44579.5, 47604, 47607, 47612.5, 47613, 47634, 60242, and 60421 of, to amend and repeal Sections 14002.3 and 47612 of and, to add Sections 47604.32, and 47604.33 to, the Education Code, relating to charter schools, and making an appropriation therefor.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 356)**

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 356 was passed by the following vote:

AYES (22)—Senators Alarcón, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 161)**

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 161 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 526)**

On motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 526 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1685)**

On motion of Senator Alpert, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1685 was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 47)**

On motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 47 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 692)**

On motion of Senator Murray, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 692 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Machado, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Figueroa moved that **AB 1079** be placed on the inactive file.

Motion carried.

**SPECIAL CONSENT CALENDAR
Objections Raised**

On request of the authors, **AB 579** and **AB 1151** were taken from the Special Consent Calendar and placed on the third reading file.

Assembly Bill 197—An act to amend Section 12419.10 of the Government Code, relating to offset payments.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 366—An act to amend Sections 1502 and 1522.02 of the Health and Safety Code, relating to care facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 177—An act to amend Sections 9084, 13300, and 14105 of, to add Section 14105.3 to, and to add Chapter 5 (commencing with Section 2300) to Division 2 of, the Elections Code, relating to elections.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 294—An act to add and repeal Article 1.5 (commencing with Section 51705) of Chapter 5 of Part 28 of, and to repeal Section 46300.8 of, the Education Code, relating to schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 313—An act to amend Section 2948.5 of the Civil Code, and to amend Section 50204 of, and to repeal Section 50707 of, the Financial Code, relating to mortgage lending.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 338—An act to amend Sections 48800, 48800.5, 48802, 76001, and 76002 of the Education Code, relating to public schools.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 642—An act to amend Section 485 of, and to add Sections 5011 and 5012 to, the Food and Agricultural Code, relating to quarantines.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 801—An act to repeal Section 51220.3 of the Education Code, relating to instruction.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 851—An act to amend Section 44010 of the Education Code, to amend Section 917 of the Evidence Code, to amend Section 6250 of the Family Code, to amend Section 6254.24 of the Government Code, to amend Sections 11561 and 121070 of the Health and Safety Code, to amend Sections 171.5, 629.62, 633, 803, 830.31, 836, 847, 981, 1170.11, 1202.1, 1203.1abc, 1203.3, 3520, 11171, 12022.5, 12022.53, 13864, and

14309 of, to add Section 803.5 to, and to repeal Section 13864 of, the Penal Code, to amend Sections 14601, 23109.2, and 35400 of, to amend and repeal Section 23249 of, and to repeal Section 23249.1 of, the Vehicle Code, and to amend Sections 355, 387, and 15763 of the Welfare and Institutions Code, relating to public safety.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 691—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 151—An act to amend Sections 11165.1 and 11166 of, to amend and repeal Sections 11162, 11168, and 11169 of, to amend, repeal, and add Sections 11159.2, 11161, 11164, 11165, 11167, 11167.5, and 11190 of, to add Sections 11029.5, 11161.5, 11161.7, 11162.1, and 11162.6 to, and to add, repeal, and add Section 11164.1 to, the Health and Safety Code, relating to controlled substances.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 452—An act to amend Sections 89260 and 89260.5 of, and to repeal Section 89260.7 of, the Education Code, relating to the California State University.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 802—An act to amend Sections 164.14 and 164.19 of the Streets and Highways Code, relating to transportation.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 125—Relative to Breast Cancer Awareness Month.

(NOTE: See Consent Calendar Roll Call)

Resolution read and adopted, and ordered transmitted to the Assembly.

Assembly Concurrent Resolution 132—Relative to Red Ribbon Week.

Resolution read and adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 134—Relative to California Small and Rural Telecommunications Week.

Resolution read and adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 136—Relative to Assisted Living Week.

Resolution read and adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Resolution 26—Relative to Ovarian Cancer Awareness Month.

Resolution read and adopted.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Special Consent Calendar passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

GOVERNOR REQUESTED TO RETURN BILLS

On the request of Senator Poochigian, the Secretary of the Senate was requested to ask the Governor to return SB 993 to the Senate for further action.

On the request of Senator Sher, the Secretary of the Senate was requested to ask the Governor to return SB 245 to the Senate for further action.

REQUESTS TO BE ADDED TO ROLL CALL

September 8, 2003

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 1775—Aye	AB 509—Aye	AB 1501—Aye
AB 1598—Aye	AB 1286—Aye	AB 260—Aye
AB 68—Aye	AB 935—Aye	AB 1770—Aye
AB 121—Aye	AB 906—Aye	AB 568—Aye
AB 356—Aye	AB 1028—Aye	AB 1049—Aye

JOHN L BURTON, President pro Tempore

September 8, 2003

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 1355—No AB 1775—No AB 1049—Aye
AB 568—Aye

JAMES L BRULTE, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 12:48 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, September 9, 2003.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 6, 2003

To the Members of the California Senate:

I am returning **Senate Bill 589** without my signature.

This bill would create a process whereby specified Governor's interim appointments would only be effective for a period not to exceed six months without Senate confirmation.

When filling executive positions in an administration, it is a Governor's prerogative to appoint someone in a temporary or acting capacity until such time as he/she decides that the appointment needs to be made permanent. There could be a number of circumstances and situations where it is necessary or prudent to appoint someone in an acting capacity. I believe this authority and discretion should remain with the Governor unless he or she chooses to relinquish it, which I do not.

I will, however, direct my staff to inform the Senate of any temporary or interim appointments in positions subject to Senate confirmation I make in the future.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
September 6, 2003

To the Members of the California Senate:

I am returning **Senate Bill 799** without my signature.

The bill would exempt a retriever unit from registration, if the vehicle displays specified identification plates and is transporting stacked hay (or

returning from the delivery of stacked hay) for a distance of not more than 10 continuous miles on a highway from one parcel of property owned, leased or controlled by a farmer to another parcel owned, leased or operated by the same farmer. The bill also defines a retriever unit as a two-axle motortruck that is equipped with a self-loading bed designed and used exclusively to transport six tons or less of hay in stacks.

I am returning this bill principally because of public safety concerns raised by the California Highway Patrol and the California Department of Motor Vehicles. Exempting retriever units from registration would exempt these vehicles from the Motor Carrier Permit Program, which ensures that vehicles maintain proper safety standards and insurance for operating on California highways. Lack of registration would also exempt gasoline-powered retriever units from smog inspection requirements. This bill also creates a potential public safety issue by allowing persons, who may not be medically qualified or commercially trained, to operate a commercial vehicle on public roads by removing commercial driver's license requirements for these vehicles.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
September 8, 2003

To the Members of the Senate:

Pursuant to your request, I am returning SB 245 and SB 993, on behalf of the Governor, to the Senate for further action.

Sincerely,

PAMELA K. OTO
Private Secretary of the Governor

Above bills ordered to enrollment.

RECEIPT OF BILLS

I acknowledge receipt this 8th day of September 2003 at 3:50 p m., of SB 589 and SB 799 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

DAVID VALVERDE
Assistant Secretary of the Senate

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2003

The Honorable Greg Schmidt

Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 933 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing, September 4, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 1631

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, September 8, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

AB 118

AB 421

AB 1051

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 118—An act to add Section 1936.4 to the Civil Code, relating to vehicles, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 421—An act to add and repeal Article 3.5 (commencing with Section 97.7) of Part 0.5 of Division 1 of, and to repeal Section 97.68 of, the Revenue and Taxation Code, relating to local government finance.

Bill read second time.

Assembly Bill 1051—An act to amend Section 54999.1 of, and to add Sections 54999.7 and 54999.8 to, the Government Code, relating to local government.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, September 8, 2003

Madam President: The Chair of the Committee on Education, to which was referred:

AB 1465

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1465—An act to add Section 89704.5 to the Education Code, relating to postsecondary education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 49—An act to amend Section 13848.6 of the Penal Code, relating to crime.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1367—An act to add Section 25150.9 to the Health and Safety Code, and to amend Section 13173 of the Water Code, relating to hazardous waste.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 264—An act to add Section 17462.7 to, and to add and repeal Section 17462.5 of, the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1145—An act to add Chapter 5.4 (commencing with Section 8455) to Division 1 of Title 2 of the Government Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 806—An act to amend Section 224 of the Food and Agricultural Code, relating to agriculture.

Bill read second time.

Permission of Rules Committee

Senate Chamber, September 8, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 806.

BURTON, Chair

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 496—An act to add and repeal Division 23.6 (commencing with Section 33807) of the Public Resources Code, relating to the Santa Ana River Conservancy.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 1631—An act to amend Section 17071.46 of the Education Code, relating to public schools.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 9:

AB 903	AB 1008	AB 1131
SB 1077	SB 257	SB 315
SB 947	SB 1060	SB 1024

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 105—An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, relating to agricultural lands.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 105 pursuant to Joint Rule 58.

ASSEMBLY MEMBER WIGGINS

Permission of Rules Committee

Senate Chamber, September 5, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 105.

BURTON, Chair

Amendments Adopted

Amendments to AB 105 proposed by Senator Machado were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 135—An act to add Chapter 6.5 (commencing with Section 1111) to Part 3 of Division 2 of the Labor Code, relating to employment.

Bill read third time.

Amendments Adopted

Amendments to AB 135 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 163—An act to add and repeal Section 52086.5 of the Education Code, relating to class size reduction.

Bill read third time.

Amendments Adopted

Amendments to AB 163 proposed by Senator Machado were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 231—An act to amend Sections 11155 and 18901.6 of, to add Sections 18901.9 and 18901.10 to, and to repeal Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, the Welfare and Institutions Code, relating to public social services.

Bill read third time.

Amendments Adopted

Amendments to AB 231 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 253—An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

Bill read third time.

Amendments Adopted

Amendments to AB 253 proposed by Senator Dunn were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 278—An act to amend Section 19817 of the Business and Professions Code, and to amend Section 337j of the Penal Code, relating to gaming.

Bill read third time.

Amendments Adopted

Amendments to AB 278 proposed by Senator Vincent were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 380—An act to add Section 5855.7 to the Welfare and Institutions Code, relating to mental health.

Bill read third time.

Amendments Adopted

Amendments to AB 380 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 523—An act to amend Section 7507.9 of the Business and Professions Code, relating to collateral recovery.

Bill read third time.

Amendments Adopted

Amendments to AB 523 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 539—An act to amend Sections 1725 and 1766 of the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 539 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 694—An act to amend Section 6248 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

Amendments Adopted

Amendments to AB 694 proposed by Senator Dunn were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 747—An act to amend Sections 14105.48 and 19805 of the Welfare and Institutions Code, relating to human services.

Bill read third time.

Amendments Adopted

Amendments to AB 747 proposed by Senator Machado were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 826—An act to amend Section 25404 of, to add Section 25504.1 to, and to add Article 10.01 (commencing with Section 25210.5) and Article 12.5 (commencing with Section 25249.1) to Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste.

Bill read third time.

Amendments Adopted

Amendments to AB 826 proposed by Senator Sher were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 897—An act to amend Sections 13264, 13268, 13321, 13350, 13372, 13383, 13385, and 13387 of the Water Code, relating to water.

Bill read third time.

Amendments Adopted

Amendments to AB 897 proposed by Senator Sher were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 899—An act to amend Section 1299.3 of the Code of Civil Procedure, and to amend Section 19134 of the Government Code, relating to public employment relations.

Bill read third time.

Amendments Adopted

Amendments to AB 899 proposed by Senator Burton were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1020—An act to add Section 116747 to the Health and Safety Code, relating to drinking water.

Bill read third time.

Amendments Adopted

Amendments to AB 1020 proposed by Senator Sher were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1027—An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees.

Bill read third time.

Amendments Adopted

Amendments to AB 1027 proposed by Senator Soto were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1093—An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages.

Bill read third time.

Amendments Adopted

Amendments to AB 1093 proposed by Senator Burton were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1266—An act to amend Sections 8957, 44393, 52055.51, 52055.610, 52055.650, 53081, 53083, 60423, 69440, and 84750 of, to amend and renumber Section 52055.52 of, to add Sections 18866, 41474, 52055.54, 54761.4, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to add and repeal Section 60422.1 of, to repeal Section 426 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, to repeal Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal and add Section 53084 of, the Education Code, and to amend Section 12.40 of Chapter 157 of, and amend Section 37 of Chapter 227 of, the Statutes of 2003, relating to schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1266 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1290—An act to amend Sections 646.91, 836, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

Bill read third time.

Amendments Adopted

Amendments to AB 1290 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1308—An act to amend Sections 11758.41, 11758.42, and 11880 of, and to add Section 11880.5 to, the Health and Safety Code, and to add Section 4032 to the Penal Code, relating to drug treatment.

Bill read third time.

Amendments Adopted

Amendments to AB 1308 proposed by Senator Vasconcellos were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1326—An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of the Education Code, relating to child care.

Bill read third time.

Amendments Adopted

Amendments to AB 1326 proposed by Senator Sher were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1485—An act to amend Section 51700 of, and to add Sections 51701 and 51701.5 to, the Education Code, relating to English learners.

Bill read third time.

Amendments Adopted

Amendments to AB 1485 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1492—An act to amend Section 51257 of, and to add Section 51250 to, the Government Code, relating to agricultural land conservation.

Bill read third time.

Amendments Adopted

Amendments to AB 1492 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1497—An act to amend Sections 44004 and 45011 of, and to add Section 43501.5 to, the Public Resources Code, relating to solid waste.

Bill read third time.

Amendments Adopted

Amendments to AB 1497 proposed by Senator Romero were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1506—An act to add Section 1771.9 to the Labor Code, relating to public works.

Bill read third time.

Amendments Adopted

Amendments to AB 1506 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1521—An act to repeal Sections 10004, 10005, 10006, 10007, 10008, 10009, and 10031 of, the Food and Agricultural Code, relating to diseased animals.

Bill read third time.

Amendments Adopted

Amendments to AB 1521 proposed by Senator Perata were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1524—An act to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.61, and 12699.62 of, and to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, the Insurance Code, relating to health care coverage.

Bill read third time.

Amendments Adopted

Amendments to AB 1524 proposed by Senator Aanestad were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1570—An act to amend Section 10313 of the Public Contract Code, relating to public contracts.

Bill read third time.

Amendments Adopted

Amendments to AB 1570 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1640—An act to amend Sections 25404, 25404.1.1, 25404.3, 25501.4, 25532, and 25540 of, and to add Section 25404.1.3 to, the Health and Safety Code, relating to hazardous materials.

Bill read third time.

Amendments Adopted

Amendments to AB 1640 proposed by Senator Sher were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1688—An act to add and repeal Part 8.5 (commencing with Section 2050) of Division 2 of the Labor Code, relating to car washes. Bill read third time.

Amendments Adopted

Amendments to AB 1688 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1719—An act to amend Sections 515.6, 6309, and 6315 of the Labor Code, relating to employment. Bill read third time.

Amendments Adopted

Amendments to AB 1719 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1723—An act to amend Section 1401 of the Labor Code, relating to employment. Bill read third time.

Amendments Adopted

Amendments to AB 1723 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1771—An act relating to state government, and declaring the urgency thereof, to take effect immediately. Bill read third time.

Amendments Adopted

Amendments to AB 1771 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 71—An act to add and repeal Division 8.6 (commencing with Section 22970) of the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend Section 104557 of the Health and Safety Code, to amend, repeal, and add Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and 30481 of, to add Sections 30019, 30165.1, 30166.1, 30177.5, and 30482 to, to add and repeal Sections 30435 and 30474.1 of, to add and repeal Article 2.5 (commencing with Section 30210) of Chapter 4 of Part 13 of Division 2 of, and to add and repeal Article 5 (commencing with Section 30355) of Chapter 5 of Part 13 of Division 2 of, the Revenue and Taxation Code, relating to cigarettes and tobacco products, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 71 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 371 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 579—An act to amend Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 366.21 of the Welfare and Institutions Code, relating to dependent children.

Bill read third time.

Amendments Adopted

Amendments to AB 579 proposed by Senator Escutia were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1087 proposed by Senator Machado were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1130—An act to add Section 6254.23 to the Government Code, and to amend Sections 12699.50, 12699.51, 12699.52, 12699.53, 12699.54, 12699.56, 12699.58, 12699.60, 12699.61, and 12699.62 of, to amend the heading of Part 6.4 (commencing with Section 12699.50) of Division 2 of, and to add Section 12699.525 to, the Insurance Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1130 proposed by Senator Speier were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1601—An act to amend Sections 18628, 19116, 19164, 19166, 19173, 19177, 19179, 19504, 19715, and 21028 of, to add Section 18407 to, to add Chapter 9.5 (commencing with Section 19751) to Part 10.2

of, and to repeal and add Section 18648 of, the Revenue and Taxation Code, relating to taxation.

Bill read third time.

Amendments Adopted

Amendments to AB 1601 proposed by Senator Cedillo were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1767—An act to amend Section 488.385 of the Code of Civil Procedure, to amend Section 10902 of the Revenue and Taxation Code, and to amend Sections 1685, 4604, 5014, 5036, 5066, 6700.25, 9102.5, 9250, 9250.8, 9250.13, 9252, 9254, 9258, 9261, 9265, 9400.1, 9554, 9702, 11515, 11515.2, 12814.5, 14900, 14900.1, 14901, 14902, 38121, 38225.4, 38225.5, 38232, 38255, 38260, and 38265 of, to add Section 1678 to, and to repeal Section 38225.4 of, the Vehicle Code, relating to vehicles

Bill read third time.

Amendments Adopted

Amendments to AB 1767 proposed by Senator Burton were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1769—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1769 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 94—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to property taxation.

Bill read third time.

Amendments Adopted

Amendments to AB 94 proposed by Senator Perata were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 300—An act to amend Sections 8206, 8206.1, 8206.6, 8242, 8261, 8263, 8805, 32211, 35160.5, 39831.5, 41344, 42285.2, 44505, 45037, 46201, 46202, 48916, 48918, 51224.5, 52055.640, 56343.5, and 60040 of, and to repeal Sections 8206.3, 8206.5, 8206.7, 8206.8, 8207, 17912.1, 45357, 45358, 51132, 51882, 62006, 62007, and 62008 of, the Education Code, to amend Section 19050.8 of the Government Code, to add Section 97.45 to the Revenue and Taxation Code, to amend Section 45 of Chapter 1167 of the Statutes of 2002, and to amend Section 7 of Chapter

1 of the Statutes of 2003, relating to education, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 300 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 403—An act to amend Section 12104 of, and to add Section 12200.9 to, the Financial Code, relating to check sellers and proraters, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 403 proposed by Senator Speier were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 490—An act to amend Sections 48645.5, 48850, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, 16000, and 16501.1 of the Welfare and Institutions Code, relating to minors.

Bill read third time.

Amendments Adopted

Amendments to AB 490 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 491—An act to add Article 3 (commencing with Section 89730) to Chapter 6 of Part 55 of, and to add Article 6 (commencing with Section 92060) to Chapter 1 of Part 57 of, the Education Code, and to amend Section 12100.5 of the Public Contract Code, relating to public postsecondary education.

Bill read third time.

Amendments Adopted

Amendments to AB 491 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 679—An act to add Article 6 (commencing with Section 10237) to Chapter 3 of Part 1 of Division 4 of, and to repeal Section 10229 of, the Business and Professions Code, relating to real estate.

Bill read third time.

Amendments Adopted

Amendments to AB 679 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 710—An act to amend Section 130052 of the Public Utilities Code, relating to transportation.

Bill read third time.

Amendments Adopted

Amendments to AB 710 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 855—An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 709.5 to, the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 855 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 859—An act to add and repeal Section 31221 of the Public Resources Code, relating to oceans.

Bill read third time.

Amendments Adopted

Amendments to AB 859 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1151—An act to amend Section 911.4 of, and to add Section 6252.6 to, the Government Code, to amend Section 1527.6 of the Health and Safety Code, and to amend Section 16501.1 of, and to add Section 16000.1 to, the Welfare and Institutions Code, relating to foster care.

Bill read third time.

Amendments Adopted

Amendments to AB 1151 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1277—An act to amend Section 13848.6 of the Penal Code, relating to Section high technology crime.

Bill read third time.

Amendments Adopted

Amendments to AB 1277 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1360—An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

Bill read third time.

Amendments Adopted

Amendments to AB 1360 proposed by Senator Sher were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1426—An act to add and repeal Chapter 4.6 (commencing with Section 65965) of Division 1 of Title 7 of the Government Code, relating to land use.

Bill read third time.

Amendments Adopted

Amendments to AB 1426 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1453—An act to add and repeal Section 12803.3 of the Government Code, relating to long-term care.

Bill read third time.

Amendments Adopted

Amendments to AB 1453 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1467—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1467 proposed by Senator Aanestad were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1475—An act to amend Sections 50675.14, 53315, and 53533 of the Health and Safety Code, and to amend Sections 5806 and 5814 of the Welfare and Institutions Code, relating to housing.

Bill read third time.

Amendments Adopted

Amendments to AB 1475 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1618—An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1618 proposed by Senator Escutia were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1668—An act to amend Sections 8278.3, 54745, and 54749 of the Education Code, relating to child care funding.

Bill read third time.

Amendments Adopted

Amendments to AB 1668 proposed by Senator Scott were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 1760—An act to amend Sections 13903 and 13957.7 of, to amend, repeal, and add Section 13957 of, and to add and repeal Section 13964.5 of, the Government Code, and to amend, repeal, and add Sections 1001.90 1202.4, and 2085.5 of the Penal Code, relating to victims of crime, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1760 proposed by Senator McPherson were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 715—An act relating to school facilities.

Bill read third time.

Amendments Adopted

Amendments to AB 715 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

REQUEST FOR UNANIMOUS CONSENT (AB 1239)

Senator Dunn asked for, and was granted, unanimous consent that AB 1239 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1239

Assembly Bill 1239—An act to amend Section 33561 of the Financial Code, and to add Section 23038.8 to the Revenue and Taxation Code, relating to payment instruments.

Bill read second time.

Motion to Amend

Amendments to AB 1239 proposed by Senator Dunn were read and adopted and the measure ordered printed and to Rules Committee.

REQUEST FOR UNANIMOUS CONSENT (AB 1362)

Senator Alarcón asked for, and was granted, unanimous consent that AB 1362 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1362

Assembly Bill 1362—An act to amend Section 1151.5 of the Government Code, relating to personnel.

Bill read second time.

Motion to Amend

Amendments to AB 1362 proposed by Senator Alarcón were read and adopted and the measure ordered printed and to third reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 493—An act to amend Section 50650.3 of the Health and Safety Code, relating to housing.

Bill read third time.

Amendments Adopted

Amendments to AB 493 proposed by Senator McPherson were read and adopted and the measure ordered printed and referred to the Committee on Rules.

Assembly Bill 746—An act to amend Section 810 of the Business and Professions Code, relating to the healing arts.

Bill read third time.

Amendments Adopted

Amendments to AB 746 proposed by Senator Figueroa were read and adopted and the measure ordered printed and referred to the Committee on Rules.

Assembly Bill 920—An act to amend Sections 1102.6a, 1102.17, and 1103.2 of the Civil Code, relating to real estate disclosures.

Bill read third time.

Amendments Adopted

Amendments to AB 920 proposed by Senator Torlakson were read and adopted and the measure ordered printed and referred to the Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT (AB 1507)

Senator Perata asked for, and was granted, unanimous consent that AB 1507 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1507

Assembly Bill 1507—An act to amend Section 7901 of the Labor Code, relating to employment.

Bill read second time.

Motion to Amend

Amendments to AB 1507 proposed by Senator Perata were read and adopted and the measure ordered printed and referred to the Committee on Rules.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 97)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 97 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 97

Assembly Bill 97—An act to amend Sections 48209.15, 48209.16, and 56836.155 of, to amend and repeal Section 47612 of, and to repeal Sections 48209.2, 48209.12, 48209.13, and 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 97 proposed by Senator Denham were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 953)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 953 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 953

Assembly Bill 953—An act to amend Section 66462.5 of the Government Code, relating to land use.

Bill read.

Motion to Amend

Amendments to AB 953 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1208)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1208 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1208

Assembly Bill 1208—An act to add Section 1091.4 to the Government Code, relating to conflicts of interest.

Bill read.

Motion to Amend

Amendments to AB 1208 proposed by Senator Aanestad were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1764)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1764 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1764

Assembly Bill 1764—An act to amend Section 22954.1 of, and to amend and repeal Section 22954 of, the Education Code, relating to state teachers' retirement, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1764 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 44)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 44 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 44

Assembly Bill 44—An act to amend Section 2625 of the Penal Code, and Sections 294 and 366.21 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 44 proposed by Senator Morrow were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 455)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 455 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 455

Assembly Bill 455—An act to add Article 10.3 (commencing with Section 25214.11) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read.

Motion to Amend

Amendments to AB 455 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 763)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 763 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 763

Assembly Bill 763—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

Bill read third time.

Amendments Adopted

Amendments to AB 763 proposed by Senator Bowen were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 933)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 933 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 933

Assembly Bill 933—An act to amend Section 68120 of the Education Code, and to amend Sections 21541, 31781.1, and 31787 of the Government Code, relating to death benefits.

Bill read.

Motion to Amend

Amendments to AB 933 proposed by Senator Escutia were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1313)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1313 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1313

Assembly Bill 1313—An act to amend Section 290.01 of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1313 proposed by Senator McPherson were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 610)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 610 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 610

Assembly Bill 610—An act to amend Sections 17587 and 17592.5 of the Education Code, relating to public schools.

Bill read.

Motion to Amend

Amendments to AB 610 proposed by Senator Alarcón were read and adopted and the measure ordered printed and referred to the Committee on Rules.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 408** was withdrawn from Committee and placed on file.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

Senate Joint Resolution 23: By Senator Ashburn—Relative to Military base closures.

Senate Resolution 27: By Senator Chesbro—Relative to the Public Utilities Commission.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Claire A.P. “Duff” Duffie, Jr., of Orange County.

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Ludim Seja DeManzand of Northridge.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Elisabeth Herdman of Westlake Village.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators’ requests until 10 a.m., Tuesday, September 9, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, September 9, 2003

The Senate met at 10 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:
Make us worthy, Lord, to serve those who live and die in need. Give them through our hands this day their daily bread, and by our understanding love, give peace and joy.—AMEN.

(Mother Teresa, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Ashburn led the Senate in the pledge of allegiance to the Flag.

Senator Romero Presiding**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, September 8, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 771

Above measure ordered enrolled.

Assembly Chamber, September 8, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 3	SB 649	SB 763	SB 125
SB 19	SB 680	SB 821	SB 130
SB 27	SB 730	SB 970	SB 185
SB 56	SB 748	SB 157	SB 187
SB 81	SB 964	SB 186	SB 238
SB 83	SB 1008	SB 226	SB 352
SB 87	SB 1061	SB 418	SB 412
SB 314	SB 5	SB 469	SB 495
SB 358	SB 15	SB 551	SB 857
SB 377	SB 168	SB 599	SB 1016
SB 549	SB 244	SB 916	SJR 6
SB 602	SB 248	SB 937	
SB 640	SB 582	SB 1047	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 8, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 52	AB 446	AB 773	AB 998
AB 54	AB 547	AB 776	AB 999
AB 183	AB 648	AB 827	AB 1196
AB 184	AB 650	AB 828	AB 1210
AB 352	AB 663	AB 844	AB 1219
AB 361	AB 682	AB 898	AB 1245
AB 433	AB 766	AB 978	AB 1449

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, September 8, 2003

Madam President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Vivian L. Malkenhorst of Huntington Beach as a member of the State Bar Examining Committee to serve for a term ending October 1, 2007.

Appointed Mr. Dennis C. DeCota of Novato as a member of the Smog Check Inspection and Maintenance Review Committee to serve for a term ending September 8, 2007.

Appointed the following persons as members of the Stem Cell Research Advisory Panel to serve at the pleasure of the Rules Committee: Ms. Pamela S. Cooke of Los Angeles (law), Ms. Radhika Rao of Berkeley (law), David Gollaher, Ph.D. of San Diego (biotechnology), Elizabeth Blackburn, Ph.D. of San Francisco (human biology), Lawrence Goldstein, Ph.D. of San Diego (microbiology), Ms. Donna G. Riordan of Soquel (patient advocacy), Irving L. Weissman, M.D. of Redwood City (bioethics), and Laurie Zoloth, Ph.D. of Berkeley (religion).

BURTON, Chair

Committee on Appropriations

Senate Chamber, September 9, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 256

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 256—An act to add Section 105307 to the Health and Safety Code, relating to lead.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, September 4, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 408

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, September 8, 2003

Madam 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:

Ruth Coleman, Director, State Parks and Recreation Department (5-0)

William J. Jefferds, Ed.D., Director, Department of General Services (5-0)

Anthony S. Molica, Director, California State Lottery (5-0)

Jack D. Cox, Member, Unemployment Insurance Appeals Board (3-0)

Theresa A. Parker, Executive Director, California Housing Finance Agency (3-0)

Charles "Chuck" J. Supple, Member, Youthful Offender Parole Board (3-0)

Sunne Wright McPeak, Member, California Consumer Power and Conservation Financing Authority, Board of Directors (3-0)

Nhung T. Ngo, Member, Student Aid Commission (3-0)

John L. Scott, Member, Board of Corrections (3-0)

Justin I. Tin, D.D.S., Member, Acupuncture Board (3-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Committee on Business and Professions

Senate Chamber, September 9, 2003

Madam President: The Chair of the Committee on Business and Professions, to which was referred:

AB 665

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 665—An act to amend Section 5000.5 of the Business and Professions Code, relating to professional and vocational boards.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, September 9, 2003

Madam President: The Committee on Rules has examined:

SB 993

And reports that the same has been correctly enrolled, and presented to the Governor on the 9th day of September, 2003, at 9:30 a.m.

BURTON, Chair

Senate Chamber, September 9, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

AB 351 AB 459 AB 990

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 351—An act to add Section 5089 to the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 459—An act to amend Sections 22816.7, 22816.8, and 22857 of, to add Section 20057.2 to, and to repeal Sections 22754.4, 22810.1, and 22810.3 of, the Government Code, relating to the Public Employees' Medical and Hospital Care Act.

Bill read second time.

Assembly Bill 990—An act to add Article 2.7 (commencing with Section 12025) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, relating to state government.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

CONFERENCE COMMITTEE REPORTS RECEIVED

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning:

Senate Bill 552, as amended in Assembly on July 14, 2003, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L BURTON FRAN PAVLEY
KEVIN MURRAY JOE NATION
BRUCE McPHERSON TOM HARMAN

Senate Committee on Conference Assembly Committee on Conference

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **ACR 112** was withdrawn from Committee and placed on file.

**CONSIDERATION OF MOTION TO DEMAND APOLOGY
FROM GOVERNOR**

Senator Brulte renewed his motion that the Senate demand an apology from the Governor for his anti-immigrant remarks last weekend.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (19)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Denham, Escutia, Figueroa, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, Poochigian, and Romero.

NOES (2)—Senators Cedillo and Kuehl.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 1532—An act to add Chapter 4 (commencing with Section 13994) and Chapter 5 (commencing with Section 13999) to Part 4.7 of Division 3 of Title 2 of, and to add Chapter 3 (commencing with Section 15570) to Part 8.5 of Division 3 of Title 2 of, the Government Code, and to amend Section 22003 of the Public Utilities Code, relating to economic development.

Bill read second time and ordered to third reading.

Assembly Bill 23—An act to amend Section 65 of the Revenue and Taxation Code, relating to property taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Assembly Bill 806—An act to amend Section 19134 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 35—An act to add Section 42238.1465 to the Education Code, to add Article 9.5 (commencing with Section 1338.10) to Chapter 2 of Division 2 of, the Health and Safety Code, and to amend Section 30166 of, to add Article 4 (commencing with Section 30133) to Chapter 2 of Part 13 of Division 2 of, the Revenue and Taxation Code, and to amend Section 80.5 of Chapter 230 of the Statutes of 2003, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Senator Alpert moved that **AB 715** be re-referred to the Committee on Appropriations.

Motion carried.

Without objection, **AB 977** and **AB 1467** were re-referred to the Committee on Rules.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Chesbro, SB 1049 was returned to the Assembly for further action.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Cedillo moved that **AB 1583** be placed on the inactive file.

Senator McPherson moved that **AB 32** be placed on the inactive file.

Senator Romero moved that **AB 1077, AB 1119, AB 1331, and AB 1383** be placed on the inactive file.

Senator Sher moved that **AB 1367** be placed on the inactive file.

Motions carried.

CONSIDERATION OF ASSEMBLY BILL 1532

Senator Vasconcellos asked for, and was granted, unanimous consent to take up AB 1532 at this time.

Assembly Bill 1532—An act to add Chapter 4 (commencing with Section 13994) and Chapter 5 (commencing with Section 13999) to Part 4.7 of Division 3 of Title 2 of, and to add Chapter 3 (commencing with Section 15570) to Part 8.5 of Division 3 of Title 2 of, the Government Code, and to amend Section 22003 of the Public Utilities Code, relating to economic development.

Bill read third time and presented by Senator Vasconcellos.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Vasconcellos moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 274—An act to add Section 1182.9 to the Labor Code, relating to employment.

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 436—An act to add and repeal Section 14133.55 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Kuehl, Machado, Margett,

McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.
NOES (1)—Senator Knight.

Bill ordered transmitted to the Assembly.

Assembly Bill 1042—An act to add Title 8.5 (commencing with Section 7560) to Part 3 of the Penal Code, relating to inmates.

Bill read third time and presented by Senator Ashburn.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Chesbro.

Bill ordered transmitted to the Assembly.

Assembly Bill 1676—An act to amend Sections 125085, 125090, and 125107 of, and to add Section 125092 to, the Health and Safety Code, relating to AIDS.

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 (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1532)**

On motion of Senator Vasconcellos, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1532 was passed by the following vote:

AYES (24)—Senators Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, McPherson, Murray,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Chesbro, Denham, Hollingsworth, Johnson, Machado, Margett, McClintock, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1551—An act to add Article 3 (commencing with Section 9700) to Chapter 2 of Part 1 of Division 3 of the Unemployment Insurance Code, relating to employment.

Bill read third time and presented by Senator Morrow.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Knight, Margett, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1587—An act to amend Sections 31520.1 and 31520.5 of, and to add Section 31485.9 to the Government Code, relating to local public employees' retirement.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 274)

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 274 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

Senator Burton Presiding**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 1410—An act to amend Sections 54220 and 54222 of the Government Code, relating to surplus land.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Murray, and Perata.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 1050—An act making an appropriation to amend and supplement the Budget Act of 2003 (Chapter 157 of the Statutes of 2003) for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, 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 1050?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (34)—Senators Aanestad, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez,

Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 304—An act to amend Sections 51451.5, 51505, 51615, 51628, 51642, 51643.5, 51648, 51650, 51651, 51652, 51654, 51670, and 53533 of, and to repeal Section 51646 of, the Health and Safety Code, relating to housing, and making an appropriation therefor.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 522—An act to add Section 1227 to the Government Code, relating to Matriculas Consular.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 170—An act to add Section 65302.1 to the Government Code, relating to local planning.

Bill read third time and presented by Senator Florez.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 319—An act to amend Section 12021 of the Penal Code, relating to firearms.

Bill read third time and presented by Senator Scott.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (7)—Senators Ackerman, Ashburn, Hollingsworth, Knight, Morrow, Oller, and Vasconcellos.

Bill ordered transmitted to the Assembly.

Assembly Bill 327—An act to amend Sections 1465.5 and 1465.6 of the Penal Code, and to amend Sections 22511.55, 22511.59, 42001, and 42001.5 of, and to add Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.

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 (33)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 413—An act to add Section 5003.18 to the Public Resources Code, relating to state property

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 (33)—Senators Ackerman, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett,

McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Aanestad, Ashburn, Battin, Knight, and McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 503—An act to amend Section 7050 of the Education Code, relating to school and community college employees.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 677—An act to add Section 21152.1 to the Public Resources Code, relating to environmental quality.

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 (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1017—An act to add Sections 59001.2 and 59001.4 to, and to add Article 4 (commencing with Section 59050) to Chapter 1 of Part 32 of, the Education Code, relating to teachers.

Bill read third time and presented by Senator Brulte.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1599—An act to add and repeal Section 14576 of the Public Resources Code, relating to the California Beverage Container Recycling and Litter Reduction Act.

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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 900—An act to add Sections 19605.75, 19605.76, and 19605.77 to the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Vincent.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Ashburn, Brulte, Hollingsworth, and Morrow.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Margett, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Ashburn, Brulte, Hollingsworth, and Morrow.

Bill ordered transmitted to the Assembly.

Assembly Bill 105—An act to repeal Division 10.25 (commencing with Section 10278) and Division 10.4 (commencing with Section 10285) of the Public Resources Code, and to amend Section 8557, 10644, and 10753.7 of the Water Code, relating to resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Machado.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Ashburn, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Ashburn, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 264—An act to add Section 17462.7 to, and to add and repeal Section 17462.5 of, the Education Code, relating to public schools.

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 (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 163—An act to amend Section 33143 of, and to add and repeal Section 52086.5, of the Education Code, relating to public education.

Bill read third time and presented by Senator Machado.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alpert, Ashburn, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 253—An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 231—An act to amend Sections 11155 and 18901.6 of, and to add Sections 18901.9 and 18901.10 to, the Welfare and Institutions Code, relating to public social services.

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 (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 278—An act to amend Section 337j of the Penal Code, relating to gaming.

Bill read third time and presented by Senator Vincent.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

SPECIAL CONSENT CALENDAR

Assembly Concurrent Resolution 112—Relative to the California Department of Forestry and Fire Protection firefighters.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 903—An act to amend Sections 896, 911, 912, 916, 936, 938, 941, and 945.5 of, and to amend, renumber, and add Section 942 to, the Civil Code, relating to construction defects.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1008—An act to add Section 17072.14 to the Education Code, relating to public schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1131—An act to amend Section 368 of the Penal Code, relating to crime.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1077—An act to amend Sections 29.5, 2060, 2135.5, 2190.5, 2285, 2386, 2415, 2441, 2442, 2570.4, 4980.43, 4980.44, 4980.57, 4982, 4982.2, 4984.8, 4996.18, 4996.21, 4996.22, 4996.23 5657, 6737.1, 6737.3, 6756, 7029.1, 7124.6, 7138, 7141, 8030.2, 8762, 8766, 8773.2, and 8773.4 of, to amend and repeal Section 4997 of, to amend, repeal, and add Section 2439 of, to add Sections 7013.5, 7027.4, 7116.5, and 8710.1 to, and to repeal Section 2106 of, the Business and Professions Code, and to amend Section 19825 of the Health and Safety Code, relating to professions and vocations.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 257—An act to amend Section 52052.5 of the Education Code, relating to pupil testing

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 315—An act to amend Section 5463 of the Business and Professions Code, to amend Section 20351 of the Public Contract Code, to amend Sections 120050.2, 120051, 120051.6, and 120054 of, to add Section 120051.1 to, and to add Chapter 6 (commencing with Section 125700) to Division 11.5 of, the Public Utilities Code, to amend Sections 10753 and 10753.7 of the Revenue and Taxation Code, to amend Sections 188.8 and 302 of the Streets and Highways Code, and to amend Sections

1651, 1800, 1810, 1810.7, 4456, 4466, 5068, 5101.2, 5200, 5201, 6700, 9101, 9107, 11204, 12814, 13370, 15210, 15250.7, 16000, 16021, 16370.5, 16431, 24609, and 27400 of, to add Section 11519 to, and to repeal Sections 5004.6, 5070, 5071, 5071.1, 5073, and 5080 of, the Vehicle Code, relating to transportation, and making an appropriation therefor.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 947—An act to amend Section 6086.7 of the Business and Professions Code, and to amend Sections 7810 and 7950 of, and to add Section 8620 to, the Family Code, and to amend Section 10553.1 of the Welfare and Institutions Code, relating to Native American children.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1060—An act to amend Sections 6459, 7093.5, 7326, 8105, 9271, 30459.1, 32471, 40211, 41171, 43522, 45867, 46622, 50156.11, 55332, 60022, 60507, 60604, 60606, and 60636 of, to add Section 6451.5 to, and to repeal Section 7262.7 of, the Revenue and Taxation Code, relating to taxation.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1024—An act to amend Section 5091 of the Education Code, to amend Sections 3103, 3304, 3500, 4101, 7227, 7422, 7672, 7772, 8105, 8202, 8204, 10220, 10411, 11020, 13113, and 14242 of, to repeal Section 8023 and Chapter 2 (commencing with Section 8350) of Part 2 of Division 18 of, and to repeal and add Sections 7770 and 8022, of, the Elections Code, to amend Section 26802 of the Government Code, and to amend Section 9358 of the Public Resources Code, relating to elections.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Special Consent Calendar passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Senator Bowen Presiding**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 539—An act to amend Sections 1725 and 1766 of the Business and Professions Code, relating to healing arts, and making an appropriation therefor.

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 (30)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Vasconcellos, and Vincent.

NOES (1)—Senator Hollingsworth.

Bill ordered transmitted to the Assembly.

Assembly Bill 826—An act to amend Section 25404 of, to add Section 25504.1 to, and to add Article 10.01 (commencing with Section 25210.5) and Article 12.5 (commencing with Section 25249.1) to Chapter 6.5 of Division 20 of, the Health and Safety Code, relating to hazardous waste.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 897—An act to amend Sections 13264, 13268, 13321, 13350, 13372, 13383, 13385, and 13387 of the Water Code, relating to water.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Karnette, Kuehl, Machado, Murray,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 899—An act to amend Section 1299.3 of the Code of Civil Procedure, and to amend Section 19134 of the Government Code, relating to public employment relations.

Bill read third time and presented by Senator Burton.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1027—An act to add Sections 19826.2 and 19827.4 to the Government Code, relating to state employees.

Bill read third time and presented by Senator Soto.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1208—An act to add Section 1091.4 to the Government Code, relating to conflicts of interest.

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 (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Cedillo, Denham, Ducheny, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Machado, Margett,

McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Bowen, Dunn, Escutia, McClintock, Ortiz, and Perata.

Bill ordered transmitted to the Assembly.

Assembly Bill 1290—An act to amend Sections 646.91, 836, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

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 (27)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1308—An act to amend Section 11880 of, and to add Sections 11755.6, 11755.7, 11755.8, and 11880.5 to, the Health and Safety Code, and to add Section 4032 to the Penal Code, relating to drug treatment.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1326—An act to add and repeal Article 15.3 (commencing with Section 8340) of Chapter 2 of Part 6 of the Education Code, relating to child care.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow,

Murray, Perata, Poochigian, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Aanestad, Bowen, Dunn, Hollingsworth, Knight, McClintock, and Romero.

Bill ordered transmitted to the Assembly.

Assembly Bill 1485—An act to amend Section 51700 of, to amend, repeal, and add Sections 60640 and 60642 of, and to add Sections 51701 and 51701.5 to, the Education Code, relating to schools.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1492—An act to amend Section 51257 of, and to add Section 51250 to, the Government Code, relating to agricultural land conservation.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1497—An act to amend Sections 44004 and 45011 of, and to add Section 43501.5 to, the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Chesbro, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1524—An act to amend Sections 12699.51, 12699.53, 12699.54, and 12699.62 of the Insurance Code, relating to health care coverage.

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 (27)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1640—An act to amend Sections 25404, 25404.1.1, 25404.3, 25501.4, 25532, and 25540 of, and to add Section 25404.1.3 to, the Health and Safety Code, relating to hazardous materials.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1688—An act to add and repeal Part 8.5 (commencing with Section 2050) of Division 2 of the Labor Code, relating to car washes.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1719—An act to amend Sections 515.6, 3099.2, 3099.3, 3099.4, 6309, and 6315 of, and to add Section 3201.81 to, the Labor Code, relating to employment.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1771—An act relating to state government

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 71—An act to add and repeal Division 8.6 (commencing with Section 22970) of the Business and Professions Code, to add Section 15618.5 to the Government Code, to amend Section 104557 of the Health and Safety Code, to amend, repeal, and add Section 830.11 of the Penal Code, and to amend Sections 30436, 30449, 30471, 30473.5, 30474, and 30481 of, to add Sections 30019, 30165.1, 30166.1, 30177.5, and 30482 to, to add and repeal Sections 30435 and 30474.1 of, to add and repeal Article 2.5 (commencing with Section 30210) of Chapter 4 of Part 13 of Division 2 of, and to add and repeal Article 5 (commencing with Section 30355) of Chapter 5 of Part 13 of Division 2 of, the Revenue and

Taxation Code, relating to cigarettes and tobacco products, and making an appropriation therefor.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Knight, Kuehl, Machado, McPherson, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ashburn, Brulte, Denham, Hollingsworth, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1093—An act to add Section 19830.5 to the Government Code, and to add Article 13 (commencing with Section 10480) to Chapter 2 of Part 2 of the Public Contract Code, relating to living wages.

Bill read third time and presented by Senator Burton.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1266—An act to amend Sections 8957, 44393, 52055.51, 52055.610, 52055.650, 53081, 53083, 60423, 69440, and 84750 of, to amend and renumber Section 52055.52 of, to add Sections 18866, 41474, 52055.54, 54761.4, and 69999.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, to add and repeal Section 60422.1 of, to repeal Section 426 of, to repeal Article 4.2 (commencing with Section 18733) and Article 4.5 (commencing with Section 18735) of Chapter 4 of Part 11 of, and Article 5 (commencing with Section 60650) of Chapter 5 of Part 33 of, to repeal Chapter 7 (commencing with Section 99300) of Part 65 of, and to repeal and add Section 53084 of, the Education Code, and to amend Section 12.40 of Chapter 157 of, and amend Section 37 of Chapter 227 of, the Statutes of 2003, relating to schools, and making an appropriation therefor.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

BILLS WITHDRAWN FROM COMMITTEE

The President requested unanimous consent that AB 118 and AB 1051 be withdrawn from committee and placed on file.

Unanimous consent withheld.

The motion was put: “Shall the bills be withdrawn from committee?”

Roll Call

The roll was called and the motion carried by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Joint Resolution 3—Relative to the Temporary Assistance for Needy Families (TANF) program.

Resolution presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SJR 3?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above resolution ordered enrolled.

Senate Bill 618—An act to amend Sections 782, 786, 789.3, and 10509.9 of, and to add Sections 1668.1 and 1738.5 to, the Insurance Code, relating to unfair acts.

Bill presented by Senator Scott.

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 (36)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 363—An act to amend Sections 144, 473, 2307, 3740, 4980.34, 4980.40, 4980.41, 4980.50, 4980.54, 4980.80, 4984.4, 4996.1, 4996.6, 4996.17, 5801, 5810, 7069, 7607, 7631, 7632, 7649, 7706, 7725, 7887, 9653, 9719, 9768, 9788, and 22251 of, to add Sections 2029, 2488, and 9781.5 to, and to repeal and add Section 5811 of, the Business and Professions Code, and to amend Sections 7053 and 8277 of the Health and Safety Code, relating to professions and vocations, and making an appropriation therefor.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 363?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 1065—An act to amend Sections 17024.5 and 23051.5 of the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 1065?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Above bill ordered enrolled.

Senate Bill 1025—An act to amend Section 12955.1 of, and to add Section 12955.1.1 to, the Government Code, relating to fair housing.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 1025?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 760—An act to amend and repeal Section 6368.8 of, and to add Section 6368.9 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 760?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Concurrent Resolution 40—Relative to youth involvement.

Resolution presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SCR 40?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above resolution ordered enrolled.

Senate Bill 490—An act to amend Section 4052 of the Business and Professions Code, relating to pharmacy.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 490?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 545—An act to amend Section 4052 of, and to add Section 682 to, the Business and Professions Code, relating to pharmacists.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 545?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 292—An act to amend Section 4076 of the Business and Professions Code, relating to pharmacy.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 292?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 434—An act to amend Sections 25533, 25533.5, and 29544 of the Corporations Code, to amend Sections 3309.5, 11180.5, 11181, 11183, 11184, 11185, 11186, 11187, and 11188 of, and to add Article 10 (commencing with Section 12657) to Chapter 6 of Part 2 of Division 3 of Title 2 of, the Government Code, and to add Section 131 to the Penal Code, relating to investigations.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 434?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 413—An act to amend Section 9757.5 of the Welfare and Institutions Code, relating to health insurance.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 413?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Above bill ordered enrolled.

Senate Bill 610—An act to amend Section 12302 of, to amend, repeal, and add Section 12309 of, and to add Section 12309.5 to, the Elections Code, relating to elections.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 610?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Pochigian.

Above bill ordered enrolled.

Senate Bill 489—An act to amend Sections 12126, 12130, and 12132 of the Penal Code, relating to firearms.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 489?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny, Florez, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 613—An act to amend Sections 2194, 14217, 14310, and 14311 of, to add Sections 17, 2124, 2131, and 14402.5 to, and to repeal and add Section 14200 of, the Elections Code, and to amend Section 6254.4 of the Government Code, relating to elections.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 613?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (30)—Senators Aanestad, Alarcón, Alpert, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Ashburn, Battin, Hollingsworth, Knight, Margett, Morrow, and Oller.

Above bill ordered enrolled.

Senator Alpert Presiding

Senate Bill 88—An act to add Section 23399.6 to the Business and Professions Code, relating to alcoholic beverages.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 88?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 155—An act to amend Section 1091 of the Government Code, relating to public officers.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 155?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Battin, Burton, Cedillo, Denham, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Margett, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Bowen, Brulte, Dunn, Hollingsworth, Knight, Machado, McClintock, Morrow, Oller, Poochigian, and Speier.

Above bill ordered enrolled.

Senate Bill 156—An act to amend Section 7501 of the Family Code, relating to child custody.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 156?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Ackerman, Battin, Denham, Hollingsworth, Knight, and Oller.

Above bill ordered enrolled.

Senate Bill 162—An act to amend Sections 8869.80 and 8869.84 of the Government Code, relating to state government.

Bill presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SB 162?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 210—An act to amend Sections 6750, 6752, and 6753 of the Family Code, and to add Section 1308.9 to the Labor Code, relating to minors.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 210?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Knight, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 305—An act to amend Section 7072 of the Government Code, and to amend Sections 18021.7, 50530.5, and 50545 of the Health and Safety Code, relating to local development.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 305?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Chesbro.

Above bill ordered enrolled.

Senate Bill 247—An act to amend Section 1808.25 of the Vehicle Code, relating to vehicles.

Bill presented by Senator Murray.

The question being: Shall the Senate concur in the Assembly amendments to SB 247?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 3)

Senator Burton asked for, and was granted, unanimous consent to take up SB 3 at this time, without reference to file.

Consideration of Senate Bill 3**Consideration of Assembly Amendments**

Senate Bill 3—An act to add Section 1376 to the Penal Code, relating to the death penalty.

Measure presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 3?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Hollingsworth.

Above measure ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 295—An act to amend Section 11362.9 of the Health and Safety Code, relating to controlled substances.

Bill presented by Senator Vasconcellos.

The question being: Shall the Senate concur in the Assembly amendments to SB 295?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.
Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (AB 118)

Senator Torlakson asked for, and was granted, unanimous consent to take up AB 118 at this time, without reference to file.

Consideration of Assembly Bill 118

Assembly Bill 118—An act to add Section 1936.4 to the Civil Code, relating to vehicles, and making an appropriation therefor.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Torlakson moved a call of the Senate.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 478—An act to add Section 230.2 to the Labor Code, relating to employment.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 478?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.
Above bill ordered enrolled.

Senate Bill 577—An act to amend Section 1798.24b of the Civil Code, and to amend Sections 4514.3, 4900, 4901, 4902, 4903, 4905, and 5328.06

of, and to add Section 4906 to, the Welfare and Institutions Code, relating to public social services.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 577?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 833—An act to add Section 6533 to the Government Code, and to amend Section 1220 of, and to amend and repeal Section 1011.5 of, the Water Code, relating to water.

Bill presented by Senator Machado.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, and Oller.

Above bill ordered enrolled.

Senate Bill 656—An act to add and repeal Section 39614 of the Health and Safety Code, relating to air quality.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 656?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 720—An act to amend Section 884 of the Public Utilities Code, relating to telecommunications.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 720?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 118)

On the 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 118 was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Denham, Hollingsworth, Knight, Margett, Murray, Oller, Poochigian, and Sher.

Above bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 969—An act to amend Sections 4999.2 and 4999.7 of the Business and Professions Code, and to amend Section 1348.8 of the Health and Safety Code, relating to health care service plans.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 969?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1075—An act to add Section 138.6 to the Health and Safety Code, and to amend Section 4862 of the Welfare and Institutions Code, relating to health and social services.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 1075?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Brulte and Knight.

Above bill ordered enrolled.

Senate Bill 36—An act to add Section 14132.100 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 36?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Brulte.

Above bill ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 33—Relative to the Joint Rules.

Resolution read third time and presented by Senator Speier.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Murray.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 503)**

On motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 503 was refused passage by the following vote:

AYES (20)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Soto, Torlakson, and Vincent.

NOES (20)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, Poochigian, Scott, Sher, Speier, and Vasconcellos.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Burton moved that **SB 730** be placed on the inactive file.

Motion carried.

APPOINTMENT OF COMMITTEE ON CONFERENCE

Madam President: The Committee on Rules announces the appointment of Senator Alpert vice Senator Speier to the Senate Committee on Conference concerning SB 2.

BURTON, Chair

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Figueroa, SB 602 was returned to the Assembly for further action.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on September 10:

AB 49	AB 579	AB 1151	SB 1008
AB 1145	AB 1087	SB 970	SB 56
AB 1631	AB 44	SB 763	SB 87
AB 97	AB 300	SB 5	SB 680
AB 747	AB 679	SB 168	SB 187
AB 953	AB 763	SB 748	
AB 371	AB 933	SB 81	

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 9, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 71	SB 259	SB 322	SB 644
SB 78	SB 261	SB 359	SB 588
SB 591	SB 842	SCR 48	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 9, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 158	AB 396	AB 1049	AB 1512
AB 177	AB 401	AB 1137	AB 1628
AB 197	AB 453	AB 1286	AB 1770
AB 233	AB 568	AB 1355	
AB 294	AB 801	AB 1428	
AB 313	AB 1028	AB 1438	

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Senate Chamber, September 9, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 457

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 457—An act to add and repeal Sections 20901.5 , 20902.6, 20904.5, and 31641.06 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, September 9, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 1589

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1589—An act to amend Section 14176.5 of, and to add Section 14176.7 to, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1589 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LONGVILLE

Permission of Rules Committee

Senate Chamber, September 9, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1589.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, September 9, 2003

Madam President: The Committee on Rules has examined:

SB 65	SB 297	SB 636	SB 777
SB 68	SB 345	SB 739	SB 875
SB 99	SB 523	SB 774	

And reports that the same have been correctly enrolled, and presented to the Governor on the 9th day of September, 2003, at 3:30 p.m.

BURTON, Chair

Senate Chamber, September 9, 2003

Madam President: The Committee on Rules has examined:

SB 489

And reports that the same has been correctly enrolled, and presented to the Governor on the 9th day of September, 2003, at 4 p.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, September 9, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 185

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 408—An act to amend Sections 349, 366, 366.1, 366.21, 366.22, 366.26, 366.3, 391, 10609.4, 16206, 16500.1, and 16501.1 of, and to add Section 362.05 to, the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 185—An act to add Section 486 to the Food and Agricultural Code, relating to cooperative agreements.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Resolution 28: By Senators Burton and Brulte—Relative to Prostate Cancer Awareness.

REQUEST TO BE ADDED TO ROLL CALL

September 9, 2003

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 436—Aye	AB 1042—Aye	AB 1532—Aye
AB 1551—Aye	AB 1308—Aye	AB 1326—Aye
AB 1266—Aye	AB 1497—Aye	SB 545—Aye
SB 434—Aye	SB 610—Aye	SB 88—Aye
SB 295—Aye	SB 478—Aye	SB 577—Aye
SCR 33—Aye	SB 305—Aye	SB 833—Aye

JOHN L BURTON, President pro Tempore

September 9, 2003

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 1042—Aye	AB 1551—No	AB 1410—No
AB 319—Aye	AB 327—No	AB 1599—Aye
AB 900—No	SB 610—No	SB 489—No
SB 613—Aye	SB 720—No	SB 36—No

JAMES L BRULTE, Minority Floor Leader

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 3:45 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess. The Desk shall remain open to receive communications and to conduct the business of the day. The Senate will adjourn until Wednesday, September 10, 2003.

Motion carried.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Warren Zevon of Los Angeles.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Milt Gordon of Los Angeles.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Loretta Ann High of Simi Valley.

Sept. 9, 2003

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ADJOURNMENT

The Senate adjourned pursuant to the Senators' requests until 10 a.m., Wednesday, September 10, 2003.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, September 10, 2003

The Senate met at 10 a.m.
Hon. Sheila James Kuehl, of the 23rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:
O Lord, We know that prayer does not change You, but entered into with grace and contrition, it changes the one who prays. So be with us in our prayer as we give thanks.—AMEN.

(Soren Kierkegaard, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Torlakson led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 9, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Dolores C. Huerta, Secretary-Treasurer of the United Farm Workers of America. Appointed 9/9/03. Effective 9/10/03:

Member, The Regents of The University of California vice Norman Pattiz, moved to another slot on board, term ending 3/1/04.

Above appointment referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 9, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 277	SB 317	SB 620	SB 654
SB 692	SB 810	SB 930	SCR 6

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 9, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 85	AB 577	AB 991	AB 1679
AB 190	AB 608	AB 1036	AB 1777
AB 512	AB 616	AB 1649	AB 1783

Assembly Chamber, September 9, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 138

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 138—Relative to Prostate Cancer Awareness Month.

CONFERENCE COMMITTEE REPORTS RECEIVED

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning: **Senate Bill 2**, as amended in Assembly on June 23, 2003, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L. BURTON	DARIO FROMMER
DEDE ALPERT	REBECCA COHN

Senate Committee on Conference	Assembly Committee on Conference
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The undersigned Members dissenting to the report:

SAM AANESTAD	ROBERT PACHECO
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Senate Committee on Conference	Assembly Committee on Conference
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Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning: **Senate Bill 228**, as amended in Assembly on July 14, 2003, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L. BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	JUAN VARGAS

----- Senate Committee on Conference	----- Assembly Committee on Conference
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Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning: **Senate Bill 1007**, as amended in Assembly on July 14, 2003, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L. BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	KEN MADDOX
CHARLES POOCHIGIAN	JUAN VARGAS

Senate Committee on Conference	Assembly Committee on Conference
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Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning: **Senate Bill 1071**, as amended in Assembly on July 14, 2003, and agreed to recommend that the amendments of the Assembly be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L. BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	KEN MADDOX
	JUAN VARGAS

Senate Committee on Conference	Assembly Committee on Conference
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The undersigned Member dissenting to the report:

CHARLES POOCHIGIAN

Senate Committee on Conference

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning:

Assembly Bill 149, as amended in Senate on July 14, 2003, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	KEN MADDOX
	JUAN VARGAS

Senate Committee on Conference	Assembly Committee on Conference
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The undersigned Member dissenting to the report:

CHARLES POOCHIGIAN

Senate Committee on Conference

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning:

Assembly Bill 227, as amended in Senate on July 14, 2003, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	JUAN VARGAS

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Senate Committee on Conference	Assembly Committee on Conference

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning:

Assembly Bill 968, as amended in Senate on July 14, 2003, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	KEN MADDOX
	JUAN VARGAS

Senate Committee on Conference	Assembly Committee on Conference
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The undersigned Member dissenting to the report:

CHARLES POOCHIGIAN

Senate Committee on Conference

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning:

Assembly Bill 1099, as amended in Senate on July 14, 2003, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	KEN MADDOX
	JUAN VARGAS

Senate Committee on Conference

Assembly Committee on Conference

The undersigned Member dissenting to the report:

CHARLES POOCHIGIAN

Senate Committee on Conference

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning:

Assembly Bill 1262, as amended in Senate on July 14, 2003, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L BURTON	FABIAN NUNEZ
RICHARD ALARCÓN	KEN MADDOX
	JUAN VARGAS

Senate Committee on Conference

Assembly Committee on Conference

The undersigned Member dissenting to the report:

CHARLES POOCHIGIAN

Senate Committee on Conference

Senate Chamber, September 9, 2003

Madam President: The Committee on Conference has met concerning:

Assembly Bill 1528, as amended in Senate on June 27, 2003, and agreed to recommend that the amendments of the Senate be concurred in, and that the bill be further amended.

The undersigned Members consenting to the report:

JOHN L BURTON	REBECCA COHN
DEDE ALPERT	DARIO FROMMER
SAM AANESTAD	ROBERT PACHECO

Senate Committee on Conference

Assembly Committee on Conference

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issues raised by the Assembly amendments to **SB 27**, **SB 277**, **SB 317**, and **SB 654** were referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 10, 2003

Madam President: The Committee on Rules has examined:

SB 151	SB 452	SB 617	SB 802
SB 338	SB 504	SB 642	SB 851
SB 448	SB 507	SB 801	

And reports that the same have been correctly enrolled, and presented to the Governor on the 10th day of September, 2003, at 9 a.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, September 10, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 283

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 283—An act to amend Section 13957 of the Government Code, relating to victims of crime.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 283 pursuant to Joint Rule 58.

ASSEMBLY MEMBER JACKSON

Permission of Rules Committee

Senate Chamber, September 10, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 283.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, September 10, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 256

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended, but first amend, and re-refer to the Committee on Rules.

ALPERT, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, September 10, 2003

Madam President: Pursuant to Senate Rule 29.10, the Rules Committee, on a vote of 5-0, has re-referred the following bills to committee:

SB 654 (Machado) to the Committee on Agriculture and Water Resources.

SB 277 (Ducheny) to the Committees on Agriculture and Water Resources and Natural Resources and Wildlife.

SB 317 (Kuehl) to the Committee on Natural Resources and Wildlife.

BURTON, Chair

Committee on Appropriations

Senate Chamber, September 10, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 715

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **AJR 40**, **AJR 46**, and **SJR 23** were withdrawn from Committee and placed on the Special Consent Calendar.

RE-REFERENCE TO COMMITTEE

Without objection, **AB 855** was re-referred to the Committee on Rules and **AB 185** was re-referred to the Committee on Appropriations.

Pursuant to Joint Rule 10.5, **AB 23** and **AB 1362** were re-referred to the Committee on Appropriations.

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 94—An act to amend Section 96.31 of the Revenue and Taxation Code, relating to property taxation.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 130—An act to add Division 1.5 (commencing with Section 1180) to the Health and Safety Code, relating to mental health.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 130?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1130—An act to amend Section 12699.62 of, and to add Section 12699.525 to, the Insurance Code, relating to health care coverage, 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.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Speier moved a call of the Senate.

Motion carried.

Senator Romero Presiding**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 403—An act to amend Section 12104 of, and to add Section 12200.9 to, the Financial Code, relating to check sellers and proraters, 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.
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 455—An act to add Article 10.3 (commencing with Section 25214.11) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

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 (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 490—An act to amend Sections 48645.5, 48850, 48859, 49061, 49069.5, 49076, and 56055 of, and to add Sections 48853 and 48853.5 to, the Education Code, and to amend Sections 361, 366.27, 726, 727.2, 4570, 16000, and 16501.1 of the Welfare and Institutions Code, relating to minors.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 1277—An act to amend Sections 14998.2 and 14998.4 of, to add Sections 14998.11 and 14998.12 to, and to add Chapter 1.4 (commencing with Section 15363.60) to Part 6.7 of Division 3 of Title 2

of, the Government Code, and to add Section 13848.8 to the Penal Code, relating to commissions and committees.

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, Alpert, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Assembly Bill 491—An act to add Article 3 (commencing with Section 89730) to Chapter 6 of Part 55 of, and to add Article 6 (commencing with Section 92060) to Chapter 1 of Part 57 of, the Education Code, and to amend Section 12100.5 of the Public Contract Code, relating to public postsecondary education.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, Murray, Ortiz, Perata, Romero, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Hollingsworth, Knight, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1360—An act to add Chapter 4 (commencing with Section 71080) to Part 2 of Division 34 of the Public Resources Code, relating to environmental quality.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1475—An act to amend Sections 50675.14, 53315, and 53533 of the Health and Safety Code, and to amend Sections 5806 and 5814 of the Welfare and Institutions Code, relating to housing.

Bill read third time and presented by Senator Chesbro.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Romero, Scott, Sher, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ashburn, Brulte, Denham, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1668—An act to amend Sections 8278.3, 54745, and 54749 of the Education Code, relating to child care funding.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Assembly Bill 1760—An act to amend Sections 13903 and 13957.7 of, to amend, repeal, and add Section 13957 of, and to add and repeal Section 13964.5 of, the Government Code, and to amend, repeal, and add Sections 1001.90 1202.4, and 2085.5 of the Penal Code, relating to victims of crime, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator McPherson.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Denham, Knight, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Denham, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1130)**

On motion of Senator Speier, 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 AB 1130 was adopted by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 403)**

On motion of Senator Speier, 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 AB 403 was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette,

Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 806—An act to amend Section 19134 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senator Burton Presiding

Assembly Bill 1133—An act to add Section 241 to the Labor Code, relating to employment.

Bill read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 408—An act to amend Sections 349, 366, 366.1, 366.21, 366.22, 366.26, 366.3, 391, 10609.4, 16206, 16500.1, and 16501.1 of, and to add Section 362.05 to, the Welfare and Institutions Code, relating to dependent children.

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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1051—An act to amend Section 54999.1 of, to add Section 54999.7 to, and to add and repeal Section 54999.8 of, the Government Code, relating to local government.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Florez, Hollingsworth, Karnette, Kuehl, Machado, McClintock, Morrow, Murray, Oller, Perata, Poochigian, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Ackerman, Brulte, Denham, Dunn, Johnson, Knight, Margett, McPherson, Ortiz, Romero, Scott, and Vasconcellos.

Bill ordered transmitted to the Assembly.

Senator Bowen Presiding

Assembly Bill 1197—An act to amend Sections 82011, 82019, and 87500 of the Government Code, relating to conflicts of interest.

Bill read third time and presented by Senator Murray.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Murray moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1570—An act to amend Section 10313 of the Public Contract Code, relating to public agencies.

Bill read third time and presented by Senator Ortiz.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1340—An act to amend Sections 25354 and 25364 of the Public Resources Code, relating to energy.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Morrow, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 859—An act relating to wetlands, and making an appropriation therefor.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

Assembly Bill 1601—An act to amend Sections 18628, 19116, 19164, 19166, 19173, 19177, 19179, 19504, 19715, and 21028 of, to add Section 18407 to, to add Chapter 9.5 (commencing with Section 19751) to Part 10.2 of, and to repeal and add Section 18648 of, the Revenue and Taxation Code, relating to taxation.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 626—An act to add Section 39800.5 to the Education Code, and to add Section 10326.1 to the Public Contract Code, relating to motor vehicles.

Bill read third time and presented by Senator Murray.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 1506—An act to add Section 1771.9 to the Labor Code, relating to public works.

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 (22)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Joan C. Chang, O.M.D., Ph.D., Member, Acupuncture Board.

Wilson E. Massey, Member, State Athletic Commission.

Armando Vergara, Member, State Athletic Commission.

Paul R. Baldacci, Jr., Member, Contractors' State License Board.

Larry R. Booth, Member, Contractors' State License Board.

B. Timothy Gage, Member, Independent System Operator Governing Board.

David Rosenberg, Member, Commission on State Mandates.

Elmy A. Bermejo, Member, Commission on the Status of Women.

Roslyn R. Cooperman, Member, Commission on the Status of Women.

Cheryl D. Kendrick, Member, Commission on the Status of Women.

Marilyn Kizziah, Member, Commission on the Status of Women (4-0)

Roberta J. Shouse, Member, Commission on the Status of Women (4-0)

Charles L. Moore, Member, California Student Aid Commission (4-0)

James W. Sandoval, Member, California Student Aid Commission (4-0)

Leo P. Burke, Member, California Veterans Board (4-0)

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 (26)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Ashburn and Hollingsworth.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Ruth Coleman, Director, State Parks and Recreation Department
William J. Jefferds, Ed.D. Director, Department of General Services
Anthony S. Molica, Director, California State Lottery

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Jack D. Cox, Member, Unemployment Insurance Appeals Board
Theresa A. Parker, Executive Director, California Housing Finance Agency

Charles "Chuck" J. Supple, Member, Youthful Offender Parole 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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Ashburn and Hollingsworth.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Sunne Wright McPeak, Member, California Consumer Power and Conservation Financing Authority, Board of Directors

Nhung T. Ngo, Member, Student Aid Commission

John L. Scott, Member, Board of Corrections

Justin I. Tin, D.D.S., Member, Acupuncture 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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Ashburn and Hollingsworth.

UNANIMOUS CONSENT TO WITHDRAW FROM COMMITTEE

The President requested unanimous consent that AB 351, AB 421, AB 944, and AB 1589 be withdrawn from committee and placed on file.

Unanimous consent withheld.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Burton moved that the bills be withdrawn from committee and placed on file.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 1723—An act to amend Sections 226.7 and 1401 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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 157—An act to add Chapter 1.5 (commencing with Section 6025) to Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 157?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Aanestad, Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Above bill ordered enrolled.

SPECIAL CONSENT CALENDAR

Assembly Joint Resolution 40—Relative to Chaldeans in Iraq.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 46—Relative to congressional displays of child art.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Joint Resolution 23—Relative to Military base closures.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 49—An act to amend Section 13848.6 of the Penal Code, relating to crime.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1145—An act to add Chapter 5.4 (commencing with Section 8455) to Division 1 of Title 2 of the Government Code, relating to public safety, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1631—An act to amend Section 17071.46 of the Education Code, relating to public schools.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 97—An act to amend Sections 14002.3, 47612, 48209.15, 48209.16, and 56836.155 of, and to repeal Section 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 747—An act to amend Section 810 of the Business and Professions Code, and to amend Sections 14105.48, 19356, and 19805 of the Welfare and Institutions Code, relating to human services.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 953—An act to amend Section 66462.5 of the Government Code, relating to land use.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 579—An act to amend Sections 290.1, 290.2, 291, 292, 293, 294, 295, and 366.21 of the Welfare and Institutions Code, relating to dependent children.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 44—An act to amend Section 2625 of the Penal Code, and Sections 294 and 366.21 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 300—An act to amend Sections 8206, 8206.1, 8206.6, 8261, 8263, 8805, 32211, 35160.5, 39831.5, 41344, 42285.2, 44505, 45037, 46201, 46202, 48916, 48918, 51224.5, 52055.640, 56343.5, 60040, and 81130.3 of, to add Section 56836.30 to, and to add Article 3 (commencing with Section 81050) to Chapter 1 of Part 49 of, and to repeal Sections 8206.5, 8206.7, 8206.8, 17912.1, 45357, 45358, 51132, 51882, 62006, 62007, and 62008 of, the Education Code, to amend Section 19050.8 of the Government Code, to add Section 97.45 to the Revenue and Taxation Code, to amend Section 45 of Chapter 1167 of the Statutes of 2002, and to amend Section 7 of Chapter 1 of the Statutes of 2003, relating to education

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 679—An act to add Article 6 (commencing with Section 10237) to Chapter 3 of Part 1 of Division 4 of, and to repeal Section 10229 of, the Business and Professions Code, relating to real estate.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 763—An act to amend Section 1798.85 of the Civil Code, relating to privacy.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 933—An act to amend Sections 21541, 31781.1, and 31787 of the Government Code, relating to death benefits.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1151—An act to amend Section 911.4 of, and to add Section 6252.6 to, the Government Code, to amend Section 1527.6 of the Health and Safety Code, and to add Sections 16000.1 and 16501.15 to the Welfare and Institutions Code, relating to foster care.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 970—An act to add Sections 11077.1 and 11077.2 to, and to amend Section 11077 of, the Penal Code, relating to criminal offender record information.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 763—An act to amend Section 17217 of the Education Code, relating to schoolsite acquisition.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 5—An act to add Section 60605.3 to the Education Code, relating to curriculum.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 168—An act to amend Sections 25401.2, 25523, 25525, and 25620.5 of, and to amend and renumber Section 25620.10 of, the Public Resources Code, to amend Sections 279, 383.5, and 445 of, and to repeal Division 4.7 (commencing with Section 9201) of, the Public Utilities Code, and to amend Section 2 of Chapter 850 of the Statutes of 2002, relating to energy and telecommunications.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 748—An act to add and repeal Chapter 11 (commencing with Section 1500) of Division 6 of the Military and Veterans Code, relating to veterans.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 81—An act to amend Section 44259.1 of the Education Code, relating to teacher training.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1008—An act to amend Sections 999.2, 999.5, 999.7, and 999.9 of the Military and Veterans Code, and to add Section 10115.9 to the Public Contract Code, relating to veterans.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 56—An act to add Sections 12749.93, 12749.94, and 12749.95 to the Water Code, relating to water development projects.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 87—An act to amend Section 379 of the Streets and Highways Code, relating to highways.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 680—An act relating to student financial aid.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 187—An act to amend Sections 44279.2, 44325, 44326, 44328, 44386, and 44830.3 of the Education Code, relating to district interns

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Special Consent Calendar passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 94)

On motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 94 was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1197)**

On motion of Senator Murray, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1197 was refused passage by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Motion to Reconsider (AB 1197)

Senator Murray moved to reconsider the vote whereby AB 1197 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Kuehl moved that **AB 135** be placed on the inactive file.

Senator Chesbro moved that **AB 380** be placed on the inactive file.

Senator Ortiz moved that **AB 1426** be placed on the inactive file.

Motions carried.

COMMUNICATIONS

On request of Senator Scott, the following letter was printed in the Journal:

September 10, 2003

Honorable John Burton
President pro Tempore

Dear Senator Burton:

The purpose of this letter is to clarify the intent of my bill, SB 489, that was passed by the Senate yesterday and enrolled to the Governor.

SB 489 requires most new models of firearms introduced for sale in California after 2007 to have both a chamber load indicator (which indicates to users whether the firearm is loaded) and a magazine disconnect safety mechanism (which prevents firearms with removable magazines from discharging when the magazine is removed).

It is my intent to clarify that nothing in SB 489 should be interpreted to increase liability or otherwise expose local governments, law enforcement agencies or peace officers to any additional theory of civil liability. Law enforcement is specifically exempted from the provisions of SB 489, as it is exempt from the current "unsafe handgun" law in Penal Code section 12125 et seq., because peace officers have strenuous and ongoing training in use of their duty weapons.

Also, law enforcement has special needs for and from their duty weapons. It is perfectly reasonable, for example, for law enforcement to use firearms either with or without magazine disconnect safeties. It is not the intent of SB 489 to limit or proscribe the choices of firearms available for law enforcement, or to create civil liability for law enforcement for its failure to use certain firearms.

To prevent any possible interpretation that existing law or SB 489 exposes law enforcement to liability for using firearms that are not on the roster of "Not Unsafe Handguns" established under Penal Code section 12131, I intend to author legislation that will preclude such a legal theory. In fact, I have amended my bill, SB 166, for that purpose. SB 166 will be heard by policy committees next year.

Sincerely,

JACK SCOTT
Senator, 21st District

REQUESTS TO BE ADDED TO ROLL CALL

September 10, 2003

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 490—Aye AB 1051—Aye AB 1506—Aye
AB 1723—Aye

JOHN L BURTON, President pro Tempore

September 10, 2003

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 490—No AB 1277—Aye AB 1475—No
AB 1668—Aye AB 806—Aye SB 157—No

JAMES L BRULTE, Minority Floor Leader

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 12:07 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, September 11, 2003.

Motion carried.

Senator Speier Presiding

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Rules to meet on September 11.

MESSAGES FROM THE GOVERNOR

Governor’s Office, State Capitol
September 10, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Louis Papan Member Board of Prison Terms

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 10, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 67	SB 892	SB 590	SB 868
SB 331	SB 262	SB 704	SB 923
SB 611	SB 288	SB 705	SB 700
SB 614	SB 476	SB 709	
SB 627	SB 556	SB 719	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 10, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 278 and AB 1666 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, September 10, 2003

Madam 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:

Ronnie G. Caplane, Member, Workers' Compensation Appeals Board (3-0)

Carin T. Fujisaki, Member, Hastings College of the Law, Board of Directors (3-0)

Thomas T. Haider, M.D., Member, State Bar Board of Governors (3-0)

John C. Harris, Member, California Horse Racing Board (3-0)

Melvine D. Lee, Member, State Bar Board of Governors (3-0)

Katherine W. Moret, Member, California Water Commission (3-0)

Lucille Palmer-Byrd, Member, California Regional Water Quality Control Board, Central Valley Region (3-0)

Os-Maun Rasul, Member, Commission on Teacher Credentialing (3-0)
 Kent K. Sasaki, Member, State Building Standards Commission (3-0)
 Bruce L. Simon, Member, Hastings College of the Law, Board of
 Governors (3-0)
 Philip H. Tagami, Member, State Park and Recreation Commission
 (3-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Senate Chamber, September 10, 2003

Madam President: The Committee on Rules has examined:

SB 3

And reports that the same has been correctly enrolled, and presented to the Governor on the 10th day of September, 2003, at 2 p.m.

BURTON, Chair

State Capitol, September 10, 2003

Madam President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3-0, has re-referred SB 27 (Figueroa) to the Senate Committee on Judiciary.

BURTON, Chair

Senate Chamber, September 10, 2003

Madam President: The Chair of the Committee on Rules, to which were referred:

AB 459

AB 1467

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 459—An act to amend Sections 22816.7, 22816.8, and 22857 of, and to add Section 20057.2 to, the Government Code, relating to the Public Employees' Medical and Hospital Care Act, and making an appropriation therefor.

Bill read second time.

Assembly Bill 1467—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1467 pursuant to Joint Rule 58.

ASSEMBLY MEMBER NEGRETE McLEOD

Permission of Rules Committee

Senate Chamber, September 10, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1467.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

September 10, 2003

Madam President: The Committee on Agriculture and Water Resources, to which was referred:

SB 654

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

MACHADO, Chair

Above measure ordered to unfinished business.

September 10, 2003

Madam President: The Committee on Agriculture and Water Resources, to which was referred:

SB 277

Reports the same back with the recommendation: That the Assembly amendments be concurred in but first be re-referred to the Committee on Natural Resources and Wildlife.

MACHADO, Chair

Above measure transmitted to the Committee on Natural Resources and Wildlife.

Committee on Natural Resources and Wildlife

September 10, 2003

Madam President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 277

SB 317

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

KUEHL, Chair

Above measures ordered to unfinished business.

Committee on Rules

Senate Chamber, September 10, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 855

AB 1588

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 855—An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 709.5 to, the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1588—An act relating to state employees.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1588 pursuant to Joint Rule 58.

ASSEMBLY MEMBER NEGRETE McLEOD

Permission of Rules Committee

Senate Chamber, September 10, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1588.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 523—An act to amend Section 7507.9 of the Business and Professions Code, relating to collateral recovery.

Bill read third time.

Amendments Adopted

Amendments to AB 523 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to third reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 256—An act to amend Sections 8169.6, 14669.15, 14669.16, and 14957 of, and to add Section 14672.100 to, the Government

Code, relating to public works, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Assembly Bill 715—An act to amend Sections 56.05, 56.10, 56.11, 56.17, and 56.21 of, and to add Section 56.268 to, the Civil Code, relating to personal information.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

SENATE COMMITTEE ROLL CALLS

Committee on Agriculture and Water Resources

SB 277—That the Assembly amendments be concurred in but first be referred to the Committee on Natural Resources and Wildlife

AYES (7)—Senators Alpert, Bowen, Ducheny, Hollingsworth, Kuehl, Machado, and Torlakson.

NOES (1)—Senator Denham.

SB 654—That the Assembly amendments be concurred in

AYES (8)—Senators Alpert, Bowen, Ducheny, Florez, Hollingsworth, Kuehl, Machado, and Torlakson.

NOES (1)—Senator Denham.

Date of Hearing: 9/10/03

Machado (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Jule Boldizsar of Yucca Valley and Sherman Cohen of Playa del Rey.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Farrell Robert Brown of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9:30 a.m., Thursday, September 11, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, September 11, 2003

The Senate met at 9:30 a.m.
Hon. Debra Bowen, of the 28th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Lord, As we gather this morning we pause to remember the tragedy of September 11, 2001, and we call to mind not only those who lost their lives but also those who heroically risked their own lives responding to silent cries of the lost. And we also take note of the countless thousands of all faiths, from all walks of life, who attempted in many small ways to reach out with compassion and hope to all those touched by the devastation. As we ponder the fragile nature of peace and even of life itself, let our hearts be filled with the sacredness of the Hopi Indian prayer for hope, not just for resolution of the past, but for the promise of a new tomorrow: "Hold on to what is good even if it's just a handful of earth. Hold on to what you believe even if it's a tree that stands by itself. Hold on to what you must do even if it's a long way from here. Hold on to your life even if it's easier to let go. Hold on to my hand even when I've gone away from you." May God's abundant blessing be upon everyone.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Perata led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 10, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 24	SB 436	SB 1054	SB 879
SB 294	SB 578	SB 216	SB 915
SB 306	SB 606	SB 268	SB 973
SB 356	SB 814	SB 278	SB 1055
SB 362	SB 966	SB 403	SB 1058
SB 420	SB 1049	SB 605	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 10, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 47	AB 170	AB 1458	AB 304
AB 68	AB 231	AB 1469	AB 319
AB 71	AB 260	AB 1541	AB 1093
AB 121	AB 526	AB 1548	AB 1238
AB 561	AB 692	AB 1627	AB 1479
AB 1669	AB 906	AB 264	
AB 66	AB 935	AB 274	

Assembly Chamber, September 10, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1370 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Senate Chamber, September 11, 2003

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 166

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 166—An act to amend Section 366.26 of the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 166 pursuant to Joint Rule 58.

SENATOR SCOTT

Permission of Rules Committee

Senate Chamber, September 11, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 166.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, September 11, 2003

Madam President: The Committee on Rules has examined:

SB 245

SB 656

And reports that the same have been correctly enrolled, and presented to the Governor on the 11th day of September, 2003, at 10 a.m.

BURTON, Chair

State Capitol, September 11, 2003

Madam 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:

Dolores C. Huerta, Member, The Regents of the University of California
(3-0)

Norman J. Pattiz, Member, The Regents of the University of California
(3-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, September 11, 2003

Madam President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 5-0, has re-referred SB 590 (Speier) to the Senate Committee on Judiciary.

BURTON, Chair

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SR 27**, **SR 28**, and **ACR 138** were withdrawn from Committee and placed on the Special Consent Calendar.

UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (SB 87)

Without objection, unanimous consent was granted that the action be rescinded whereby the Senate concurred in Assembly amendments to SB 87 and the bill ordered enrolled, and that the measure be placed on file.

CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1521—An act to amend Sections 1301, 4000, and 13113 of, to repeal Sections 1501 and 1502 of, and to repeal and add Section 1500 of, the Elections Code, relating to elections.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1618—An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Escutia.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Vasconcellos, and Vincent.

NOES (7)—Senators Aanestad, Ashburn, Brulte, Chesbro, Hollingsworth, Knight, and Oller.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Vasconcellos, and Vincent.

NOES (7)—Senators Aanestad, Ashburn, Brulte, Chesbro, Hollingsworth, Knight, and Oller.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1521)**

On motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 1521 was passed by the following vote:

AYES (36)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 944—An act to amend Sections 36601, 36606, 36621, 36622, 36623, 36625, 36627, 36628, 36629, 36631, 36632, 36637, 36650, 36660, 36670, and 36671 of, and to add Sections 36603.5 and 36628.5 to, and to add Chapter 3.5 (commencing with Section 36640) to Part 7 of Division 18 of, the Streets and Highways Code, relating to benefit assessments.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Assembly Bill 715—An act to amend Sections 56.05, 56.10, 56.11, 56.17, and 56.21 of the Civil Code, relating to personal information.

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 (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 146—An act to amend Section 1632 of the Civil Code, relating to contracts.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 146?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 708—An act to amend Section 44062.1 of the Health and Safety Code, to add Section 1463.15 to the Penal Code, and to amend

Section 42001.2 of, and to add Section 2814.1 to, the Vehicle Code, relating to air pollution.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 708?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, and Oller.

Above bill ordered enrolled.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Dolores C. Huerta, Member, The Regents of the University of California
Norman J. Pattiz, Member, The Regents of the University of California

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 (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Ashburn, Battin, Hollingsworth, Morrow, and Oller.

Consideration of Assembly Amendments

Senate Bill 551—An act to add Section 758.5 to the Insurance Code, relating to auto insurance.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 551?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny,

Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 599—An act to add Section 851.90 to the Penal Code, relating to drug diversion.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 599?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senator Burton Presiding

Senate Bill 226—An act to amend Sections 527.6 and 527.8 of, and to add Section 527.9 to, the Code of Civil Procedure, to amend Section 6389 of the Family Code, to amend Sections 136.2, 273.6, and 12021 of the Penal Code, and to amend Section 15657.03 of the Welfare and Institutions Code, relating to firearms.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 226?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 244—An act to repeal and add Sections 1373.65, 1373.95, and 1373.96 of the Health and Safety Code, and to amend Section 10133.56 of the Insurance Code, relating to health care coverage.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 244?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Ashburn, Battin, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 248—An act to amend Sections 415, 426, 3001, 3003, 3051, and 3066 of, to add Section 3069.1 to, and to add Article 5 (commencing with Section 3070) to Chapter 6 of Division 2 of, the Vehicle Code, relating to vehicles.

Bill presented by Senator Murray.

The question being: Shall the Senate concur in the Assembly amendments to SB 248?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (30)—Senators Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Johnson, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 582—An act to add Article 4.5 (commencing with Section 110423.100) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 582?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 15—An act to amend Sections 17073.15, 17073.20, 17074.10, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.54, 17078.56, 17078.57, 17078.58, 17078.62, and 17078.64 of, to add Section 17078.66 to, and to repeal Section 17078.50 of, the Education Code, and to amend Section 65352.2 of the Government Code, relating to education facilities.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 15?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 821—An act to add Chapter 5.5 (commencing with Section 66350) to Part 40 of the Education Code, relating to business ethics.

Bill presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SB 821?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 186—An act to amend Section 17538.45 of, to add Article 1.8 (commencing with Section 17529) to Chapter 1 of Part 3 of Division 7 of, and to repeal Section 17538.4 of, the Business and Professions Code, relating to privacy.

Bill presented by Senator Murray.

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 (29)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ashburn, Denham, Hollingsworth, Knight, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 418—An act to repeal and add Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code, relating to fish and wildlife, and making an appropriation therefor.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 418?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 469—An act to amend Section 60242 of the Education Code, relating to instructional materials.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 469?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Knight, Margett, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 916—An act to amend Section 14531 of the Government Code, to amend Sections 182.5, 188.3, 188.4, 188.10, 30101, 30101.8, 30113, 30600, 30601, 30604, 30606, 30750, 30751, 30760, 30761, 30791, 30884, 30885, 30887, 30889.3, 30891, 30894, 30910, 30912, 30913, 30915, 30916, 30918, 30919, 30920, 30950, 30950.1, 30950.2, 30950.3, 30950.4, 30953, 30958, 30960, 30961, 31000, 31010, and 31071 of, to amend and renumber Section 188.10 of, to add Sections 188.53, 30881, 30910.5, 30914.5, and 30922 to, and to repeal Sections 30603, 30605, 30608.2, 30752, 30753, 30754, 30755, 30756, 30757, 30762, 30762.5, 30763, 30764, 30764.5, 30765, 30766, 30767, 30791.7, 30792, 30792.2, 30793, 30794, 30795, 30886, 30888, 30889, 30896, and 30956 of, to repeal Article 5 (commencing with Section 30200) and Article 7 (commencing with Section 30350) of Chapter 1 of Division 17 of, to repeal and add Sections 30102.5, 30890, 30911, 30914, 30917, 30921, and 30951 of, the Streets and Highways Code, and to amend Section 5205.5 of the Vehicle Code, and to amend Section 5 of Chapter 898 of the Statutes of 1997 relating to transportation, and making an appropriation therefor.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 916?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 937—An act to amend Sections 1212, 1217, 1228, and 1231 of, and to add Sections 1218.1, 1218.2, 1226.1, 1226.2, 1226.3, and 1229.1 to, the Health and Safety Code, relating to clinics.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 937?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Battin, Brulte, Denham, Hollingsworth, Knight, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 19—An act to amend Section 42239.1 of, to add Sections 37252.5 and 37252.6 to, and to repeal Section 37252.8 of, the Education Code, relating to public schools.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 19?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 83—An act to amend Sections 53750 and 54984.7 of the Government Code, relating to local agency assessments.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 83?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 314—An act to add Section 130350.5 to the Public Utilities Code, relating to transportation.

Bill presented by Senator Murray.

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 Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 358—An act to amend Sections 2701, 2702, 2703, 2708, 2725, 2815, 2815.1, 2841, 2847, 2878, 2893, 2895, 4501, 4503, and 4521 of, and to add Sections 2725.5, 2878.1, 2895.5, and 4521.2 to, the Business and Professions Code, and to add Article 4 (commencing with Section 128475) to Chapter 5 of Part 3 of Division 107 of the Health and Safety Code, relating to healing arts.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 358?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Vasconcellos, and Vincent.

NOES (7)—Senators Ackerman, Battin, Hollingsworth, Knight, McClintock, Morrow, and Oller.

Above bill ordered enrolled.

Senate Bill 377—An act to add Section 124586 to the Health and Safety Code, relating to health

Bill presented by Senator Chesbro.

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 (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 549—An act to add Chapter 9.7 (commencing with Section 6267) to Title 7 of Part 3 of the Penal Code, relating to inmates.

Bill presented by Senator Vasconcellos.

The question being: Shall the Senate concur in the Assembly amendments to SB 549?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senator Alpert Presiding

Senate Bill 649—An act to add Section 20676 to the Public Contract Code, and to amend Sections 2207, 2717, and 2774 of the Public Resources Code, relating to mining.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 649?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Ducheny, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 1061—An act to amend Sections 2205 and 5008.6 of the Corporations Code, to amend Section 7073.8 of the Government Code, and to amend Sections 17941, 23041, 23701h, 23701x, and 25111 of, and to add Sections 18405.1, 25113, and 25116 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 1061?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 125—An act to amend Section 4850 of the Labor Code, relating to workers' compensation.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 125?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller, Poochigian, and Speier.

Above bill ordered enrolled.

Senate Bill 185—An act to amend Sections 398.4 and 398.5 of the Public Utilities Code, relating to electricity.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 185?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (0)—None.

NOES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

Senate Bill 238—An act to amend Section 12101 of the Health and Safety Code, and to amend Sections 666.7, 11108.3, 12021, 12028, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 238?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 352—An act to amend Section 17213 of the Education Code, and to amend Section 21151.8 of the Public Resources Code, relating to public schools.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 352?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 412—An act to amend Sections 3511, 4700, 5050, and 5515 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 412?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 495—An act to amend Section 52051 of, and to add Section 52052.1 to, the Education Code, relating to school accountability.

Bill presented by Senator Vasconcellos.

The question being: Shall the Senate concur in the Assembly amendments to SB 495?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 857—An act to amend Sections 14043.1, 14043.15, 14043.65, 14043.75, 14044, 14123.25, 14124.12, and 14172.5 of, to amend the heading of Article 1.3 (commencing with Section 14043) of Chapter 7 of Part 3 of Division 9 of, and to add Sections 14043.26, 14043.27, 14043.28, 14043.29, 14043.341, 14043.47, 14105.05, and 14170.10 to, the Welfare and Institutions Code, relating to Medi-Cal.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 857?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1016—An act to amend Section 30101.7 of the Revenue and Taxation Code, relating to tobacco.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 1016?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Joint Resolution 6—Relative to emergency services.

Resolution presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SJR 6?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, Knight, Morrow, Oller, and Poochigian.

Above resolution ordered enrolled.

Senate Bill 71—An act to amend Sections 221.5, 37631, 41840, 48980, and 51851 of, to add Chapter 5.6 (commencing with Section 51930) to Part 28 of, to repeal Sections 51201.5, 51229, 51229.5, 51229.8, and 51240 of, to repeal Article 6 (commencing with Section 51550) of Chapter 4 of Part 28 of, and to repeal Article 11 (commencing with Section 51820) of Chapter 5 of Part 28 of, the Education Code, relating to instruction.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 71?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 1055)

Senator Chesbro asked for, and was granted, unanimous consent to take up SB 1055 at this time, without reference to file.

Consideration of Senate Bill 1055**Consideration of Assembly Amendments**

Senate Bill 1055—An act to amend Section 488.385 of the Code of Civil Procedure, to amend Section 10902 of the Revenue and Taxation Code, to amend Sections 1685, 4064, 5014, 5036, 5066, 6700.25, 9102.5, 9250, 9250.8, 9250.13, 9252, 9254, 9258, 9261, 9265, 9400.1, 9554, 9702,

11515, 11515.2, 12814.5, 14900, 14900.1, 14901, 14902, 38121, 38225.4, 38225.5, 38232, 38255, 38260, and 38265 of, to add Section 1678 to, and to repeal Section 38225.4 of, the Vehicle Code, and to amend Item No. 2720-001-0044 of the Budget Act of 2003, relating to vehicles, and making an appropriation therefor.

Measure presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 1055?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Above measure ordered enrolled.

CONSENT CALENDAR

Objection Raised

Senator Hollingsworth objected to **SR 27** being on the Special Consent Calendar.

REQUEST FOR UNANIMOUS CONSENT (SR 27)

Senator Chesbro asked for, and was granted, unanimous consent to take up SR 27 at this time, without reference to file.

Consideration of Senate Resolution 27

Senate Resolution 27—Relative to the Public Utilities Commission. Resolution read and adopted on motion of Senator Chesbro.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 259—An act to amend Section 44018 of, and to add Section 87018 to, the Education Code, relating to school employees

Bill presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 259?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny,

Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 322—An act to add and repeal Sections 125118, 125118.5, 125119, 125119.3, and 125119.5 of the Health and Safety Code, relating to medical research.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 322?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 78—An act to amend Sections 33350 and 60800 of, and to amend, repeal, and add Section 51241 of, the Education Code, relating to physical education.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 78?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Ackerman, Ashburn, Brulte, Knight, McClintock, and Morrow.

Above bill ordered enrolled.

Senate Bill 261—An act to amend Section 1375.4 of, and to add Sections 1375.9, 1375.10, 1375.11, and 1375.12 to, the Health and Safety Code, relating to health care service plans.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 261?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 359—An act to amend Section 810 of the Business and Professions Code, relating to professions and vocations.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 359?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Ackerman, Ashburn, Battin, Brulte, and Knight.

Above bill ordered enrolled.

Senate Bill 588—An act to add and repeal Section 17463.5 of the Education Code, relating to school finance.

Bill presented by Senator Johnson.

The question being: Shall the Senate concur in the Assembly amendments to SB 588?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny,

Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 591—An act to amend Sections 358, 358.1, 361.3, 16002, and 16501.1 of, and to add Sections 16010.4, 16010.5, 16010.6, and 16503.5 to, the Welfare and Institutions Code, relating to dependent children.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 591?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 842—An act to add Section 60061.8 to the Education Code, relating to instructional materials.

Bill presented by Senator Karnette.

The question being: Shall the Senate concur in the Assembly amendments to SB 842?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Concurrent Resolution 48—Relative to Myositis Awareness Day.

Resolution presented by Senator Hollingsworth.

The question being: Shall the Senate concur in the Assembly amendments to SCR 48?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above resolution ordered enrolled.

Senate Bill 810—An act to amend Sections 4514.3, 4582.7, and 4582.75 of, and to add Section 4582.71 to, the Public Resources Code, relating to natural resources.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 810?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 644—An act to amend Sections 71000 and 71003 of the Education Code, relating to community colleges.

Bill presented by Senator Burton.

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 (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 964—An act to add Sections 60852.5 and 60852.6 to the Education Code, relating to the high school exit examination

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 964?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Oller.

Above bill ordered enrolled.

Senate Bill 640—An act to add Chapter 1.5 (commencing with Section 10286) to Part 2 of Division 2 of the Public Contract Code, and to amend Section 25111 of, and to add Section 25113 to, the Revenue and Taxation Code, relating to state contracts.

Bill presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 640?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Concurrent Resolution 6—Relative to California Hispanic Heritage Month.

Resolution presented by Senator Battin.

The question being: Shall the Senate concur in the Assembly amendments to SCR 6?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above resolution ordered enrolled.

THIRD READING OF SENATE BILLS

Senate Bill 519—An act to add Sections 1765.5 and 1765.6 to the Welfare and Institutions Code, relating to controlled substances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Vasconcellos.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Vasconcellos moved a call of the Senate.

Motion carried.

Senator Romero Presiding

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 620—An act to amend Sections 787, 1725.5, 10127.10, and 10509.8 of, and to add Sections 789.9, 789.10, 1724, and 1749.8 to, the Insurance Code, relating to insurance.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 620?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (31)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Ackerman, Hollingsworth, Johnson, Knight, McClintock, and Oller.

Above bill ordered enrolled.

Senate Bill 692—An act to amend Sections 853, 7360, 7361, 7362, and 7363 of, and to repeal Section 7360.1 of, the Fish and Game Code, relating to the Department of Fish and Game, and making an appropriation therefor.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 692?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 930—An act to add Section 12012.30 to the Government Code, relating to gaming.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 930?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McClintock, McPherson, Ortiz, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Oller.

Above bill ordered enrolled.

Senate Bill 67—An act to amend Section 399.14 of, and to add Section 399.16 to, the Public Utilities Code, relating to energy.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 67?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Ortiz, Perata, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Brulte, Denham, Hollingsworth, Margett, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 611—An act to amend Section 99200 of the Education Code, relating to instructional strategies.

Bill presented by Senator Ducheny.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Perata, Romero, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 614—An act to amend Sections 18628, 19116, 19164, 19166, 19173, 19177, 19179, 19504, 19715, and 21028 of, to add Section 18407 to, to add Chapter 9.5 (commencing with Section 19751) to Part 10.2 of Division 2 of, and to repeal and add Section 18648 of, the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Cedillo.

The question being: Shall the Senate concur in the Assembly amendments to SB 614?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 627—An act to amend Sections 22109.5, 22138.5, 22146, 22203.5, 22213, 22503, 22663, 22713, 22714, 22801, 22801.5, 22820, 22823, 22826, 22905, 23203, 23300, 24002, 24012, 24111, 24214, 24216.6, 24221, 24300, 24606, 24615, 24616, 24617, 24975, 25000.9, 25018.5, 25100, 25101, and 25940 of the Education Code, relating to state teachers' retirement.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 627?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 519)

On motion of Senator Vasconcellos, 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 519 was adopted by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette,

Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, Morrow, Oller, and Poochigian.

Above bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 892—An act to add Section 35292.5 to the Education Code, relating to schools.

Bill presented by Senator Murray.

The question being: Shall the Senate concur in the Assembly amendments to SB 892?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Aanestad, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senator Burton Presiding

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 11, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 933

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.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 403**, **SB 1047**, **SB 1053**, **SB 1054**, and **SB 933** were referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, September 11, 2003

Mr. President: Pursuant to Senate Rule 29.10, the Rules Committee, on a vote of 5–0, has re-referred SB 933 (Dunn) to the Committee on Judiciary.

BURTON, Chair

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 1467** was withdrawn from Committee and placed on file.

CONSENT CALENDAR

Assembly Concurrent Resolution 138—Relative to Prostate Cancer Awareness Month.

Resolution read.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senate Resolution 28—Relative to Prostate Cancer Awareness.

Resolution read.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 654—An act to amend Section 12562 of the Water Code, and to amend Section 1 of Chapter 617 of the Statutes of 2002, relating to water, and making an appropriation therefor.

Bill presented by Senator Machado.

The question being: Shall the Senate concur in the Assembly amendments to SB 654?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,

McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (5)—Senators Aanestad, Ashburn, Denham, McClintock, and Oller.

Above bill ordered enrolled.

Senate Bill 277—An act to add Chapter 13 (commencing with Section 2930) to Division 3 of the Fish and Game Code, and to amend Section 9 of Chapter 617 of the Statutes of 2002, relating to water, and making an appropriation therefor.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 277?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (6)—Senators Aanestad, Ackerman, Ashburn, Denham, McClintock, and Oller.

Above bill ordered enrolled.

Senate Bill 317—An act to amend Section 2081.7 of the Fish and Game Code and to amend Section 1013 of, the Water Code, relating to the resources, and making an appropriation therefor.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 317?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 262—An act to amend Section 4458 of, and to add Sections 4459.5, 4459.6, 4459.7, and 4459.8 to, the Government Code, and to amend Sections 19954 and 19958.5 of, and to add Section 19958.6 to,

the Health and Safety Code, relating to building standards, and making an appropriation therefor.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 262?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 288—An act to add Chapter 4.5 (commencing with Section 42500) to Part 4 of Division 26 of, the Health and Safety Code, and to amend Section 9250.11 of the Vehicle Code, relating to air quality.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 288?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 476—An act to amend Sections 1797.98a, 1797.98b, 1797.98c, and 1797.98e of the Health and Safety Code, relating to health.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 476?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa,

Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 556—An act to amend, add, and repeal Section 52124 of the Education Code, relating to class size

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 556?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Above bill ordered enrolled.

Senate Bill 704—An act to repeal Part 3 (commencing with Section 1101) of Division 1 of the Food and Agricultural Code, and to add Section 41606 to the Health and Safety Code, relating to air quality.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 704?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Battin, Brulte, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, Morrow, and Oller.

Above bill ordered enrolled.

Senate Bill 705—An act to add Sections 41855.5 and 41855.6 to the Health and Safety Code, relating to air quality.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 705?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senator Bowen Presiding

Senate Bill 709—An act to add Chapter 5.7 (commencing with Section 40600) to Part 3 of Division 26 of the Health and Safety Code, to add Section 9250.16 to the Vehicle Code, and to repeal Section 5 of Chapter 915 of the Statutes of 1994, relating to air quality.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 709?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 719—An act to amend Sections 32261, 32262, 35183, 35294.10, 35294.11, 35294.12, 35294.13, 35294.21, 35294.22, 51263, and 51264 of, to amend and renumber Sections 32280, 32290, 32295, 35294, 35294.1, 35294.2, 35294.3, 35294.4, 35294.5, 35294.6, 35294.7, and 35294.8 of, to amend and renumber the headings of Article 3 (commencing with Section 32280) of, Article 4 (commencing with Section 32290) of, and Article 5 (commencing with Section 32295) of Chapter 2.5 of Part 19 of, and Article 10.3 (commencing with Section 35294) of Chapter 2 of Part 21 of, to add Article 5.3 (commencing with Section 32290) to Chapter 2.5 of Part 19 of, to repeal Section 35294.9 of, and to

repeal Article 2 (commencing with Section 32270) of Chapter 2.5 of Part 19 of, the Education Code, relating to school safety.

Bill presented by Senator Kuehl.

The question being: Shall the Senate concur in the Assembly amendments to SB 719?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 868—An act to amend Section 1773.1 of the Labor Code, relating to public works.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 868?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 923—An act to amend Section 13269 of the Water Code, relating to water.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 923?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado,

Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 331—An act to add Section 340.8 to the Code of Civil Procedure, relating to toxic injuries.

Bill presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 331?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 700—An act to amend Section 42310 of, and to add Sections 39011.5, 39023.3, 40724, 40724.5, 40724.6, 40724.7, 40731, 42301.16, 42301.17, 42301.18, and 44559.9 to, the Health and Safety Code, relating to air quality.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 700?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1012—An act to add Section 48906.5 to the Education Code, relating to public schools.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (9)—Senators Ackerman, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AJR 49)

Senator Cedillo asked for, and was granted, unanimous consent that AJR 49 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Joint Resolution 49

Assembly Joint Resolution 49—Relative to immigration.
Resolution read.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 523—An act to amend Section 7507.9 of the Business and Professions Code, relating to collateral recovery.

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 (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1313—An act to amend Sections 290 and 290.01 of, to amend and repeal Section 290.4, and to add Section 290.45 to, of the Penal Code, relating to sex offenders, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator McPherson.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 421—An act to add and repeal Article 3.5 (commencing with Section 97.7) of Part 0.5 of Division 1 of, and to repeal Section 97.68 of, the Revenue and Taxation Code, relating to local government finance.

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.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 11, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 439 SB 566 SB 853

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 11, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 49

Above resolution ordered enrolled.

Assembly Chamber, September 11, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 327 AB 826 AB 1017 AB 1308
AB 413 AB 897 AB 1208
AB 677 AB 899 AB 1290

E. DOTSON WILSON, Chief Clerk of the Assembly

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 439** was referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES
Committee on Governmental Organization

Senate Chamber, September 11, 2003

Madam President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 329

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 329—An act to amend Section 8880.22 of the Government Code, relating to the California State Lottery.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

CONSIDERATION OF DAILY FILE (RESUMED)
MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Chesbro moved that **AB 1453** be placed on the inactive file.
Senator Cedillo moved that **AB 25** be placed on the inactive file.
Senator Ducheny moved that **AB 1462** be placed on the inactive file.
Motions carried.

UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 420—An act to add Article 2.5 (commencing with Section 11362.7) to Chapter 6 of Division 10 of the Health and Safety Code, relating to controlled substances.

Bill presented by Senator Vasconcellos.

The question being: Shall the Senate concur in the Assembly amendments to SB 420?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 606—An act to amend Section 49455 of the Education Code, relating to pupil health.

Bill presented by Senator Vasconcellos.

The question being: Shall the Senate concur in the Assembly amendments to SB 606?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (31)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (4)—Senators Ackerman, Ashburn, Knight, and Margett.

Above bill ordered enrolled.

Senate Bill 24—An act to add Sections 14148.03, 14148.04, and 14148.05 to the Welfare and Institutions Code, relating to health care.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 24?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, and Poochigian.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 351—An act to add Chapter 1.695 (commencing with Section 5096.500) to Division 5 of the Public Resources Code, relating to state lands.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Alarcón, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Ackerman and McClintock.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 294—An act to amend Sections 2850, 2851, 2852, 2853, 2854, 2855, and 17200 of, and to repeal Section 2856 of, the Probate Code, relating to conservators, guardians, and trustees.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 294?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Soto moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 306—An act to amend Sections 17021.7, 17951, 18013.4, 18045.5, 18214, 18300, 18862.39, 18862.47, 18865, 19971, 50517.5, nd 50786 of the Health and Safety Code, relating to mobilehomes and manufactured homes

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 306?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 362—An act to amend Sections 125.9, 1616.5 , 1742, 1765, 1775, 7303.1, 7309, 7313, 7317, 7319.5, 7321, 7321.5, 7324, 7326, 7330, 7332, 7333, 7334, 7335, 7336, 7337, 7337.5, 7338, 7340, 7341, 7342, 7344, 7353, 7354, 7355, 7356, 7357, 7359, 7362, 7362.1, 7362.2, 7362.3, 7364, 7365, 7366, 7367, 7389, 7395.1, 7396, 7400, 7401, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7414.1, 7414.3, 7414.4, 7414.6, 7415, 7421, and 7422 of, and to amend and repeal Sections 1601.1, 7390, 7391, 7392, 7393, 7394, and 7395 of, to add Sections 7303.2 and 7403.5 to, to repeal Sections 7331.5, 7340.5, 7416, and 7423.5 of, and to repeal and add Sections 7331 and 7423 to, the Business and Professions Code, to amend Section 830.3 of the Penal Code, and to repeal Sections 3 and 4 of Chapter 859 of the Statutes of 2001, relating to business and professions.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 362?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette,

Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, and Poochigian.

Above bill ordered enrolled.

Senate Bill 814—An act to amend Sections 19801, 19876, 19951, 19962, and 19963 of the Business and Professions Code, relating to gambling.

Bill presented by Senator Vincent.

The question being: Shall the Senate concur in the Assembly amendments to SB 814?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators Hollingsworth and McClintock.

Above bill ordered enrolled.

Senate Bill 966—An act to amend Section 1726 of, and to add Section 1781 to, the Labor Code, relating to prevailing wages.

Bill presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SB 966?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1049—An act to amend Sections 1103 and 1103.2 of the Civil Code, to amend Sections 714, 2536, 2540, 3031, 3031.2, 4654, 6596, 6596.1, 7145, 7147, 7149, 7149.05, 7149.2, 7149.8, 7360, 7360.1, 7361, 7363, 7380, 7852, 7881, 7921, 8032, 8033, 8033.2, 8033.5, 8034, 8035, 8036, 13005, 15101, and 15103 of, to amend the heading of Article 4 (commencing with Section 7360) of Chapter 2 of Part 2 of Division 6 of,

to add Section 8039 to, and to repeal Sections 7149.1, 7149.15, 7362, 7852.21, 7852.3, and 7921.5 of, the Fish and Game Code, and to amend Sections 11502.5, 11703, 11704, 11707, 11903, 11904, 12021, 12103, 12104, 12105, 12201, 12202, 12252, 12401, 12404, 12818, 12841, 12841.1, and 14152 of, to add Section 12841.2 to, to repeal Sections 11515 and 11516 of, and to repeal and add Section 12812 of, the Food and Agricultural Code, to amend Section 8589.4 of, and to add Section 8589.5 to, the Government Code, to amend Sections 12975.7 and 12975.8 of, and to add and repeal Section 10089.45 of, the Insurance Code, to amend Section 25534 of, to add Section 25806 to, and to add Article 3.5 (commencing with Section 4138) to Chapter 1 of Part 2 of Division 4 of, the Public Resources Code, to amend Sections 1025.5, 1052, 1228.3, 1845, 2850, 5006, 5107, 6307, 6308, 6309, 13160.1, and 79505.5 of, to add Sections 1031, 2865, and 2868 to, to repeal Sections 1228.8 and 6308.5 of, and to repeal and add Chapter 8 (commencing with Section 1525) of Part 2 of Division 2 of, the Water Code, and to amend Section 1 of Chapter 240 of the Statutes of 2003 relating to resources, and making an appropriation therefor.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 1049?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, Machado, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 216—An act to amend Sections 2106, 2109, 2110, and 2111 of, to amend and renumber Section 2116 of, and to repeal Section 2106.5 of, the Fish and Game Code, relating to endangered species, and making an appropriation therefor.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 216?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, McPherson, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 268—An act to amend Sections 20751, 20776, 21037, 21050, 21293, and 21294 of, and to add Sections 20751.5, 20910, and 21251.15 to, the Government Code, relating to public employees' retirement.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 268?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (2)—Senators Hollingsworth and McClintock.

Above bill ordered enrolled.

Senate Bill 278—An act to amend Section 3041 of, and to add Title 2.5 (commencing with Section 3550) to Part 3 of, the Penal Code, relating to prisoners

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 278?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Aanestad, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 605—An act to amend Section 8592.1 of, and to add Section 8592.6 to, the Government Code, relating to public safety.

Bill presented by Senator McPherson.

The question being: Shall the Senate concur in the Assembly amendments to SB 605?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 436—An act to amend Sections 22790, 22792, 22793, 22794, 22825.1, 22840, and 22850 of the Government Code, relating to the Public Employees' Medical and Hospital Care Act, and making an appropriation therefor.

Bill presented by Senator Soto.

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, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 356—An act to amend Sections 290 and 290.4 of the Penal Code, relating to sex offenders.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 356?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 973—An act to add Section 14669.7 to the Government Code, relating to state property.

Bill presented by Senator Machado.

The question being: Shall the Senate concur in the Assembly amendments to SB 973?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Alarcón, Alpert, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, Margett, and Oller.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 294)**

On motion of Senator Soto, 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 294 by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Poochigian, and Scott.

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 566—An act to amend Sections 7251.1 , 7285, and 7285.5 of, to add Chapter 2.3 (commencing with Section 7285.9) to Part 1.7 of Division 2 of, and to repeal Sections 7251.3 and 7251.4 of, the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Scott.

The question being: Shall the Senate concur in the Assembly amendments to SB 566?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 853—An act to amend Section 1367 of, and to add Sections 1367.04 and 1367.07 to, the Health and Safety Code, and to add Sections 10133.8 and 10133.9 to the Insurance Code, relating to health care coverage.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 853?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 578—An act to amend Section 6108 of the Public Contract Code, relating to public contracts.

Bill presented by Senator Alarcón.

The question being: Shall the Senate concur in the Assembly amendments to SB 578?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 879—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Bill presented by Senator Margett.

The question being: Shall the Senate concur in the Assembly amendments to SB 879?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 915—An act to amend Sections 66540.14, 66540.16, 66540.20, 66540.40, and 66540.72 of, to add Sections 66540.21, 66540.27, and 66540.29 to, and to repeal Sections 66540.22 and 66540.23 of, the Government Code, relating to transportation.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 915?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

UNANIMOUS CONSENT TO WITHDRAW FROM COMMITTEE

Unanimous consent was requested that AB 283 and AB 1588 be withdrawn from committee and placed on file.

Unanimous consent withheld.

Motion to Withdraw from Committee

Senator Burton moved that AB 283 and AB 1588 be withdrawn from committee and placed on file.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

REQUEST FOR UNANIMOUS CONSENT (AB 1467)

Senator Aanestad asked for, and was granted, unanimous consent to take up AB 1467 at this time, without reference to file.

Consideration of Assembly Bill 1467

Assembly Bill 1467—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry, and declaring the urgency thereof, to take effect immediately.

Bill read.

Roll Call

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,

Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Motion to Reconsider (AB 1467)

Senator Aanestad moved to reconsider the vote whereby the urgency clause to AB 1467 was adopted and the bill was passed.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 421)**

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 421 was refused passage by the following vote:

AYES (13)—Senators Alarcón, Alpert, Burton, Dunn, Florez, Kuehl, Murray, Ortiz, Romero, Sher, Speier, Torlakson, and Vincent.

NOES (21)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Chesbro, Denham, Ducheny, Escutia, Hollingsworth, Johnson, Karnette, Knight, Margett, McClintock, McPherson, Morrow, Oller, Poochigian, and Scott.

Motion to Reconsider (AB 421)

Senator Torlakson moved to reconsider the vote whereby AB 421 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 11, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 808

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, September 11, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 900 and AB 1723 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Vincent, AB 900 was returned to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, September 11, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 1154

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1154—An act to add and repeal Section 127032 of the Health and Safety Code, relating to health planning, declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Transportation

Senate Chamber, September 11, 2003

Madam President: The Chair of the Committee on Transportation, to which were referred:

AB 712

ACR 67

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 712—An act to add Section 130051.22 to the Public Utilities Code, relating to transportation.

Bill read second time.

Assembly Concurrent Resolution 67—Relative to DES Portuguese Hall and Little India in the City of Artesia.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, September 11, 2003

Madam President: The Committee on Rules has examined:

SB 288

SB 317

SB 654

And reports that the same have been correctly enrolled, and presented to the Governor on the 11th day of September, 2003, at 4:30 p.m.

BURTON, Chair

Senate Chamber, September 11, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 855

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 855—An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 280.5 to, the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, September 11, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 923

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 923—An act to amend Section 6353 of, to add Sections 6356.8, 6356.9, 7105, 17053.15, and 23608.15 to, to add and repeal Section 6356.7 of, and to repeal Sections 6356.5, 6356.6, 6357.1, and 6358.5 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 Rules

Senate Chamber, September 11, 2003

Madam President: The Committee on Rules has examined:

SB 277

And reports that the same has been correctly enrolled, and presented to the Governor on the 11th day of September, 2003, at 5:30 p.m.

BURTON, Chair

Committee on Judiciary

September 11, 2003

Madam President: The Committee on Judiciary, to which were referred:

SB 27

SB 590

SB 933

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

ESCUTIA, Chair

Above measures ordered to unfinished business.

State Capitol, September 11, 2003

Madam President: The Senate Rules Committee has increased the membership of the Select Committee on Government Oversight from 6 to 8 members and appointed Senator Torlakson to fill one of the new vacancies.

BURTON, Chair

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 278)**

Unanimous consent was granted that the action be rescinded whereby AB 278 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 278

Assembly Bill 278—An act to amend Section 337j of the Penal Code, relating to gaming.

Bill read.

Motion to Amend

Amendments to AB 278 proposed by Senator Vincent were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1370)**

Unanimous consent was granted that the action be rescinded whereby AB 1370 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1370

Assembly Bill 1370—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1370 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 1769—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1769 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1666)**

Unanimous consent was granted that the action be rescinded whereby AB 1666 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1666

Assembly Bill 1666—An act to amend, repeal, and add Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1666 proposed by Senator Alpert were read and adopted and the measure ordered printed and to third reading.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following letters of intent were ordered printed in the Journal:

September 10, 2003

The Honorable John Burton
President Pro Tempore

Dear President Burton:

This letter is meant to clarify the intent of my bill, SB 186, as it relates to the recipients' ability to opt-out from commercial e-mail advertisements. SB 186 permits an advertiser to provide an opt-out for individual lines of business so long as they also provide an opt-out for all lines of business as mandated by this bill.

Sincerely,

KEVIN MURRAY
Member of the Senate
26th District

September 10, 2003

The Honorable John Burton
President Pro Tempore

Re: SB 937—Primary Care Clinic Licensure

Dear Senator Burton:

SB 937 is groundbreaking legislation that will help primary care clinics to remain viable safety net providers in California's health care delivery system through streamlining the licensure process. The author and the sponsors of the bill worked with the Department of Health Services to craft a measure that is workable and provides relief from overly burdensome and duplicative regulation. Due to an unfortunate mistake in the production of the final amendments to SB 937, a technical error was made regarding the approval or denial by the Department of Health Services of an application for a clinic license for affiliated clinics.

It is the intent of the Legislature that the Department approve or deny the application for a clinic license within thirty (30) days, and that the license be issued to the clinic within seven (7) days of approval. If SB 937 is signed into law by the Governor, the sponsors have committed to seeking a

clarifying amendment as soon as possible upon the convening of the Legislature in January 2004.

Sincerely,

DENISE MORENO DUCHENY
Senator, 40th District

September 11, 2003

The Honorable John Burton
President Pro Tempore

RE: SB 930 relating to the Torres-Martinez tribal gaming compact

Dear Senator Burton:

The intent of this letter is to clarify that the tribal gaming compact entered into by the Torres-Martinez Desert Cahuilla Indians, as ratified by SB 930, was individually negotiated by the tribe and does not and should not represent a template or model for future compacts negotiated by other tribes.

Each tribe in California has unique circumstances and unique desires and ambitions that guide its negotiations with the state on a gaming compact. The compact entered into by the Torres-Martinez tribe is tailored to the individual needs of the tribe and reflects the unique provisions of the settlement agreement covering the tribe's land claims.

It is not the intent of SB 930 to establish a new model compact. Rather, the bill is intended simply to ratify the agreement entered into voluntarily by the tribe exercising its sovereign right to negotiate the terms of its own compact.

Sincerely,

DENISE MORENO DUCHENY
Senator, 40th District

September 10, 2003

The Honorable John Burton
President Pro Tempore

Re: SB 611—California Subject Matter Projects

Dear Senator Burton:

The California Subject Matter Project (CSMP) provides subject-specific professional development to K–12 teachers throughout the state. This longstanding project is focused on raising student achievement and closing the achievement gap by linking the rich academic resources of the state's higher education systems to California classrooms through school and district partnerships, with special attention to those identified as high priority.

Large—and still increasing—numbers of English Language Learners (ELLs) and students from priority schools need greatly strengthened instruction to benefit fully from their K–12 educational experience. ELLs

need instruction that accelerates their acquisition of English, especially the academic language required to succeed across the curriculum.

Important work is already underway in every CSMP subject area. The core staff development programs of project sites now include academic language development components. Among the 29,924 participating CSMP teachers from 2,194 partnership schools in 2001–02, 75% taught in low-performing schools: 51% from schools with rankings of API 1 or 2, and 24% from API 3 and 4. For the same year, the weighted average of ELLs was 41% in CSMP partnership schools compared to 21% statewide, and the weighted average of students qualifying for free and reduced lunches was 71% compared to 45% statewide. But it is imperative that more be done: Such schools should increasingly be the focus of school and district partnerships with SMP sites in all school subject areas, especially in middle and high schools. SB 611 will accomplish this objective.

The project's broad coverage also ensures that academic language acquisition and development, and other related needs of ELLs, can be addressed across the full range of school subjects. Therefore, it is the intention of SB 611 and its supporters that the CSMP remain a vital part of California's professional development system, including projects whose professional communities are actively pursuing approval of the State Board of Education for academic content and skill standards in their academic field.

For the reasons previously stated, the Legislature has made the following findings and declarations:

(a) *A quality education requires that pupils meet content and skill standards in all subject areas.*

(b) *English Learners and low-performing pupils have special needs for academic experiences across the curriculum.*

(c) *California teachers require discipline-area support in all subjects required for high school graduation.*

(d) *Subject matter projects in seven of the nine school subject areas: mathematics, science, language arts, history-social science, foreign language, health/physical education and the visual and performing arts, have collaborated effectively to serve California teachers since 1988.*

(e) *The Subject Matter Project is uniquely organized to integrate K–12 professional development efforts in all school subject areas.*

(f) *Seven of the nine subject matter projects currently operate with content and skill standards approved from the State Board of Education.*

(g) *Two academic fields (health/physical education and foreign language) are seeking content and skill standards approved from the State Board of Education.*

(h) *Therefore, it is the intent of the Legislature that:*

(1) *Funding support be continued for subject matter projects currently authorized by statute.*

(2) *Maintenance-level funding be provided for projects in academic fields that are seeking standards approval from the State Board of Education.*

(3) *The Subject Matter Project institutional manager extend collaboration among the projects serving all seven school subject matter areas.*

Sincerely,

DENISE MORENO DUCHENY
Senator, 40th District

September 9, 2003

*The Honorable John Burton
President Pro Tempore*

Re: Clarification of Senate Bill 81

Dear Senator Burton:

I am writing in order to clarify an inadvertent reference that is contained in my Senate Bill 81. This measure is intended to encourage greater coordination between the California State University and California's community colleges in the development of integrated teacher education programs.

The language of SB 81 states that by July 1, 2004, the Chancellor of the California State University, in consultation with "California State University faculty members" shall develop a framework defining appropriate balance for an integrated teacher preparation program.

This letter is to clarify that it is my intent as well as the measure's sponsors that the Chancellor of the California State University should consult specifically with the "Academic Senate" of the California State University in the development of this framework.

As the representative body for the CSU faculty, it is appropriate that consultation be done with this body rather than the faculty as a whole. Thank you for the opportunity to clarify the intent of this bill.

Sincerely,

DEDE ALPERT
State Senate, 39th District

September 11, 2003

*The Honorable John Burton
President Pro Tempore*

Dear Mr. President pro Tempore,

As author of SB 317, I write to clarify statutory language found in California Fish and Game Code Sections 2081.7 (c)(4) and (5). These sections state the Metropolitan Water District of Southern California shall pay "not less than" certain stated amounts (\$250/acre foot and \$20/acre foot) for specified purchases of water. The "not less than" language is only intended to capture the concept that the stated monetary amounts would be increased by inflation over time. There is no intent to authorize or require

the Department of Water Resources or any other agency under any circumstance to negotiate a higher amount for those payments other than the stated amounts as increased by inflation.

Sincerely,

SENATOR SHEILA JAMES KUEHL

September 11, 2003

The Honorable John Burton

President Pro Tempore

Dear Senator Burton:

This letter is intended to clarify the record as to two points relative to SB 700 that I authored, as it was considered and acted upon on the on the Senate Floor on September 11, 2003.

1. Section 2 of the bill adds Section 39011.5 to the Health and Safety Code relative to the definition of "agricultural source of air pollution". Amendments to this section of the bill on September 9, 2003, include the insertion of a new subsection (b) to read: (b) Any district rule or regulation affecting stationary sources on agricultural operations adopted on or before January 1, 2004, is applicable to an agricultural source.

The purpose of this amendment is to clarify that rules proposed by an air district regarding stationary sources of air pollution on agricultural operations adopted by January 1, 2004 apply to those agricultural sources within the district that adopts the rule or regulation.

2. Language in amendments made to the bill on September 9, 2003, in Sections 40724.6 (c)(1), 42301.16 (b)(2), 42301.16 (c)(2), refer to the showing by an air district that air pollutants "cause or contribute to a violation of a state or federal ambient air quality standard".

The intent of these sections is to ensure that each district, in its permitting of agricultural sources, is required to use the same standards in evaluating regulatory actions on agricultural sources of air pollution that it uses when evaluating regulatory actions on other sources of air pollution. Specifically, each district's showing shall be consistent, with its showing for other source categories as it involves the district's determination of the significance of the emissions in causing or contributing to a violation of an ambient air quality standard, the technical and practical feasibility of reducing such emissions, the cost-effectiveness of the options for emission reductions, and the need for, and effect of requiring such sources to obtain permits.

Because of this intent, and the late date to which the amendments were made, I am proceeding with this legislation with the intent and understanding that the district rule applicability and consistent standards will be applied in implementation of the appropriate sections of this legislation.

Sincerely,

DEAN FLOREZ
Senator, Sixteenth District

September 11, 2003

The Honorable John Burton
President Pro Tempore

Dear Senator Burton:

This letter is intended to clarify the record as to one point relative to SB 709 that I authored, as it was considered and acted upon on the Senate Floor on September 11, 2003.

Section one of the bill creates Section 40606 in the Health and Safety Code and authorizes the San Joaquin Air Pollution Control District board to monitor emissions from all stationary agricultural pumps in the district. This would include those that might be designated by the federal Environmental Protection Agency as "nonroad" engines that are subject to the requirements of Title II of the federal Clean Air Act (42 U.S.C. Sec. 7521 et seq.).

The intent of this section is to allow the district to monitor and measure emissions from all agricultural pumps. However, I understand that with the passage of SB 700, the district will have the authority to require operating permits for all internal combustion engines used at agricultural operations, except an engine that is used to propel implements of husbandry. This would make Section 40606 of SB 709 unnecessary and duplicative.

If SB 700 is passed by the legislature and signed by the governor, it is my intent that Section 40606 of the Health and Safety Code enacted by SB 709 will be null and void.

Sincerely,

DEAN FLOREZ
Senator, Sixteenth District

September 11, 2003

Senate President pro Tempore John Burton
Assembly Speaker Herb Wesson

Dear Mr. President and Mr. Speaker:

We write to clarify our pending legislation, SB 614 and AB 1601, related to abusive tax shelters. We have made substantial concessions in these measures to address criticisms by interested parties. We have agreed to clarify certain points in this letter.

The bills have been amended to limit the applicability of the penalty for "noneconomic substance" transactions. It is our intent that the Franchise Tax Board rely upon the common law economic substance doctrine and that the penalty language contained in this section shall not be adopted by a court as a substantive definition other than for purposes of the penalty.

Amendments were also made to the tax shelter reporting requirements. It is our intent that the authority granted to the Franchise Tax Board by AB 1601 and SB 614 to identify and publish for California income or franchise tax purposes "listed transactions" (as defined under subdivision (a) of Section 18407 of the Revenue and Taxation Code) does not apply to transactions occurring prior to September 2, 2003. It is also our intent that the new reporting requirements apply to any transaction entered into on or

after February 28, 2000, that becomes a “listed transaction” for federal income tax purposes at any time (as defined under subdivision (a) of Section 6011 of the Internal Revenue Code).

Finally, the bills have been amended to make all penalties affected by the bills apply to abusive tax shelter transactions only.

Sincerely,

GILBERT CEDILLO
Senator, 22nd District

DARIO FROMMER
Assembly Member, 43rd District

September 11, 2003

Mr. Greg Schmidt

*Chief Executive Officer
Senate Rules Committee*

Dear Mr. Schmidt:

As currently drafted, SB 1049 establishes new fire protection fees on State Responsibility Area (SRA) land parcels.

There are two technical errors in the current version of the bill.

The first error occurs on page 55, line 5. The line should read as follows: pursuant to this article. The department ~~may~~ shall authorize individual The only change being striking “may” and substituting “shall”.

The second error occurs on page 55, line 22 and incorrectly identifies “County Treasurers” as being responsible for processing the State Responsibility Area fire fees. I have been informed that the county auditors are the appropriate designees for this program.

It is the intent of the Senate to authorize the county auditors to process the SRA fire fees.

Sincerely,

WESLEY CHESBRO
Chairman, Senate Budget and Fiscal Review Committee

September 11, 2003

Hon. John Burton

President pro Tempore

Dear Mr. President and Mr. Speaker:

As you know, my SB 606 on Pupil Health was amended in the Assembly Health Committee to remove the actual vision questionnaire language – so as not to not place a questionnaire in state statute.

As amended, the bill requires the State Department of Education to first attempt to find and adopt a scientifically validated vision questionnaire for distribution, but if the department cannot find such a questionnaire, it may then review and adopt another questionnaire.

In the event a scientifically validated questionnaire is not available, I submit for publication in the Senate Journal the California Optometric Association’s “Vision Care Checklist for California Kids,” attached hereto,

which meets the criteria of an acceptable questionnaire for use by the department pursuant to this legislation.

I thank you and I wish you well.

JOHN VASCONCELLOS

Vision Care Checklist for California Kids

- Yes No Behind a grade level or more in school.
- Yes No Consistently performs below potential.
- Yes No Complains of blurred vision during reading and writing.
- Yes No Uses finger as a marker when reading.
- Yes No Makes frequent reversals when reading and writing.
- Yes No Skips and rereads words and/or letters.
- Yes No Omits or confuses small words when reading.
- Yes No Frowns, or squints to see.
- Yes No Turns or tilts head to use one eye only.
- Yes No Avoids close work or detailed activities.
- Yes No Reads in dim light.
- Yes No Loses place while reading.
- Yes No Holds reading material closer than normal.
- Yes No Holds reading material farther than normal.
- Yes No Bothered by glare from a page.
- Yes No Sensitive to bright light.
- Yes No Reports sensation of eyes "not working together".
- Yes No One eye turns inward, outward, upward or downward at any time.
- Yes No Tires of near work in a short time.
- Yes No Reports pain around or in the eye at any time.
- Yes No Red, irritated eyes or lids.
- Yes No Excessive tearing of eyes.
- Yes No Rubs eyes frequently.
- Yes No Closes or covers one eye in bright light or during visual tasks.
- Yes No After reading or close work, distance vision is blurry.
- Yes No Print swims, moves, floats, and doubles.
- Yes No Sees double (two of a single thing).
- Yes No Gets headache with eye use.
- Yes No Experiences difficulty with eye-hand-body coordination.
- Yes No Tends to bump into objects.

REQUEST TO BE ADDED TO ROLL CALL

September 11, 2003

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 1521—Aye	AB 944—Aye	AB 715—Aye
SB 248—Aye	SB 125—Aye	SB 352—Aye
SB 412—Aye	SB 495—Aye	SB 1055—Aye
SB 322—Aye	SB 78—Aye	SB 930—Aye
SB 67—Aye	SB 611—Aye	SB 614—Aye
SB 719—Aye	SB 868—Aye	SB 923—Aye
SB 606—Aye	SB 362—Aye	SB 814—Aye
SB 966—Aye	SB 268—Aye	SB 278—Aye
SB 853—Aye	SB 578—Aye	AB 1467—Aye

JOHN L BURTON, President pro Tempore

September 11, 2003

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 551—Aye	SB 599—Aye	SB 916—No
SB 937—No	SB 857—Aye	SB 810—No
SB 627—No	SB 654—Aye	SB 476—Aye
SB 705—No	SB 24—No	SB 814—Aye
SB 966—Aye	SB 1049—No	SB 216—No
SB 268—Aye	SB 278—No	

JAMES L BRULTE, Minority Floor Leader

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 5:38 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Esther Clanon of San Francisco.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Pablo Mazano Jr., of El Centro.

ADJOURNMENT

On motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 10:30 a.m., Friday, September 12, 2003.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, September 12, 2003

The Senate met at 10:30 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—40.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

May the Lord accept the offering of our lives and receive our prayers. May the Lord answer us when we are in distress, and may divine mercy protect us. May the Lord give us the desires of our hearts and make all our plans succeed. May the Lord make others rejoice in us, and may the blessing of Almighty God, Who is able to keep us from falling and to raise us up victorious, be upon us all and remain with us always.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Ashburn led the Senate in the pledge of allegiance to the Flag.

Senator Romero Presiding**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, September 11, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 20	SB 328	SB 666	SB 1009
SB 25	SB 460	SB 686	SB 1074
SB 41	SB 570	SB 796	SCR 7
SB 269	SB 602	SB 1004	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 11, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 49	AB 1719	AB 1700	AB 1475
AB 522	AB 1771	AB 579	AB 94
AB 1326	AB 1133	AB 679	AB 163
AB 1410	AB 1277	AB 1151	AB 455
AB 1485	AB 1405	AB 1492	AB 626
AB 1497	AB 1509	AB 1631	AB 859
AB 1524	AB 1532	AB 1640	AB 1051
AB 1551	AB 1570	AB 408	AB 1340
AB 1587	AB 1601	AB 490	
AB 1676	AB 1668	AB 1266	
AB 1688	AB 1685	AB 1360	

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 12, 2003

Madam President: The Committee on Rules has examined:

SCR 24	SCR 41	SCR 43	SCR 47
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And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 12th day of September, 2003, at 10 a.m.

BURTON, Chair

Committee on Appropriations

Senate Chamber, September 12, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 653 AB 1302 AB 1557 AB 1729

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 653—An act to add Section 454.6 to the Public Utilities Code, relating to energy.

Bill read second time.

Assembly Bill 1302—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1302 pursuant to Joint Rule 58.

ASSEMBLY MEMBER SIMITIAN

Permission of Rules Committee

Senate Chamber, September 12, 2003

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1302.

BURTON, Chair

Assembly Bill 1557—An act to add Section 4610.1 to the Labor Code, relating to workers' compensation.

Bill read second time.

Assembly Bill 1729—An act to amend Section 1861.02 of the Insurance Code, relating to automobile insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

REQUEST FOR UNANIMOUS CONSENT (SR 29)

Senator Burton asked for, and was granted, unanimous consent to take up SR 29 at this time, without reference to committee or file.

Consideration of Senate Resolution 29

Senate Resolution 29: By Senator Burton—Relative to the Senate Rules.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (30)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (4)—Senators Aanestad, Ashburn, Brulte, and Poochigian.

Motion to Reconsider (SR 29)

Senator Burton moved to reconsider the vote whereby SR 29 was adopted.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered to third reading.

MOTION TO WITHDRAW AND RE-REFER TO COMMITTEE

On motion of Senator Burton, **AB 1680** was withdrawn from the Committee on Elections and Reapportionment and re-referred to the committee on Rules.

**CONSIDERATION OF DAILY FILE
CONFERENCE COMMITTEE REPORTS**

Senate Bill 2—An act to amend Section 6254 of the Government Code, to add Article 3.11 (commencing with Section 1357.20) to Chapter 2.2 of Division 2 of the Health and Safety Code, to add Section 12693.55 to, and to add Chapter 8.1 (commencing with Section 10760) to Part 2 of Division 2 of, the Insurance Code, to add Part 8.7 (commencing with Section 2120) to Division 2 of the Labor Code, to amend Section 131 of, and to add Section 976.7 to, the Unemployment Insurance Code, and to amend Section 14124.91 of, and to add Sections 14105.981, 14124.915, and 14124.916 to, the Welfare and Institutions Code, relating to health care coverage, and making an appropriation therefor.

The report of the Committee on Conference was presented by Senator Burton.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Assembly Bill 1528—An act to add Chapter 8 (commencing with Section 127670) to Part 2 of Division 107 of the Health and Safety Code, relating to health care coverage.

The report of the Committee on Conference was presented by Senator Alpert.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Ashburn, Brulte, Hollingsworth, Knight, McClintock, and Poochigian.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 269—An act to add Section 22212.5 to the Education Code, and to amend Section 20098 of the Government Code, relating to public employees' retirement.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 269?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senate Bill 570—An act to amend Sections 24011 and 25502.3 of the Government Code, to amend Section 830.1 of the Penal Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

Bill presented by Senator Chesbro.

The question being: Shall the Senate concur in the Assembly amendments to SB 570?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 666—An act to add Section 66412.8 to the Government Code, and to add Section 21080.29 to the Public Resources Code, relating to the environment.

Bill presented by Senator Bowen.

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 (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Oller, and Poochigian.

Above bill ordered enrolled.

Senator Burton Presiding

Senate Bill 686—An act to amend Section 674.6 of, to add Section 674.9 to, and to add Chapter 5 (commencing with Section 11890) to Part 3 of Division 2 of, the Insurance Code, and to amend Section 14126.02 of the Welfare and Institutions Code, relating to long-term care facilities.

Bill presented by Senator Ortiz.

The question being: Shall the Senate concur in the Assembly amendments to SB 686?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 1004—An act to amend Sections 13271 and 13304 of, and to add Chapter 8.5 (commencing with Section 13610) to Division 7 of, the Water Code, relating to resources.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 1004?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 1009—An act to add Section 10295.1 to the Public Contract Code, and to amend Sections 6487 and 7101 of, and to add Sections 6452.1, 6487.3, and 18510 to, the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 1009?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 796—An act to add Part 13 (commencing with Section 2698) to Division 2 of the Labor Code, relating to employment.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 796?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Dunn moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 41—An act to amend Sections 10430, 10515, 10518, and 10526 of, to add Article 2.5 (commencing with Section 10510.4) to Chapter 2.1 of, and to add Article 7.8 (commencing with Section 10830) to Chapter 2.5 of, Part 2 of Division 2 of, the Public Contract Code, relating to public contracts.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 41?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Above bill ordered enrolled.

Senate Bill 1074—An act to amend Section 115840.5 of, and to amend and repeal Section 115825 of, the Health and Safety Code, and to amend Sections 21061.0.5, 21080.5, 21092, 21159.21, 48003, and 72410 of the Public Resources Code, relating to environmental health

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 1074?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 25—An act to amend Sections 1785.11.1, 1785.11.6, 1786.60, and 1798.85 of the Civil Code, relating to personal information.

Bill presented by Senator Bowen.

The question being: Shall the Senate concur in the Assembly amendments to SB 25?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 20—An act to add Article 10.3 (commencing with Section 25214.9) to Chapter 6.5 of Division 20 of the Health and Safety Code, and to add Article 4 (commencing with Section 41516) to Chapter 3.5 of Part 2 of, and Chapter 8.5 (commencing with Section 42460) to Part 3 of, Division 30 of the Public Resources Code, relating to hazardous and solid waste.

Bill presented by Senator Sher.

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 (27)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Concurrent Resolution 7—Relative to Ronald Reagan Day.

Resolution presented by Senator Battin.

The question being: Shall the Senate concur in the Assembly amendments to SCR 7?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above resolution ordered enrolled.

Senate Bill 808—An act to repeal and add Section 6385 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill presented by Senator Karnette.

The question being: Shall the Senate concur in the Assembly amendments to SB 808?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 1058—An act to add and repeal Section 60227 to the Education Code, relating to children, and making an appropriation therefor.

Bill presented by Senator Torlakson.

The question being: Shall the Senate concur in the Assembly amendments to SB 1058?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 796)

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 the Senate concurred in Assembly amendments to SB 796 by the following vote:

AYES (21)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (17)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, Poochigian, Scott, and Vasconcellos.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1467—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Aanestad.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1588—An act to add Sections 1798.106 and 1798.1655 to the Health and Safety Code, relating to emergency medical services, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Knight.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alpert, Ashburn, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Bowen, Chesbro, Florez, Machado, and Ortiz.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alpert, Ashburn, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Bowen, Chesbro, Florez, Machado, and Ortiz.

Bill ordered transmitted to the Assembly.

Assembly Bill 283—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett,

McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 460** was referred to the Committee on Transportation.

MOTION TO WITHDRAW AND RE-REFER TO COMMITTEE

Senator Burton moved that **AB 1154**, **AB 1302**, and **AB 1557** be withdrawn from the Committee on Appropriations and re-referred to the committee on Rules.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Burton moved that **AB 855**, **AB 1154**, **AB 1302**, and **AB 1557** be withdrawn from the Committee on Rules and placed on file.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill 278—An act to amend Section 337j of the Penal Code, relating to gaming.

Bill read third time and presented by Senator Vincent.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Ashburn, Battin, Brulte, and Hollingsworth.

Bill ordered transmitted to the Assembly.

Senator Romero Presiding

Assembly Bill 1370—An act to amend Section 4094 of the Welfare and Institutions Code, relating to mental health.

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 (38)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 710—An act to amend Section 130052 of the Public Utilities Code, relating to transportation.

Bill read third time and presented by Senator Murray.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Murray moved a call of the Senate.

Motion carried.

CONFERENCE COMMITTEE REPORTS (RESUMED)

Senate Bill 552—An act to add Section 25722.5 to the Public Resource Code, relating to state purchases.

The report of the Committee on Conference was presented by Senator Burton.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Johnson, Knight, Margett, McClintock, Morrow, Oller, and Poochigian.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1666—An act to amend, repeal, and add Sections 30142, 30168, 30181, and 30182 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 590—An act to add Section 1798.80.5 to the Civil Code, relating to personal information.

Bill presented by Senator Speier.

The question being: Shall the Senate concur in the Assembly amendments to SB 590?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Speier moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 602—An act to amend Sections 1785.11.1 and 1785.11.2 of, to add Section 1799.1b to, to add Title 1.81.2 (commencing with Section 1798.90.1) to Part 4 of Division 3 to, the Civil Code, to amend

Sections 530.6 and 530.8 of the Penal Code, and to amend Section 2891 of the Public Utilities Code, relating to personal information.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 602?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Aanestad, Alarcón, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, McPherson, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, Oller, and Poochigian.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 590)**

On motion of Senator Speier, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 590 by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

**REPORTS OF STANDING COMMITTEES
Committee on Transportation**

September 12, 2003

Madam President: The Committee on Transportation, to which was referred:

SB 460

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

MURRAY, Chair

Above measure ordered to unfinished business.

Committee on Rules

Senate Chamber, September 12, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 1680

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1680—An act to add and repeal Section 7310 of the Elections Code, relating to elections.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, September 12, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 28

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 28—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14552.51, 14560, 14561, 14573.51, 14575, 14575.1, 14581, and 14585 of, to add Sections 14513.5, 14575.2, 14575.5, and 14582 to, and to add and repeal Section 14576 of, the Public Resources Code, relating to public resources, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 460—An act to add Section 7104.1 to the Revenue and Taxation Code, and to amend Section 5 of Chapter 898 of the Statutes of 1997, relating to local government.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 460?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Brulte, Denham, Hollingsworth, Knight, and McClintock.

Above bill ordered enrolled.

Senate Bill 933—An act to add Section 354.9 to the Code of Civil Procedure, relating to civil actions.

Bill presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 933?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (28)—Senators Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ashburn, Hollingsworth, Knight, Margett, McClintock, Morrow, and Oller.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (AB 1154)

Senator Alpert asked for, and was granted, unanimous consent to take up AB 1154 at this time, without reference to file.

Consideration of Assembly Bill 1154

Assembly Bill 1154—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Urgency Clause

The urgency clause was adopted by the following vote:

AYES (29)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Battin, Brulte, and Hollingsworth.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (29)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Battin, Brulte, and Hollingsworth.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS (RESUMED)**Consideration of Assembly Amendments**

Senate Bill 27—An act to amend Section 1798.84 of, and to repeal and add Section 1798.83 to, the Civil Code, relating to personal information.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 27?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Knight, Margett, McClintock, McPherson, Oller, and Poochigian.

Above bill ordered enrolled.

RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION

The following resolution was offered by Senator Alarcón:

Resolved, That AB 1557 presents a case of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time and placed upon its passage.

Resolution read and presented by Senator Alarcón.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (6)—Senators Aanestad, Ackerman, Ashburn, Denham, Knight, and Margett.

Consideration of Assembly Bill 1557

Assembly Bill 1557—An act to add Section 4610.1 to the Labor Code, relating to Workers' compensation.

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 (29)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)
CONFERENCE COMMITTEE REPORTS (RESUMED)**

Senate Bill 228—An act to amend Section 12813 of the Government Code, and to amend Sections 29, 110, 122, 124, 127.6, 138.1, 139.2, 139.3, 139.31, 139.4, 139.45, 4061, 4062.5, 4062.9, 4068, 4603.2, 4603.4, 4628, 5307.3, 5703, and 6401.7 of, to add Sections 77.5, 3823, 4062.01, 4604.5, 4610, 4903.05, and 5307.27 to, to repeal Sections 139, 139.1, and 5307.21 of, to repeal and add Sections 3201.7, 4600.1, 5307.1, 5307.2, and 5318 of, and to repeal, add, and repeal Section 4062 of, the Labor Code, relating to workers' compensation.

The report of the Committee on Conference was 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.

**UNFINISHED BUSINESS (RESUMED)
Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Ronnie G. Caplane, Member, Workers' Compensation Appeals Board.

Carin T. Fujisaki, Member, Hastings College of the Law, Board of Directors

Thomas T. Haider, M.D., Member, State Bar Board of Governors

John C. Harris, Member, California Horse Racing Board

Melvine D. Lee, Member, State Bar Board of Governors

Katherine W. Moret, Member, California Water Commission

Lucille Palmer-Byrd, Member, California Regional Water Quality Control Board, Central Valley Region

Os-Maun Rasul, Member, Commission on Teacher Credentialing
Kent K. Sasaki, Member, State Building Standards Commission
Bruce L. Simon, Member, Hastings College of the Law, Board of
Governors

Philip H. Tagami, Member, State Park and Recreation 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 (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (2)—Senators Ashburn and Hollingsworth.

CONFERENCE COMMITTEE REPORTS (RESUMED)

Assembly Bill 149—An act to amend Section 5406.5 of the Labor Code, relating to workers' compensation.

The report of the Committee on Conference was presented by Senator Alarcon.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (27)—Senators Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ackerman, and McClintock.

Assembly Bill 968—An act to add Section 3600.7 to the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

The report of the Committee on Conference was presented by Senator Alarcón.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Assembly Bill 1099—An act to amend Sections 1877.1, 1877.3, 1877.4, and 1877.5, of the Insurance Code, relating to insurance fraud.

The report of the Committee on Conference was presented by Senator Alarcón.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (29)—Senators Aanestad, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Machado, Margett, McClintock, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (5)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, and Poochigian.

Assembly Bill 1262—An act to add Article 5 (commencing with Section 11761) to Chapter 3 of Part 3 of Division 2 of the Insurance Code, relating to workers' compensation insurance.

The report of the Committee on Conference was presented by Senator Alarcón.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, and Poochigian.

Assembly Bill 227—An act to amend Sections 63010 and 63071 of, and to add Article 8 (commencing with Section 63049.6) to Chapter 2 of Division 1 of Title 6.7 of, the Government Code, to amend Sections 985, 1063, 1063.1, 1871.4, 11656.6 and 11873 of, to add Section 11742 to, to add Article 14.26 (commencing with Section 1063.70) to Chapter 1 of Part

2 of Division 1 of, and to add and repeal Section 11735.1 of, the Insurance Code, and to amend Section 62.5 of, to add Sections 4658.5 and 4658.6 to, to repeal Section 5405.5 of, to repeal Article 2.6 (commencing with Section 4635) of Chapter 2 of Part 2 of Division 4 of, and to repeal and add Section 139.5 of, the Labor Code, relating to workers' compensation.

The report of the Committee on Conference was presented by Senator Alarcón.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, and Oller.

Senate Bill 1007—An act to amend Section 11656.6 of the Insurance Code, relating to workers' compensation.

The report of the Committee on Conference was presented by Senator Speier.

Roll Call

The roll was called and the Conference report was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 328—An act to amend Sections 68130.5 and 76300 of, and to add Section 66021.6 to, the Education Code, relating to student financial aid.

Bill presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 328?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl,

Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Dunn moved that **AB 694** be placed on the inactive file.

Senator Ortiz moved that **AB 35** be placed on the inactive file.

Senator Torlakson moved that **AB 421** be placed on the inactive file.

Senator Ashburn moved that **AB 1589** be placed on the inactive file.

Motions carried.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Soto moved that **SB 439** be withdrawn from committee and placed on file.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Hollingsworth, **SB 87** was returned to the Assembly for further action.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Sher moved that **AB 28** be withdrawn from the Committee on Appropriations and taken up at this time without reference to file.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Cedillo, Chesbro, Ducheny, Dunn, Figueroa, Florez, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Johnson, McClintock, McPherson, Morrow, Oller, and Poochigian.

Consideration of Assembly Bill 28

Assembly Bill 28—An act to amend Sections 14528.1, 14549, 14549.1, 14549.5, 14549.6, 14552.5, 14452.51, 14560, 14561, 14573.51, 14575, 14575.1, 14581, and 14585 of, to add Sections 14513.5, 14575.2, 14575.5, and 14582 to, and to add and repeal Section 14576 of, the Public

Resources Code, relating to public resources, and making an appropriation therefor.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Bowen, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 1680)

Senator Brulte asked for, and was granted, unanimous consent that AB 1680 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1680

Assembly Bill 1680—An act to add and repeal Section 7310 of the Elections Code, relating to elections.

Bill read.

Roll Call

The roll was called and the bill passed by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 12, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 33	SB 256	SB 274	SB 364
SB 411	SB 621	SB 1080	

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 12, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 300 AB 715 AB 747 AB 763
AB 933 AB 1027 AB 1521 AB 1599

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, September 12, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 719 AB 1729

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

Committee on Rules

Senate Chamber, September 12, 2003

Madam President: The Chair of the Committee on Rules, to which was referred:

AB 256

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 256—An act to amend Sections 8169.6, 14669.15, 14669.16, and 14957 of, and to add Section 14672.100 to, the Government Code, relating to public works, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, September 12, 2003

Madam President: The Chair of the Committee on Appropriations, to which were referred:

AB 296 AB 375 AB 896

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 296—An act to amend Sections 14612, 22825.01, 25350.8, 25350.85, 25350.10, 25350.105, 26826.4, 26827, 68086, 68933, and 69926.5 of, and to add and repeal Section 14612.2 of, the Government Code, to amend Section 62.5 of the Labor Code, to amend and repeal Section 6611 of the Public Contract Code, to amend Section 40433 of, and to repeal Section 40409 of, the Public Resources Code, to amend Section 97.68 of, and to add Section 97.46 to, the Revenue and Taxation Code, to amend Section 17604 of the Welfare and Institutions Code, and to amend Item 3910-001-0387 of Section 2.00 of Chapter 157 of the Statutes of 2003, relating to state and local government.

Bill read second time.

Assembly Bill 375—An act to add Sections 20035.4, 20035.5, 20035.9, 22825.12, and 22825.19 to the Government Code, relating to state employees.

Bill read second time.

Assembly Bill 896—An act to add Section 3517.1 to the Government Code, relating to state employees.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, September 12, 2003

Madam President: The Committee on Rules has examined:

SB 20 SB 666 SB 771

And reports that the same have been correctly enrolled, and presented to the Governor on the 12th day of September, 2003, at 4 p.m.

BURTON, Chair

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 719—An act to add Section 20909 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time and to third reading.

Assembly Bill 1729—An act to amend Section 1861.02 of the Insurance Code, relating to automobile insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time and to third reading.

CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 411—An act to add Section 12012.35 to the Government Code, relating to tribal gaming.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 411?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Ortiz, Perata, Romero, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Above bill ordered enrolled.

CONSIDERATION OF ASSEMBLY BILL 1302

Assembly Bill 1302—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

CONSIDERATION OF SENATE BILL 439

Consideration of Assembly Amendments

Senate Bill 439—An act to amend Sections 20035.1 and 21363.4 of, and to add Sections 20035.2, 20035.3, and 22825.11 to, the Government Code, relating to state employees

Measure presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 439?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above measure ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1302)**

On the motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

Urgency Clause

The names of the absentees were called and the urgency clause was adopted by the following vote:

AYES (27)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Oller, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Aanestad, Ackerman, Battin, McClintock, and Morrow.

Roll Call

The names of the absentees were called and the bill was adopted by the following vote:

AYES (27)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Oller, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Aanestad, Ackerman, Battin, McClintock, and Morrow.

Bill ordered transmitted to the Assembly.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Burton moved that AB 17, AB 83, AB 296, AB 375, AB 457, AB 896, and AB 923, be withdraw from the Committee on Appropriations, and AB 256 be withdrawn from the Committee on Rules, and taken up for consideration.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Senator Romero Presiding**CONSIDERATION OF ASSEMBLY BILL 83**

Assembly Bill 83—An act to add Section 110541 to, to add Article 12 (commencing with Section 116752) to Chapter 4 of Part 12 of, and to repeal Article 12 (commencing with Section 111070) of Chapter 5 of Part 5 of, Division 104 of the Health and Safety Code, relating to drinking water.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Sher moved a call of the Senate.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, September 12, 2003

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 185

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 185—An act to add Section 486 to the Food and Agricultural Code, relating to cooperative agreements.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted.

MOTION TO TAKE UP AT THIS TIME

Senator Alarcon moved that AB 185 be taken up for consideration at this time.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Consideration of Assembly Bill 185

Assembly Bill 185—An act to add Section 486 to the Food and Agricultural Code, relating to cooperative agreements.

Bill read third time and presented by Senator Alarcon.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL 256

Assembly Bill 256—An act to amend Sections 8169.6, 14669.15, 14669.16, and 14957 of, and to add Section 14672.100 to, the Government Code, relating to public works, and making an appropriation therefor.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL 296

Assembly Bill 296—An act to add Section 17215.3 to the Education Code, relating to school facilities.

Bill read third time and presented by Senator Chesbro.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (5)—Senators Denham, Hollingsworth, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 719)

Senator Soto asked for, and was granted, unanimous consent to take up AB 719 at this time, without reference to file.

Consideration of Assembly Bill 719

Assembly Bill 719—An act to add Section 20909 to the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read third time and presented by Senator Soto.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Soto moved a call of the Senate.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL 855

Assembly Bill 855—An act to add Section 14666.8 to the Government Code, to amend Section 280 of, and to add Section 280.5 to, the Public Utilities Code, relating to telecommunications.

Bill read third time and presented by Senator Bowen.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Bowen, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Romero, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (4)—Senators Ashburn, Battin, Brulte, and Poochigian.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL 17

Assembly Bill 17—An act to add Section 10295.3 to the Public Contract Code, relating to public contracts.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL 375

Assembly Bill 375—An act to add Sections 20035.4, 20035.5, 20035.9, 22825.12, and 22825.19 to the Government Code, relating to state employees.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

CONSIDERATION OF ASSEMBLY BILL 457

Assembly Bill 457—An act to add and repeal Sections 20901.5, 20901.6, 20902.6, 20904.5, and 31641.06 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 375)**

On the motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Soto, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 719)**

On the motion of Senator Soto, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Torlakson, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 33—An act to amend Sections 17590, 17591, 17592, 17593, and 17594 of, and to repeal Section 17595 of, the Business and Professions Code, relating to telephone solicitations.

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 33?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,

Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (AB 1729)

Senator Perata asked for, and was granted, unanimous consent to take up AB 1729 at this time, without reference to file.

Consideration of Assembly Bill 1729

Assembly Bill 1729—An act to amend Section 1861.02 of the Insurance Code, relating to automobile insurance, and declaring the urgency thereof, to take effect immediately.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 274—An act to add Article 11.5 (commencing with Section 31770) to Chapter 3 of Part 3 of Division 4 of Title 3 of the Government Code, relating to public employees.

Bill presented by Senator Soto.

The question being: Shall the Senate concur in the Assembly amendments to SB 274?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Soto moved a call of the Senate.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 457)

On the motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the urgency clause was refused adoption by the following vote:

AYES (21)—Senators Alarcón, Alpert, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Motion to Amend

Senator Perata moved the adoption of amendments to AB 457.

Roll Call

The roll was called and the amendments were adopted by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ashburn, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Consideration Of Assembly Bill 457 As Amended

Assembly Bill 457—An act to add and repeal Sections 20901.5, 20901.6, 20902.6, 20904.5, and 31641.06 of, and to repeal, add, and repeal Section 20903.5 of, the Government Code, relating to public employees' retirement.

Bill presented by Senator Perata.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 364—An act to amend Sections 144, 473.1, 473.2, 473.3, 2001, 2020, 2099.5, 2153.5, 2220.1, 2531, 3010.1, 3014.6, 6732, 6732.3, 6732.4, and 7153.1 of, and to add Chapter 2 (commencing with Section 474) to, and to add a chapter heading to, Division 1.2 of, the Business and Professions Code, to amend Section 94990 of, and to add Sections 94779.1, 94779.3, and 94779.4 to, the Education Code, to amend Section 9148.8 of, to add Article 8.5 (commencing with Section 9148.50) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of, and to repeal Section 9148.10 of, the Government Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to professions and vocations

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 364?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa,

Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ashburn, Brulte, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

Senate Bill 1080—An act to amend Sections 1973, 2154.4, 5001, 5061, 5081, 5082, 5082.2, 5107, 5131, 7139.2, 7583.6, and 7583.9 of, to amend, add, and repeal Sections 10152 and 10153.3 of, to add Section 5115 to, to repeal Section 5091 of, and to repeal and add Section 5082.1 to, the Business and Professions Code, relating to professions and vocations, making an appropriation therefor

Bill presented by Senator Figueroa.

The question being: Shall the Senate concur in the Assembly amendments to SB 1080?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (3)—Senators Hollingsworth, McClintock, and Oller.

Above bill ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 228)

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 the Conference report was adopted by the following vote:

AYES (25)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Johnson, Margett, McClintock, Morrow, and Oller.

REQUEST FOR UNANIMOUS CONSENT (SB 256)

Senator Escutia asked for, and was granted, unanimous consent to take up SB 256 at this time, without reference to file.

Consideration of Senate Bill 256
Consideration of Assembly Amendments

Senate Bill 256—An act to amend Sections 15807, 15808.1, 15812, 15815, 15862, 70303, 70355, 70356, 70357, 70358, 70362, 70366, 70367, 70373, 70373.5, 70374, 70375, 70392, 70402, 71601, 76000, and 76100 of, to add Section 71626.1 to, to add and repeal Section 70404 of, and to repeal Section 70046.2 of, the Government Code, and to amend Section 42007 of the Vehicle Code, relating to court facilities.

Measure presented by Senator Escutia.

The question being: Shall the Senate concur in the Assembly amendments to SB 256?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above measure ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 621)

Senator Battin asked for, and was granted, unanimous consent to take up SB 621 at this time, without reference to file.

Consideration of Senate Bill 621
Consideration of Assembly Amendments

Senate Bill 621—An act to amend Section 12012.85 of, and to add Chapter 7.5 (commencing with Section 12710) to Part 2 of, the Government Code, relating to gambling, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Battin.

The question being: Shall the Senate concur in the Assembly amendments to SB 621?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Kuehl, Machado, Margett,

McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Vincent.

NOES (0)—None.

Above measure ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 710)**

On motion of Senator Murray, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and AB 710 was refused passage by the following vote:

AYES (7)—Senators Battin, Burton, Cedillo, Murray, Oller, Poochigian, and Sher.

NOES (9)—Senators Chesbro, Denham, Johnson, Knight, Margett, McClintock, Romero, Speier, and Vasconcellos.

Motion to Reconsider (AB 710)

Senator Murray moved to reconsider the vote whereby AB 710 failed passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1729)**

On the motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the urgency clause was refused adoption by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Bowen, Brulte, Chesbro, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

(NOTE: Reconsideration granted later this day.)

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 457)**

On the motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the bill passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Brulte, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SR 30)

Senator Bowen asked for, and was granted, unanimous consent to take up SR 30 at this time, without reference to committee or file.

Consideration of Senate Resolution 30

Senate Resolution 30: By Senator Bowen—Relative to electricity cost recovery.

Measure presented by Senator Bowen.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (22)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Escutia, Karnette, Kuehl, Margett, McClintock, Morrow, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (10)—Senators Ackerman, Ashburn, Battin, Brulte, Denham, Florez, Hollingsworth, McPherson, Oller, and Poochigian.

MOTION TO RECONSIDER (AB 1729)

Senator Perata moved to reconsider the vote whereby the urgency clause to AB 1729 was refused adoption.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

Senator Burton Presiding**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Senate Chamber, September 12, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 487

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 487—An act add Section 1936.3 to, and to add and repeal Sections 1936.2 and 1936.4 of, the Civil Code, relating to rental vehicle fees, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Torlakson moved that AB 487 be withdrawn from committee and taken up for consideration.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Consideration of Assembly Bill 487

Assembly Bill 487—An act to add Section 1936.3 to, and to add and repeal Sections 1936.2 and 1936.4 of, the Civil Code, relating to rental vehicle fees, and making an appropriation therefor.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Bowen, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, Poochigian, and Speier.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF ASSEMBLY BILL 896

Assembly Bill 896—An act to add Section 3517.1 to the Government Code, relating to state employees.

Bill read third time and presented by Senator Perata.

Roll Call

The roll was called and the bill passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, and Torlakson.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 12, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 53 SB 103 SB 623 SB 1064

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, September 12, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 161 AB 278 AB 944
AB 1557 AB 1666

Assembly Chamber, September 12, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

AB 149 AB 227 AB 1099
AB 1262 AB 1528

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 12, 2003

Mr. President: The Chair of the Committee on Rules, to which were referred:

AB 496 AB 977

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 496—An act to repeal and add Section 6385 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Assembly Bill 977—An act to add Sections 20035.10 and 22825.10 to the Government Code, relating to state employees.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, September 12, 2003

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 701

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 701—An act to add Section 25631.1 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, September 12, 2003

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1586

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1586—An act to amend Section 21390 of, and to add Section 21391 to, the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senator Alpert Presiding**REQUEST FOR UNANIMOUS CONSENT (SB 1064)**

Senator Burton asked for, and was granted, unanimous consent to take up SB 1064 at this time, without reference to file.

Consideration of Senate Bill 1064**Consideration of Assembly Amendments**

Senate Bill 1064—An act to amend Section 6902.2 of the Revenue and Taxation Code, relating to taxation.

Measure presented by Senator Burton.

The question being: Shall the Senate concur in the Assembly amendments to SB 1064?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Burton moved a call of the Senate.

Motion carried.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Burton moved that AB 496 be withdrawn from the Committee on Rules and placed on file.

IN SENATE

Senate Chamber, Sacramento
Saturday, September 13, 2003

MOTION TO WITHDRAW FROM COMMITTEE

Senator Dunn moved that AB 977 be withdrawn from committee and taken up for consideration.

Roll Call

The roll was called and the motion carried by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

CONSIDERATION OF ASSEMBLY BILL 977

Assembly Bill 977—An act to add Sections 20035.10, and 22825.10 to the Government Code, relating to state employees.

Bill read third time and presented by Senator Dunn.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 1064)**

On the motion of Senator Burton, 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 by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 53)

Senator Dunn asked for, and was granted, unanimous consent to take up SB 53 at this time, without reference to file.

Consideration of Senate Bill 53**Consideration of Assembly Amendments**

Senate Bill 53—An act to amend Sections 21390 of, and to add Section 21391 to, the Government Code, relating to public employees' retirement.

Measure presented by Senator Dunn.

The question being: Shall the Senate concur in the Assembly amendments to SB 53?

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Dunn moved a call of the Senate.

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 977)**

On the motion of Senator Perata, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the bill passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 103)

Senator Alpert asked for, and was granted, unanimous consent to take up SB 103 at this time, without reference to file.

Consideration of Senate Bill 103**Consideration of Assembly Amendments**

Senate Bill 103—An act to amend Section 24871 of the Revenue and Taxation Code, relating to taxation.

Measure presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 103?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (10)—Senators Aanestad, Ashburn, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, Morrow, and Poochigian.

Above measure ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 13, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1130 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

**REQUEST FOR UNANIMOUS CONSENT TO
RESCIND ACTION (AB 1130)**

Senator Ortiz asked for, and was granted, unanimous consent that the action be rescinded whereby AB 1130 was passed to the Assembly and that the measure be taken up for purpose of amendment.

Consideration of Assembly Bill 1130

Assembly Bill 1130—An act to amend Section 12699.62 of, and to add Section 12699.525 to, the Insurance Code, relating to health care coverage, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1130 proposed by Senator Ortiz were read and adopted.

Consideration of Assembly Bill 1130 As Amended

Assembly Bill 1130—An act to amend Section 12699.62 of, and to add Section 12699.525 to, the Insurance Code, relating to health care coverage, and making an appropriation therefor.

Roll Call

The roll was called and the bill passed by the following vote:

AYES (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,

Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (7)—Senators Ackerman, Ashburn, Brulte, Hollingsworth, Margett, McClintock, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 274)**

On the motion of Senator Soto, 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 by the following vote:

AYES (21)—Senators Alarcón, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Soto, Torlakson, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Alpert, Ashburn, Brulte, Hollingsworth, Johnson, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 83)**

On the motion of Senator Sher, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the bill was refused passage by the following vote:

AYES (16)—Senators Alarcón, Bowen, Burton, Cedillo, Dunn, Escutia, Figueroa, Kuehl, Ortiz, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (20)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Denham, Ducheny, Florez, Hollingsworth, Johnson, Machado, Margett, McClintock, McPherson, Morrow, Oller, Perata, Poochigian, and Scott.

Motion to Reconsider (AB 83)

Senator Sher moved to reconsider the vote whereby AB 83 was refused passage.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow,

Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to third reading.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 13, 2003

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 428

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

REQUEST FOR UNANIMOUS CONSENT (SB 428)

Senator Perata asked for, and was granted, unanimous consent to take up SB 428 at this time, without reference to file.

Consideration of Senate Bill 428

Consideration of Assembly Amendments

Senate Bill 428—An act to amend Sections 1575.5 and 100445 of, and to repeal and add Section 1575.9 of, the Health and Safety Code, and to amend Sections 14526, 14552, 14573, 14574, and 14574.1 of, and to add Sections 14552.1, 14552.2, and 14572.1 to, the Welfare and Institutions Code, relating to adult day health care, 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 428?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (24)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos.

NOES (11)—Senators Aanestad, Ackerman, Battin, Brulte, Denham, Hollingsworth, Margett, McClintock, Morrow, Oller, and Poochigian.

Above measure ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 53)

On the 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 the Senate refused to concur in Assembly amendments by the following vote:

AYES (18)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Perata, Romero, Sher, Soto, and Torlakson.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Brulte, Hollingsworth, Margett, McClintock, McPherson, Morrow, Oller, and Poochigian.

Motion to Reconsider (SB 53)

Senator Dunn moved to reconsider the vote whereby the Assembly amendments to SB 53 were not concurred in.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Measure ordered returned to unfinished business file.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, September 4, 2003

Madam President: The Committee on Appropriations, to which was referred:

AB 1417

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

REQUEST TO BE ADDED TO ROLL CALL

September 12, 2003

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 269—Aye	SB 666—Aye	SB 1058—Aye
SB 1588—Aye	SB 602—Aye	SB 590—Aye
SB 460—Aye	SB 933—Aye	AB 1154—Aye
SB 27—Aye	AB 149—Aye	AB 968—Aye
AB 227—Aye	SB 328—Aye	AB 256—Aye

AB 296—Aye
SB 1080—Aye

AB 719—Aye
SB 621—Aye

SB 33—Aye
SB 428—Aye

JOHN L BURTON, President pro Tempore

September 12, 2003

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 2—No
SB 364—No

SB 41—Aye
AB 487—No

SB 1074—Aye
AB 896—No

JAMES L BRULTE, Minority Floor Leader

INTRODUCTION AND FIRST READING OF BILLS

The following resolutions were introduced, read first time and transmitted to the Committee on Rules for assignment on September 12:

Senate Constitutional Amendment 14:By Senators Vasconcellos, Alpert, Kuehl, Scott, and Speier (Coauthors: Assembly Member Steinberg)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 5 of, and adding Sections 3.3, 3.5, and 3.7 to, Article II thereof, by amending Sections 2, 6, and 12 of, and by adding Section 23 to, Article IV thereof, and by amending Section 1 of Article XXI thereof, relating to political reform.

Senate Concurrent Resolution 51:By Senator Burton—Relative to the Joint Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 12, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

SB 228

SB 1007

Above measures ordered enrolled.

Assembly Chamber, September 12, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1370

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, September 13, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

SB 2

SB 552

Above measures ordered enrolled.

Assembly Chamber, September 13, 2003

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 17	AB 375	AB 523	AB 1008
AB 28	AB 457	AB 719	AB 1130
AB 185	AB 855	AB 903	AB 1131
AB 256	AB 1302	AB 953	AB 1680
AB 296	AB 487	AB 977	

E. DOTSON WILSON, Chief Clerk of the Assembly

COMMUNICATIONS

The following letters of intent were ordered printed in the Journal:
September 12, 2003

Gregory Schmidt
Secretary of the Senate

Dear Mr. Schmidt:

I deleted Section 2 of SB 24 and the related language because the Department of Health Services is already required to comply with state and federal law with respect to enrollment into Medi-Cal from the CHDP Gateway of infants who have been “deemed eligible” under 42 U.S.C. Section 1396a(e)(4) until the first birthday and because funds were appropriated in the Budget Act of 2003–04 for this purpose.

Sincerely,

LIZ FIGUEROA

September 10, 2003

The Honorable John Burton
President pro Tempore of the Senate

Re: Legislative Intent Regarding SB 420 (as amended September 4, 2003)

John –

Fully recognizing that Proposition 215 cannot be amended by the Legislature, we have resisted all efforts to make the new identification card system created by SB 420 mandatory—and at least two times SB 420 contains specific language declaring our intent that this program is wholly voluntary.

In addition, the guidelines in SB 420 establish permissible amounts that are intended to be the threshold, and not a ceiling.

Furthermore, SB 420 specifically allows localities with higher possession or cultivation amounts to retain them, and other local jurisdictions to establish new guidelines to exceed what has been set forth in this bill. No jurisdiction may establish amounts lower than those set forth in SB 420.

Altogether, we believe that our final version of SB 420 is the very best we could hope to get enacted into law and that it provides (pursuant to the California voters’ will in enacting Proposition 215) broad protection to

tens of thousands of ill Californians without jeopardizing any ill Californians.

Thank you for allowing us to clarify our legislative intent regarding SB 420.

Sincerely,

JOHN VASCONCELLOS
Senator, 13th District

MARK LENO
Assemblyman, 13th District

September 12, 2003

President Pro Tem John Burton
California State Senate

Re: Senate Bill 590—Author's Intent

Dear Senator Burton and Members of the California State Senate:

As the author of Senate Bill 590, I want to specify the intent behind the language contained in Civil Code Section 1798.80.5(f). Among other things, this subsection exempts companies providing telecommunications services regulated by the California Public Utilities Commission or the Federal Communications Commission from the requirements of Civil Code Section 1798.80.5. The rules and regulations governing customer personal information in the telecommunications industry are very comprehensive and detailed. SB 590 does not create additional requirements for telecommunications companies when they offer services regulated by the California Public Utilities Commission or the Federal Communications Commission.

Additionally, I would like to clarify my intent with respect to Section 1798.80.5(e)(4). I added this section to clarify that a seller may obtain information from a customer to determine the customer's eligibility for credit, provided it does not use the information for any other purpose. In cases where the credit is provided by a third party, the seller is authorized to provide that information to the lender.

Finally, I would like to clarify my intent with respect to 1798.80.5(a)(4)(E). I added this section to clarify that a seller may provide information to a consumer credit reporting agency, consistent with the federal Fair Credit Reporting Act (15 U.S.C. Section 1681 et. seq.), and the California credit reporting law (California Civil Code, Section 1785, et.seq.).

I will commit myself and my staff to the creation of a working group to meet this interim with interested parties in order to draft urgency legislation to deal with these three issues and other implementation and workability concerns which have been brought to my attention much too late in the Legislative process for me to address in SB 590, for introduction in the next Legislative session.

All the best,

JACKIE SPEIER
Senator, 8th District

September 12, 2003

Gregory Schmidt
Secretary of the Senate

Dear Mr. Schmidt:

I am writing you to clarify my intent with regard to SB 216 (Sher) of the 2003–04 Regular Session.

SB 216 would, among other things, add a new criterion for application by the Fish and Game Commission when considering approval of a proposed recovery strategy. Subdivision (e) of Section 2111 of the Fish and Game Code would require the Commission to find that the strategy “would recover a formerly commercially valuable species to a level of abundance that would permit commercial use of that species.”

It is my belief and intent that this language does not change the goal of the recovery strategy program as set forth in Section 2105 of the Fish and Game Code. Further, nothing in this bill requires that the regulatory requirements of the California Endangered Species Act (Fish and Game Code Section 2050, et. seq.) are applicable to species unless they are endangered, threatened or candidate species, as those terms are defined in the California Endangered Species Act (CESA). Therefore, if a species has recovered to the point that the regulatory requirements or other protections for species listed pursuant CESA are no longer necessary, then no permit pursuant to CESA would be required for incidental take of the species, even if the species has not achieved a level of abundance that would permit resumption of commercial use.

Sincerely,

BYRON D. SHER
Senator, 11th District

September 12, 2003

Hon. John Burton
President pro Tempore of the Senate

Re: SB 314—Legislative Intent

Dear Senator Burton:

Senate Bill 314 is a measure authorizing the Los Angeles County Metropolitan Transportation Authority to impose a half percent sales tax for transportation projects and programs in the County of Los Angeles upon approval of such a sales tax measure by local voters.

SB 314 specifies the authorized uses of the revenues of the sales tax if it is implemented, including a list of the capital projects and programs to be funded. One of the specified projects is the Exposition Boulevard Light Rail Transit Project. With regard to the intent of SB 314, the Exposition

Boulevard Project's configuration does not include an underground subway between Vermont Avenue and Figueroa Street.

Warmest regards,

KEVIN MURRAY
Chairman, Senate Transportation Committee

September 12, 2003

Hon. John Burton
President pro Tempore

Dear Senator Burton:

The purpose of this letter is to clarify the intent of certain language contained in Senate Bill 916. Section 64 of the bill would add Section 30914 to the California Streets and Highways Code (SHC) requiring the Metropolitan Transportation Commission to annually allocate specified toll revenues to the Department of Transportation (Department) or to the Transbay Joint Powers Authority (TJPA). The bill would condition the annual transfer of these toll revenues on a certification by the appropriate entity, either Department or the TJPA, that "the total Transbay Terminal Building operating revenue is insufficient to pay the cost of operation and maintenance without the requested funding."

Under terms of a prior executed cooperative agreement between the Department, the TJPA, and the City and County of San Francisco (City), dated July 11, 2003, prior to completion of construction and operation of the new facility by the TJPA, lease revenues from certain specified properties are required to be deposited into the Public Transportation Account within the State Transportation Fund. These revenues cannot be used to fund the maintenance and operation of the existing facility. Thus, prior to completion of construction and operation of the new facility, they should not be considered as operating revenue by the Department or TJPA in its annual certification of the sufficiency of operating revenue to pay annual maintenance and operations costs.

Senate Bill 916 is not intended to interfere with the provisions of this executed agreement. Thus, it is necessary to clarify that, for purposes of SHC Section 30914, prior to completion of construction and operation of the facility by the TJPA, "Transbay Terminal Building operating revenue" does not include any and all lease revenues deposited in the Public Transportation Account pursuant to the July 11, 2003 cooperative agreement between the Department, the City and the TJPA.

Sincerely,

DON PERATA

September 11, 2003

John Burton
President pro Tem

Dear John:

This letter is meant to clarify two points in my bill, SB 20.

There has been a request for clarification of Section 42463(f)(2) in SB 20 that a covered electronic device does not include an "automobile." This bill is not intended to apply to motor vehicles generally, including motor vehicle replacement parts.

In addition, it is my intent that on page 15, line 9, the term "recycled" should be "recyclable."

Sincerely,

BYRON D. SHER
Senator 11th District

September 12, 2003

Hon. John Burton
President pro Tempore

Dear John:

Following, is additional clarification on my bill, SB 20.

Article 4 at page 15, lines 3–5 in the September 9, 2003 version of the bill, deals with hazardous materials reporting requirements. This language requires manufacturers of covered electronic devices to annually report on the reduction of certain hazardous materials, including PBDE's (i.e. flame retardants), used in the manufacturer of their devices.

It has come to my attention after making that amendment that PBDE's are not hazardous materials and, therefore, should not be included in this list of hazardous materials. It is my intent to rectify this issue with amendments to this paragraph next year.

In addition, on page 20, line 24, the words "or recycled" should be stricken.

Sincerely,

BYRON D. SHER
Senator 11th District

September 11, 2003

The Honorable John Burton
President pro Tempore

RE: SB 411 relating to the tribal gaming compacts of the La Posta Band of Diegueno Mission Indians and the Santa Ysabel Band of Diegueno Mission Indians

Dear Senator Burton:

The intent of this letter is to clarify that the tribal gaming compact entered into by the La Posta Band of Diegueno Mission Indians and the Santa Ysabel Band of Diegueno Mission Indians, as ratified by SB 411,

were individually negotiated by the respective tribes and do not and should not represent a template or model for future compacts negotiated by other tribes.

Each tribe in California has unique circumstances and unique desires and ambitions that guide its negotiations with the state on a gaming compact. While the two compacts ratified by this bill are in fact similar, this solely reflects the similarity of the needs and circumstances of the two affected tribes. Other tribes with different needs are and should be free to tailor their compacts to their individual circumstances.

It is not the intent of SB 411 to establish a new model compact. Rather, the bill is intended simply to ratify the agreements entered into voluntarily by the respective tribes exercising their sovereign right to negotiate the terms of their own compacts.

Sincerely,

DENISE MORENO DUCHENY
State Senator, 40th District

September 12, 2003

The Honorable John Burton
Senate President pro Tempore

Dear Senator Burton,

RE: Senate Bill 1, recently signed into law by Governor Davis.

Specifically, a concern has been raised by Knox-Keene licensed health plans as to whether SB 1 applies to such entities.

I am aware of a letter written by the Department of Managed Health Care (DMHC) on May 16, 2001, pursuant to the federal Gramm-Leach-Bliley Act (GLB) as to whether GLB applied to Knox-Keene licensees. That letter, written by G. Lewis Chartrand, Jr., then Assistant Deputy Director of DMHC's Office of Legal Services, states in part that DMHC "has determined that Knox-Keene licensed health care service plans do not fall within the scope of insurers governed by the GLB Act. Therefore, the GLB Act is not applicable to Knox-Keene licensees."

Since SB 1 is essentially a strengthening of the consumer protections contained in GLB, the DMHC letter of May 16, 2001, indicates to me that SB 1 should not be applicable to Knox-Keene licensees.

Thank you for the opportunity to clarify this matter.

All the best,

JACKIE SPEIER
Senator, 8th District

September 13, 2003

*Senator John L. Burton, President pro Tempore
California State Senate*

Re: Senate Bill 103 (Alpert)

Dear Senator Burton:

My Senate Bill 103 reads, in part: "It is the intent of the Legislature that no inference be drawn in connection with any matter governed by Section 24871 of the Revenue and Taxation Code, from the period to which the amendments made to that section by this act apply, for any taxable year beginning before January 1, 2003."

This letter serves to clarify that it is also the intent of the Legislature that no inference be drawn with respect to prior law because SB 103 was passed by a simple majority vote.

Sincerely,

SENATOR DEDE ALPERT
39th District

SENATE COMMITTEE ROLL CALLS

Committee on Judiciary

SB 27—That the Assembly amendments be concurred in
AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.
NOES (1)—Senator Ackerman.

SB 590—That the Assembly amendments be concurred in
AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.
NOES (1)—Senator Ackerman.

SB 933—That the Assembly amendments be concurred in
AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Sher.
NOES (0)—None.

Date of Hearing: 9/11/03

Escutia (Chair)

Committee on Transportation

SB 460—That the Assembly amendments be concurred in
AYES (7)—Senators Ashburn, Florez, Karnette, Murray, Scott, Soto, and Speier.

NOES (1)—Senator McClintock.

Date of Hearing: 9/12/03

Murray (Chair)

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 1:35 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Gloria Petersen of Chicago.

Senator Burton requested that when the Senate adjourns this day it do so in memory of DeVer Sholes of Massachusetts.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of James Seward of Odessa, Texas, and noted musician and entertainer Johnny Cash.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of noted actor and entertainer John Ritter of Beverly Hills.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Robert A. Fleckenstein of French Camp.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Tim Hoffman of Monrovia.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Natale "Nat" DiBudo, Sr., of Fresno.

Senator Speier requested that when the Senate adjourns this day it do so in memory of George Vieck of Carmichael.

ADJOURNMENT

On motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 12 p.m., Monday, January 5, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE JOURNAL

IN RECESS

Senate Chamber, Sacramento
Tuesday, October 14, 2003

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 15, 2003

Mr. President: The Committee on Rules has examined:

SB 36	SB 295	SB 577	SB 1024
SB 88	SB 305	SB 610	SB 1025
SB 155	SB 315	SB 613	SB 1060
SB 156	SB 363	SB 618	SB 1065
SB 162	SB 413	SB 720	SB 1075
SB 210	SB 434	SB 760	SB 1077
SB 247	SB 478	SB 833	
SB 257	SB 490	SB 947	
SB 292	SB 545	SB 969	

And reports that the same have been correctly enrolled, and presented to the Governor on the 15th day of September, 2003, at 10 a.m.

BURTON, Chair

Senate Chamber, September 15, 2003

Mr. President: The Committee on Rules has examined:

SB 5	SB 130	SB 187	SB 763
SB 56	SB 157	SB 680	SB 970
SB 81	SB 168	SB 748	SB 1008

And reports that the same have been correctly enrolled, and presented to the Governor on the 15th day of September, 2003, at 4 p.m.

BURTON, Chair

Senate Chamber, September 16, 2003

Mr. President: The Committee on Rules has examined:

SB 15	SB 244	SB 359	SB 582
SB 19	SB 248	SB 377	SB 700
SB 71	SB 259	SB 412	SB 704
SB 83	SB 262	SB 418	SB 705
SB 125	SB 314	SB 469	SB 708
SB 146	SB 322	SB 476	SB 709
SB 186	SB 331	SB 495	
SB 226	SB 352	SB 549	
SB 238	SB 358	SB 551	

And reports that the same have been correctly enrolled, and presented to the Governor on the 16th day of September, 2003, at 4 p.m.

BURTON, Chair

Senate Chamber, September 17, 2003

Mr. President: The Committee on Rules has examined:

SB 228	SB 620	SB 842	SB 937
SB 439	SB 640	SB 857	SB 964
SB 588	SB 644	SB 868	SB 1007
SB 591	SB 649	SB 892	SB 1016
SB 599	SB 692	SB 916	SB 1061
SB 611	SB 810	SB 930	
SB 614	SB 821	SB 933	

And reports that the same have been correctly enrolled, and presented to the Governor on the 17th day of September, 2003, at 1 p.m.

BURTON, Chair

Senate Chamber, September 17, 2003

Mr. President: The Committee on Rules has examined:

SB 24	SB 306	SB 606	SB 923
SB 78	SB 356	SB 627	SB 966
SB 216	SB 362	SB 719	SB 973
SB 261	SB 420	SB 814	SB 1055
SB 268	SB 436	SB 853	
SB 278	SB 556	SB 879	
SB 294	SB 578	SB 915	

And reports that the same have been correctly enrolled, and presented to the Governor on the 17th day of September, 2003, at 3 p.m.

BURTON, Chair

Senate Chamber, September 18, 2003

Mr. President: The Committee on Rules has examined:

SB 2	SB 269	SB 566	SB 808
SB 25	SB 274	SB 570	SB 1004
SB 27	SB 328	SB 590	SB 1009
SB 33	SB 364	SB 602	SB 1049
SB 41	SB 411	SB 605	SB 1058
SB 67	SB 428	SB 621	SB 1064
SB 103	SB 460	SB 686	SB 1074
SB 256	SB 552	SB 796	SB 1080

And reports that the same have been correctly enrolled, and presented to the Governor on the 18th day of September, 2003, at 3 p.m.

BURTON, Chair

Senate Chamber, September 18, 2003

Mr. President: The Committee on Rules has examined:

SCR 6	SCR 7	SCR 40	SCR 48
SCR 49	SJR 3	SJR 6	

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 18th day of September, 2003, at 4 p.m.

BURTON, Chair

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

September 16, 2003

To the Members of the Senate:

I am signing SB 712, which provides added direction to the California Quality Education Commission (CQEC) as they review how California funds its public schools. In addition, this bill would require that private rather than state funds be used to pay for support of staffing the CQEC. These are important statutory changes needed to assist the CQEC in accomplishing its mission.

I am signing this bill with the understanding that the author has agreed to sponsor legislation in the second year of this legislative session to require the CQEC to report annually on the sources and amounts of private funds received. This clean up is necessary to ensure appropriate public disclosure of the use of private resources to support the CQEC.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 20, 2003

To the Members of the Senate:

I am signing SB 748, which establishes a seven member Governor's Commission on State Veterans Cemeteries within the Department of Veterans Affairs (DVA) for two years. The Commission will include three

Governor Appointees, two appointed members by the Legislature, and two non-voting members, Chairpersons of the Assembly and Senate Committee on Veterans Affairs. The commission shall be charged with locating and prioritizing future construction sites of veteran cemeteries.

California has the largest population of veterans in the United States. Thus, there is a growing need for more veteran cemeteries. Currently, there is only one state veteran cemetery located at the Yountville Veterans Home and another is under construction in Shasta, which will be completed by the end of 2004. Veterans have paid the ultimate price for our freedom and it is therefore appropriate to accommodate their needs.

Finally, in light of California's fiscal condition, the author has agreed that service to the Governor's Commission on State Veterans Cemeteries is voluntary, and members of the commission will not receive any per diem. Given these assurances, it is my pleasure to sign SB 748.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 22, 2003

To the Members of the Senate:

I am signing SB 704 that requires the Energy Commission to allocate \$6 million from the Renewable Resources Trust Fund (RRTF) to provide incentives for biomass facilities that increase the use of qualified agricultural biomass. The bill would also require that the incentives be dispersed within 90 days of the bill's effective date. SB 704 is double-joined to SB 705 (Florez) that, over time, prohibits the burning of agricultural waste in the San Joaquin Valley.

I am concerned about the timing of this incentive. As written, SB 704 funds the purchase of agricultural waste prior to the ban on open field burning rather than offsetting the cost of disposing of waste that will no longer be burned. Although I am signing this measure, I am directing the Energy Commission to work with the author on clean-up legislation that aligns the timing of the incentives with the proposed ban on burning and assures that any incentives provided produce energy and air quality benefits.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 24, 2003

To the Members of the Senate:

I am signing SB 20, which will enact the Electronic Waste Recycling Act, the first of its kind in the nation. This bill will provide convenient and cost-effective collection and recycling of hazardous electronic wastes throughout California.

As I stated last year, I am troubled by the increasing electronic waste pollution problem in California, as well as across our nation and overseas.

I strongly urged the electronics industry and other interested parties to rapidly devise a solution to this growing problem. SB 20 will help us reach that solution.

I applaud Senator Sher for orchestrating this effort and bringing this important measure forward. The bill represents extensive collaboration on the part of environmental groups, industry interests and state and local governments. I would like to thank members of the electronics industry who do business in California for their willingness to find a solution for California's consumers. I am confident that this cooperative effort will lead to a successful and productive recycling program.

While I appreciate that fee collection from out-of-state and Internet sellers presents a challenge, I am confident that the California Environmental Protection Agency has the experience and capability to collect the fee created by SB 20. I am confident that companies that sell exclusively over the internet, like Dell, will fully comply.

Many of the CalEPA agencies have experienced success in both voluntary compliance and enforcement actions against out-of-state, foreign, and Internet sellers that have failed to pay a regulatory fee. I am sensitive to concerns that California manufacturers not be placed at a competitive disadvantage if the SB 20 fees are not applied equitably or enforced uniformly. If this is a problem I will direct CalEPA to work with the Legislature to find a fair and equitable solution.

Last year I vetoed Senate Bills 1523 and 1619 because I did not believe that those measures would provide an equitable and cost effective solution for the citizens of California. In vetoing these bills I set forth a series of key goals for a comprehensive electronic waste recycling program. While SB 20 goes a long way towards accomplishing these goals, I ask that the author introduce a measure next year to further address the goals set forth in my veto message and correct other implementation problems, including consistency of design mandates.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 24, 2003

To the Members of the Senate:

I am signing SB 68, which bill creates the San Diego Bay Advisory Committee for Ecological Assessment for the purpose of preparing a report that would evaluate the existing data and trends related to the health of San Diego Bay, identify necessary habitat enhancement projects and recommend the best storm water pollution control technology.

I am signing this bill with the understanding that the State Water Resources Control Board and San Diego Regional Water Quality Control Board implement this measure within existing resources.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
September 24, 2003

To the Members of the Senate:

I am signing SB 99, which grants the Legislative Counsel Bureau (LCB) permanent authority to assign classifications, conduct examinations, and hire information technology staff for its information technology (IT) unit, thereby shifting these responsibilities from the State Personnel Board and the Department of Personnel administration.

SB 99 grants authority to the unique institution of the LCB following a pilot project program. However, it should not be viewed as precedent for diverging from current personnel practices of state agencies as administered by the State Personnel Board and the Department of Personnel Administration.

Sincerely,

GRAY DAVIS, Governor
Governor's Office, State Capitol
September 24, 2003

To the Members of the Senate:

I am signing SB 610, which requires the Secretary of State to appoint a task force to study and recommend uniform guidelines for the training of precinct board members. The task force is to be comprised of at least 12 members, six county election officials and another six individuals with elections expertise. This bill further requires that the Secretary of State adopt uniform standards for training precinct board members by June 30, 2005.

At a minimum, the standards must address the right of the voters, election challenge procedures, operation of voting system, poll hours, relevant election laws, cultural competency, knowledge regarding issues confronting voters with disabilities, and procedures involved with provisional and absentee voting. This bill is a positive step toward increasing the efficiency and fairness of our elections by setting a uniform training standard and requiring that all precinct workers are trained accordingly.

Furthermore, the Secretary of State has agreed to absorb the costs of the task force within its existing resources.

Sincerely,

GRAY DAVIS, Governor
Governor's Office, State Capitol
September 24, 2003

To the Members of the Senate:

I am signing SB 639, which extends the sunset date of the Inter-Regional Partnership (IRP) from July 31, 2004, to July 31, 2008, and requires the IRP to submit an interim report to the Department of Housing and

Community Development (HCD) by July 31, 2004, and a final report to HCD by July 31, 2008.

According to HCD, costs associated with reviewing the IRP reports and subsequently preparing an HCD report are absorbable; therefore, I am directing HCD to conduct these activities within its existing resources.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 24, 2003

To the Members of the Senate:

I am signing SB 771. This bill requires fertility clinics to use an informed consent form that includes instructions for disposition of an embryo, including donation for stem cell research. The Department of Health Services would be required to establish an anonymous registry of embryos to the extent such a registry can be funded with non-state funds.

California is a leader in the field of biomedical and biotechnology research. It is important to the California biomedical research community to have access to stem cells for promising research. Stem cell research could realize great benefits for persons with incurable, debilitating or degenerative diseases including Parkinson's, Alzheimers, heart disease, diabetes and cancer. This bill provides clear requirements for infertility clinics to provide a full range of options to couples on the disposition of unused embryos and allows DHS to establish an anonymous registry of embryos to make it possible for researchers to locate and obtain these embryos for research purposes. This bill does not affect California statute that prohibits cloning a human being or engaging in human reproductive cloning.

I am directing the Department of Health Services to implement this bill within existing resources.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 28, 2003

To the Members of the Senate:

I am signing SB 802, which would add a portion of State Route 84 and all of State Route 232 to the Interregional Road System (IRRS). This bill will make these routes eligible for additional state funding of road improvements on two specific routes in Contra Costa and Alameda Counties.

Throughout my Administration, I have consistently supported efforts to increase transportation system performance and transportation safety enhancement as well as mass transportation solutions throughout the state. I am signing SB 802 in order to help provide this region with

expanded options to relieve transportation congestion and improve transportation safety.

By signing this bill, however, I am not committing state funding or establishing a priority for construction of these routes. Future plans and funding for corridor improvements will need to be negotiated by local transportation authorities.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 28, 2003

To the Members of the Senate:

SB 821 requires the California State University (CSU) Trustees and the California Community Colleges (CCC) Board of Governors to convene a task force to develop a plan for integrating instruction in business ethics into business administration programs. This bill also encourages the University of California (UC) Regents and the Association of Independent California Colleges and Universities to join the task force. Furthermore, this bill establishes the Golden State Business and Social Responsibility Award to honor students who complete two ethics courses in business and 50 hours of community service.

I have been a strong proponent of corporate accountability in California. This bill takes another step by introducing business ethics into the undergraduate curriculum.

In light of California's fiscal condition, the author has agreed that service to the task force is voluntary, and its members will not receive any per diem. Given these assurances, I am signing SB 821.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

September 28, 2003

To the Members of the Senate:

I am signing SB 937, which seeks to streamline and improve the licensing process for primary care clinics (PCCs). This legislation that will help primary care clinics to remain viable safety net providers in California's health care delivery system through streamlining the licensure process. By taking this action, I can assure that Californians can continue to safely and affordably access a wide range of these providers.

At my request, the author has agreed to provide cleanup language when the Legislature reconvenes in January 2004 to clarify the intent of the provisions with respect to the Department of Health Services' timeframe for issuing licenses for affiliate clinics. Specifically, the author will clarify

that a license be “approved or denied” within 30 days, instead of “issued” within 30 days.

Sincerely,

GRAY DAVIS, Governor

Governor’s Office, State Capitol

September 30, 2003

To the Members of the Senate:

I am signing SB 294. This bill (1) requires trustees to register with the Statewide Registry of conservators and guardians (Registry) that is maintained by the Attorney General’s Office (at present, conservators and guardians are required to register, but is optional for trustees); and (2) prohibits the inclusion of anonymous complaints in the Registry and specifies that this information is confidential

I am signing this bill with the understanding that the Department of Justice will not require additional staff to implement this measure.

Sincerely,

GRAY DAVIS, Governor

Governor’s Office, State Capitol

September 30, 2003

To the Members of the Senate:

I am signing SB 358 because it is necessary to extend the existence of the Board of Registered Nursing and the Board of Vocational Nursing and Psychiatric Technicians. In addition, the bill contains provisions that would enhance consumer protection by requiring the reporting of violations of the statutes regulating those professions. The bill will also create a new scholarship program for vocational nurses agreeing to serve in underserved areas and specified facilities, and it would expand a similar program for registered nurses.

This bill provides that the Board of Vocational Nursing and Psychiatric Technicians would be required to implement activities related to the reporting provisions only if necessary funding is provided in the annual Budget Act. In addition, while the reporting provisions are beneficial, I am directing the Board to ensure that overall expenditures do not exceed fund revenues.

Sincerely,

GRAY DAVIS, Governor

Governor’s Office, State Capitol

October 5, 2003

To the Members of the Senate:

I am signing SB 2, the Health Insurance Act of 2003 to provide health coverage to working Californians who do not receive job-based coverage, and AB 1528, which grants a broad mandate relative to cost-containment

proposals to the California Health Care Quality Improvement and Cost Containment Commission.

September figures released by the United States Census Bureau indicate that the number of uninsured individuals in the country is up to 43.6 million, the largest increase in a decade. That increase is attributed largely to erosion in employer-based health coverage.

At the same time, the U.S. Census Bureau reports California's percentage of uninsured decreased, a dip that experts attribute to our success enrolling children and families in state-run programs like Healthy Families and Medi-Cal.

Even in difficult times, we led the nation in pioneering health care reform, from enacting the toughest HMO Patients' Bill of Rights in 1999, to insuring a million uninsured children over the past five years. It is right that California take this bold and balanced step toward further expanding access to health care coverage. In addition to reducing by one million the number of uninsured men, women and children in California, this action will reduce the burden on all of us from an overburdened ER system.

It is also essential these reforms shielded small business from unrealistic new requirements.

Today's reforms will succeed only if we attack rising health care premiums pursuant to AB 1528. While insurance premiums in California remain among the lowest in the country, premiums rose this year by nearly 14 percent—the third consecutive year that employers have faced double-digit increases. Studies indicate that prescription drug costs are a driving force behind this alarming increase.

In light of these trends, I am directing the California Health Care Quality Improvement and Cost Containment Commission ("Commission") to put forward concrete cost reductions, with a particular emphasis on controlling prescription drug spending. Before employers take on their new responsibilities starting in 2006, the Commission must outline meaningful ways for reducing drug costs, including increased use of generic drugs, alternative drug benefit designs, public and private sector pooled drug purchasing and opportunities to safely purchase drugs from Canada. In addition, given the increase in recent years in direct-to-consumer advertising by drug manufacturers, the Commission should specify ways to provide appropriate public disclosure of industry marketing and advertising costs and activities.

Since the key to lowering premiums is reducing health care costs generally, I further direct the Commission to prioritize prevention and disease management in our health care system. The Commission should include, and the Legislature should approve, policies for increasing use of preventive health care services, in order to keep Californians healthy while reducing costs.

My signature on these two bills comes at a critical juncture in our health care system, with both the number of uninsured and health insurance premiums on the rise nationally. These reforms will succeed only if consumers, providers, government, and employers accept a share of

responsibility for insuring the uninsured, reducing the burden on our Emergency Care System, and reigning in health costs. I am confident that we will meet these challenges and lead the way to a healthier California.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 8, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Susan K Burr, Interim Secretary for Education. Appointed 9/25/03.
Effective 10/6/03:

Commissioner, California Quality Education Commission, newly created, 2002 legislation, term ending 8/1/07.

Dorothy Chu, a school teacher. Appointed 9/25/03. Effective 10/7/03:
Commissioner, California Quality Education Commission, newly created, 2002 legislation, term ending 8/1/07.

William E. Hedrick, a school teacher. Appointed 9/25/03. Effective 9/30/03:
Commissioner, California Quality Education Commission, newly created, 2002 legislation, term ending 8/1/06.

Alice Petrossian, Assistant Superintendent, Glendale Unified School District. Appointed 9/25/03. Effective 10/7/03:
Commissioner, California Quality Education Commission, newly created, 2002 legislation, term ending 8/1/05.

Virginia Strom-Martin, former member of the California Assembly. Appointed 9/25/03. Effective 9/29/03:
Commissioner, California Quality Education Commission, newly created, 2002 legislation, term ending 8/1/07.

Marina I. Torres, a school teacher. Appointed 9/25/03. Effective 10/7/03:
Commissioner, California Quality Education Commission, newly created, 2002 legislation, term ending 8/1/05.

Richard L. Verches, CEO, financial literacy company. Appointed 9/25/03. Effective 10/6/03.
Commissioner, California Quality Education Commission, newly created, 2002 legislation, term ending 8/1/06.

- Helen R. Mars, served since 8/23/02; reappointed 10/2/03. Effective 10/8/03:
Member, Fair Employment and Housing Commission, term ending 9/18/07.
- Herschel Rosenthal, served since 8/23/02; reappointed 10/2/03 Effective 10/7/03:
Member, Fair Employment and Housing Commission, term ending 9/18/07.
- Joyce G. Cook, served since 12/1/99; reappointed 10/2/03. Effective 10/7/03:
Member, California Law Revision Commission, term ending 10/1/07.
- David Huebner, served since 12/7/99; reappointed 10/2/03. Effective 10/7/03:
Member, California Law Revision Commission, term ending 10/1/07.
- Desiree Icaza Kellogg, served since 5/9/02; reappointed 10/2/03. Effective 10/7/03:
Member, California Law Revision Commission, term ending 10/1/07.
- Felix C. Yip, M.D., physician. Appointed 10/1/03. Effective 10/6/03:
Member, Medical Board of California, Division of Medical Quality, vice Mary C. McDevitt, term expired, term ending 6/1/07.
- Hubert T. Greenway, M.D., physician. Appointed 10/1/06. Effective 10/07/03:
Member, Medical Board of California, Division of Licensing, term ending 6/1/07.
- Dede Alpert, reappointed 10/2/03. Effective 10/9/03:
Commissioner, Pacific States Marine Fisheries Commission, term ending 9/19/07.
- Martin N. Basch, served since 3/28/00; reappointed 10/2/03. Effective 10/9/03:
Commissioner, Pacific States Marine Fisheries Commission, term ending 9/19/07.
- Robert C. Hight, served since 3/28/00; reappointed 10/2/03. Effective 10/10/03:
Commissioner, Pacific States Marine Fisheries Commission, term ending 9/19/07.
- John H. Hayashi, served since 12/14/99; reappointed 10/2/03. Effective 10/7/03:
Member, California Regional Water Quality Control Board, Central Coastal Region, term ending 9/30/07.

Leslie S. Bowker, served since 12/16/99; reappointed 10/2/03. Effective 10/8/03:

Member, California Regional Water Quality Control Board, Central Coastal Region, term ending 9/30/07.

Christopher L. Cabaldon, served since 11/20/00; reappointed 10/2/03. Effective 10/8/03:

Member, California Regional Water Quality Control Board, Central Valley Region, term ending 9/30/07.

Mark C. Salvaggio, served since 11/20/00; reappointed 10/2/03. Effective 10/8/03.

Member, California Regional Water Quality Control Board, Central Valley Region, term ending 9/30/07.

Nancy S. Wright, served since 3/15/00; reappointed 10/2/03. Effective 10/8/03:

Member, California Regional Water Quality Control Board, Colorado River Basin Region, term ending 9/30/07.

Brenda A. Soulliere, served since 12/8/99; reappointed 10/2/03. Effective 10/8/03:

Member, California Regional Water Quality Control Board, Colorado River Basin Region, term ending 9/30/07.

John Brissenden, served since 11/20/00; reappointed 10/2/03. Effective 10/8/03.

Member, California Regional Water Quality Control Board, Lahontan Region, term ending 9/30/07.

Claudette L. Roberts, served since 11/30/01; reappointed 10/2/03: Effective 10/8/03.

Member, California Regional Water Quality Control Board, Lahontan Region, term ending 9/30/07.

Amy L. Horne, research director for the Sierra Business Council. Appointed 10/3/03. Effective 10/6/03:

Member, California Regional Water Quality Control Board, Lahontan Region vice William A. Newsom, resigned, term ending 9/28/06.

Bradley H. Mindlin, served since 1/15/00; reappointed 10/2/03. Effective 10/7/03.

Member, California Regional Water Quality Control Board, Los Angeles Region. term ending 9/30/07.

Susan M. Cloke, served since 11/8/99; reappointed to a different slot 10/2/03. Effective 10/8/03:

Member, California Regional Water Quality Control Board, Los Angeles Region vice Robert Miller, resigned, term ending 9/30/06.

William R. Massey, served since 3/15/00; reappointed 10/2/03. Effective 10/7/03:

Member, California Regional Water Quality Control Board, North Coastal Region, term ending 9/30/07.

Shawn P. Harmon, reappointed 10/2/03. Effective 10/8/03:

Member, California Regional Water Quality Control Board, North Coastal Region, term ending 9/30/07.

Jennifer E. Adams-Brooks, a consultant. Appointed 9/29/03. Effective 10/3/03:

Member, California Regional Water Quality Control Board, San Diego Region vice Joseph Baglin, term expired, term ending 9/30/05.

Eric T. Anderson, served since 11/30/01; reappointed 10/2/03. Effective 10/7/03:

Member, California Regional Water Quality Control Board, San Diego Region, term ending 9/30/07.

Clifford C. Waldeck, served since 3/15/00; reappointed 10/2/03. Effective 10/6/03:

Member, California Regional Water Quality Control Board, San Francisco Bay Region, term ending 9/30/07.

Mary C. Warren, served since 11/15/00; reappointed 10/2/03. Effective 10/8/03.

Member, California Regional Water Quality Control Board, San Francisco Bay Region, term ending 9/30/07.

Jose J. Solorio, served since 1/4/00; reappointed 10/2/03. Effective 10/8/03.

Member, California Regional Water Quality Control Board, Ana Santa Region, term ending 9/30/07.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol

October 8, 2003

To the Members of the Senate:

I am signing SB 552 because it provides a clear demonstration that the state is willing to lead by example to reduce green house gas emissions and reduce California's petroleum dependence. Although this bill only applies to vehicles purchased or leased by state agencies, I urge the Legislature to voluntarily comply with its provisions.

This bill provides tangible evidence of the state's commitment to the nation-leading precedent established by Assembly Member Pavley's green house gas bill, AB 1493, I signed into law last year. The enactment of this bill also represents one of the initial actions to fulfill the commitment I recently made to Governor Locke of Washington and Governor Kulongoski of Oregon in seeking a border-to-border solution to the

problem of global warming. In addition, my Administration has implemented new strict vehicle purchasing policies to ensure that state agencies are allowed to purchase only those vehicles meeting the state's cleanest emission standards.

However, given the fiscal crisis the state is experiencing and the resulting reduction of staff and resources, I am concerned that the Department of General Services and state agencies will not be able to implement all of the provisions of the bill as quickly as intended. Without a sufficient alternative fuel infrastructure and a comprehensive statewide fleet database—both of which require a significant financial commitment from the Legislature—progress to meet the admirable goals of this bill will remain hampered. I encourage the Legislature to work with the Department of General Services and other appropriate entities to determine how the state will implement this measure given our limited resources. It is my understanding that the author is willing to address the funding issues or reduce the scope of the data collection requirements for the Department of General Services in legislation next year.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 8, 2003

To the Members of the Senate:

SB 566 increases the combined rate of transactions and use taxes, which cannot be exceeded in any county, from 1.5 percent to 2 percent. This bill would also authorize any city to increase or extend a transactions and use tax in accordance with the Transactions and Use Tax Law.

I am signing Senate Bill 566 because of its potential benefits to local governments during these fiscally difficult times. Cities and counties are experiencing financial pressures throughout the state and this bill allows them to increase their transactions and use tax rate, with approval of the voters. It also streamlines the process for cities, as they will no longer need legislative authorization prior to requesting approval from their voters.

However, this bill does not address the issue of the cost to administer these transactions and use taxes. The Board of Equalization is authorized to charge local entities for their administrative costs up to certain statutory caps. In some cases the cost of administration exceeds the cap. Currently, the General Fund provides over \$1 million annually for tax administration costs that exceed the cap and this amount could grow as cities and counties get additional transactions and use taxes approved by their voters. Therefore, I urge the Legislature to eliminate the statutory cap on the amount that the Board of Equalization can charge local entities for the cost of administering these taxes. I believe that if local entities impose taxes

that are administered by the State, it is incumbent upon them to pay the full amount of the associated administrative costs.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 8, 2003

To the Members of the Senate:

I am signing SB 656, which requires the Air Resources Board (ARB) to adopt a list of available control measures that would reduce particulate matter (PM) emissions from new and existing stationary, mobile and area sources of pollution. The bill further requires the ARB and local air districts to adopt an implementation schedule for the listed control measures. The ARB is to prepare a report of the implementation outcome by January 1, 2009.

In signing this measure, I am also directing the Air Resources Board to implement the provisions of the bill within existing resources.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 8, 2003

To the Members of the Senate:

I am signing SB 808 which would reinstate a partial sales tax exemption on bunker fuel sold at California ports.

As you know, in 1991, when the State faced a similar budget crunch, California levied a sales tax on bunker fuel. The sales tax exemption was reinstated the following year. Last year, I vetoed legislation to reinstate this sales tax exemption as a short term measure to help the State's fiscal crisis. The sales tax on bunker fuel helped the State realize millions of dollars in extra tax revenues this year.

The bunker fuel sales tax, however, should not continue as a long term measure because it will place California ports at a competitive disadvantage. I am signing this legislation because restoring the sales tax exemption at this time will help to increase bunker fuel sales, increase economic activity, and increase employment in and around our State's ports.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 9, 2003

To the Members of the California Senate:

I am returning **Senate Bill 428** without my signature.

This measure would significantly amend Adult Day Health Care (ADHC) statutes to impose a one-year moratorium on future applications

for licensure as an ADHC provider, to create a "preapplication" process, and to revise fees to finance the preapplication process.

While I commend the author and sponsor for coming forward with this proposal to rein in future ADHC costs, SB 428 represents significant workload increases for the Department of Health Services and the Department of Aging, without which the preapplication process cannot be implemented. Further, due to timing of the proposed fee increases after the implementation work has been performed, both DHS and Aging would have to use General Fund money initially to finance needed additional staff. Additionally, the proposed one-year moratorium will not result in Medi-Cal program savings until future years because the bill would require processing of the applications currently pending.

Given our current fiscal situation, I cannot support this measure's increased workload on State agencies.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 9, 2003

To the Members of the California Senate:

I am returning **Senate Bill 606** without my signature.

This bill would require that, commencing no later than September 1, 2004, a specified vision notice and questionnaire be sent to the parent or guardian of every pupil given a vision appraisal.

While I am concerned about our pupils' vision, school districts may, at their discretion, establish programs similar to the one proposed by this bill without establishing a statewide program. The statewide program in this bill would create a State-reimbursable mandate resulting in costs of \$220,000 to \$1.5 million Proposition 98 General Fund to send questionnaires to the parents of every pupil given a vision appraisal with additional unfunded costs for the Department of Health Services and State Department of Education. California is facing a tremendous fiscal crisis and as a result, many valuable programs have been reduced and other programs of merit have not been implemented. For these reasons I cannot support this bill.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 10, 2003

To the Members of the Senate:

I am pleased to sign SB 5, which would require the State Board of Education to adopt model content standards for teaching foreign language

in kindergarten through grade 12. I agree that learning a language other than English at the earliest age possible would be beneficial to all children.

Because students may begin their language study at different grade levels, the standards must be developed such that they can be applied regardless of whether students begin their language studies at the elementary, middle, or high school level. Thus, it is my understanding in signing this measure that these standards will be based on a model of stages of progression in the process of acquiring a second language similar to the model set forth in the Foreign Language Framework for California Public Schools in kindergarten through grade twelve adopted by the State Board of Education in May 2001.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 10, 2003

To the Members of the California Senate:

I am returning **Senate Bill 125** without my signature.

This bill would extend the leave-of-absence benefit in lieu of workers' compensation temporary disability to injured county welfare fraud investigators and inspectors, and specified county and deputy county coroners.

While the issue is one of parity for those covered by Labor Code Section 4850, as I indicated in my veto message of a similar bill last year, AB 1351 (Chesbro), the costs could be significant to counties at a time when the State is trying to reduce its costs. The bill also extends benefits to county peace officers beyond those covered in last year's bill, thereby increasing costs further.

Finally, the Commission on Health, Safety and Workers' Compensation is currently studying the impact of "4850" benefits and its impact on local governments; therefore, it is prudent to await results of this study prior to expanding these benefits.

For these reasons I am unable to sign this bill.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 10, 2003

To the Members of the Senate:

I am signing SB 504 which creates the Exposition Metro Line Construction Authority to oversee and expedite construction of a light rail line extending from the City of Los Angeles to the City of Santa Monica.

This Authority is intended to facilitate the construction of this light rail line in a more streamlined and less expensive manner. This bill is similar to legislation enacted in 1998 which created the Pasadena Metro Blue Line Construction Authority which did not create a reimbursable State mandate.

The author of this legislation has committed to sponsoring legislation next year to ensure that this bill will not create a reimbursable State mandate.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
October 10, 2003

To the Members of the Senate:

I am pleased to sign SB 719, which: (1) requires each school district and county office of education to review and approve all comprehensive safety plans for its schools operating any combination of kindergarten to grade 12; (2) repeals and recasts the provisions of the 1985 School Safety Act; and (3) requires the School/Law Enforcement Partnership to sponsor biennial statewide conferences to identify programs and techniques that have been effectively utilized to reduce school crime.

While I agree that disaster procedures for pupils with disabilities should be included in school safety plans, under current law, schools are already required to adapt disaster procedures for all their pupils, including pupils with disabilities. This bill is duplicative of current law and therefore, does not create a reimbursable State mandate.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 19** without my signature.

This bill, in conjunction with AB 52, would indefinitely uncap the apportionment for local educational agencies to offer supplemental instruction for pupils in grades 2–6 who have been identified as being at risk of retention.

During the last five years, I have provided schools with unprecedented resources directed toward ensuring that schools are provided with the essential elements for bringing students to grade level standards. Specifically, I have provided over \$2 billion for supplemental instruction; more than \$705 million has been provided towards standards aligned professional development to provide teachers with the knowledge and skills necessary to teach to the standards; another \$1.1 billion has been devoted to administrator professional development and additional teacher training to further improve the schools instructional program; almost \$955 million has gone to low performing schools to reform and develop cohesive standards-based programs; over \$1.7 billion has been allocated for instructional materials; and this year I have given school districts

100% flexibility for categorical programs to help meet local needs, including supplemental instruction.

Given the State's fiscal outlook and the significant funding I have provided to help students meet the new standards, it would not be fiscally prudent, at this time to remove the cap. For these reasons, I cannot support this bill.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 12, 2003

To the Members of the Senate:

I am signing SB 24 which requires the Department of Health Services (DHS) to develop and operate two new computerized enrollment systems for the Medi-Cal program; one for pregnant women (the Prenatal Gateway) and another for newborns (the Newborn Hospital Gateway). Both systems would enable applicants to apply for Medi-Cal from a provider's office rather than from a county office. The bill's implementation is contingent upon receipt and appropriation of non-General Fund to develop both Gateways.

These two new Gateways will help retain Medi-Cal providers and ensure pregnant women and their infants receive prenatal and infant care. I am signing this bill with the understanding that the author will introduce cleanup legislation next year allowing the DHS twelve months from the appropriation of non-General Funds and approval of necessary staff to begin Gateway enrollment of women and infants.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 12, 2003

To the Members of the Senate:

I am signing SB 25, which enhances identity theft protections by broadening the scope of the restrictions on the use of Social Security numbers and strengthening the law related to security alerts in consumers' credit files.

The California Community College and California State University systems have committed to implementing this measure within existing resources.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
October 12, 2003

To the Members of the Senate:

I am signing SB 81, which requires greater uniformity among integrated teacher preparation programs offered by the California State University (CSU), beginning in 2004–05. This bill also requires CSU and community colleges to strengthen uniformity for students who transfer into this program, by ensuring that coursework completed at a California Community College (CCC) is equivalent to coursework offered at CSU.

While I am fully supportive of this bill's goal to improve the streamlining of courses at the community colleges with the CSU system, this bill would likely result in a significant reimbursable state mandate in order for the Chancellor of the CCC to "ensure" that all local CCC districts are meeting the lower-division coursework requirements of this bill. I expect the community college districts to work cooperatively to achieve the intent of the bill within currently budgeted resources.

Therefore, in signing this bill, I do so with the commitment of the author to introduce cleanup legislation in the next year that would require the Chancellor of the Community Colleges to "encourage," rather than "ensure," that coursework completed at a community college is equivalent to coursework offered at CSU.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 83** without my signature.

This bill makes amendments to the implementing language of Proposition 218 so that assessments can be increased, so long as the assessment was developed in a schedule that was adopted prior to the passage of Proposition 218.

Proposition 218 specifically states that any subsequent increases in assessments shall be subject to notice, public hearing, and voter approval.

SB 83 amends the Proposition 218 Omnibus Implementation Act (SB 919, Chapter 38, 1997) to add certain fee increases to the short list if exceptions to avoid seeking voter approval. This is contrary to what the voters supported when they passed Proposition 218 in 1996. I cannot in good conscience overlook the desires of the citizens in this way. Thus, I am vetoing this measure.

I commend the author for her hard work and commitment to her constituents, and I empathize with the difficulty of securing necessary funding for local infrastructure projects. However, this measure addresses that issue in a manner inconsistent with a voter approved Constitutional

provision. I encourage Three Valley Municipal Water District to work within the law and bring this issue to their local voters.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 12, 2003

To the Members of the Senate:

I am signing SB 179, which makes it a violation of state law for any person or entity to enter into a contract for labor or services in the construction, farm labor, garment, janitorial, or security guard industries if the person or entities knows or should know that the contract does not provide sufficient funds to comply with various labor laws.

While last year I vetoed a similar bill, SB 1466 (Alarcón), evidence of labor law violations in the underground economy has grown in these specific areas. Responsible and ethical employment practices are undercut by unscrupulous employers in the underground economy who fail to abide by minimum labor standards and pay little taxes. These practices hurt our legitimate businesses, as well as our most vulnerable workers. Therefore, I feel compelled to sign this legislation at this time.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 261** without my signature. This measure would require risk-based organizations to register with the Department of Managed Health Care (Department) and submit financial information to the Department on a periodic basis. The bill specifies the limited amount of financial information that is subject to public disclosure.

The Department currently is in the process of regulations implementing SB 260 (CH 529, 1999), the original bill that this measure is designed to amend. I believe the issues raised in this measure can be addressed during the regulatory process in a way that balances the integrity of the health care marketplace against public access to important financial data.

Accordingly, I am returning this bill to the Senate. Resolution of these issues is in all of our interests and will permit the important consumer safeguards envisioned in the author's original legislation to be implemented.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 12, 2003

To the Members of the Senate:

I am signing SB 274, which allows counties subject to the County Employees' Retirement Act of 1937 to negotiate with their safety groups through the collective bargaining process one for more Deferred Retirement Option Programs (DROP). The DROP provides an incentive to retain dedicated, veteran safety members for a few extra years by offering them an opportunity to receive a lump-sum retirement benefit in exchange for a reduced retirement allowance.

Under this bill, the DROP is required to be cost-neutral to public sector employers and provides employers the tools to design a program that will achieve that result. This contrasts with SB 1024 (2002) and similar bills which I vetoed because they failed to provide assurance of cost neutrality to public employers.

I note further that in order to avoid local taxpayer liability, I expect that participating counties require the participants in the DROP to fund the administrative costs, or alternatively, before a DROP is instituted the evaluation of cost neutrality include administrative costs.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 278** without my signature.

This bill would give the California Department of Corrections (CDC) or the Board of Prison Terms (BPT) the authority to release a physically or medically incapacitated prison inmate to parole before completing their determinate or indeterminate sentence. Even though this program would only be available to a very limited number of inmates, I do not believe that an inmate should be eligible for an early release from prison solely due to their medical condition.

As an alternative to the early release of physically or medically incapacitated inmates from prison, I have recently signed SB 549 (Vasconcellos), which authorizes CDC to contract with public or private entities for the establishment and operation of skilled nursing facilities for such inmates. SB 549 provides a safer, humanitarian and more cost efficient alternative to parole.

For the above mentioned reason, I cannot sign this measure.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 328** without my signature. This bill would authorize the California Community Colleges (CCC) Board of Governors (BOG) to provide a tuition waiver to certain students who are exempt from paying non-resident tuition, and who are otherwise eligible to receive this waiver. This bill requires the BOG to establish procedures and forms that enable people who are exempt from paying non-resident tuition, to apply for, and participate in, all student aid programs and services administered by the CCC to the full extent permitted by federal law.

In 2001, I signed AB 540 (Firebaugh) which helped deserving immigrant students by eliminating the requirement that they pay the same higher tuition paid by out-of-state students to attend a California public college or university. In most cases AB 540 reduced by 50 percent the cost of attending college in California. I believe deserving immigrant students should have the opportunity to pursue a good quality education so that they can productively contribute to our economy. In future years when our economy has recovered I would recommend that the Governor and the Legislature seriously consider providing financial aid to deserving immigrant students. Unfortunately, the current economic climate does not permit us to do so at this time.

This bill would result in significant additional costs to the State to backfill lost fee revenue as a result of the additional students who would qualify for student financial aid at the community colleges. In addition, this bill would both (1) require the CCC to develop procedures and forms to evaluate non-residents for BOG Fee Waiver eligibility which would impose additional reimbursable mandated costs on local districts, and (2) increase costs to the State for reimbursing the district's administration of additional fee waivers.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 12, 2003

To the Members of the Senate:

I am signing SB 469 that would authorize a school district to purchase, with funds from the Instructional Materials Fund, instructional materials for the visual and performing arts, foreign language, health, or any other curricular area, if those materials are adopted by the State Board of Education (SBE) for K-8 or by the governing board for grades 9-12, and if the school district certifies that it has provided each pupil with a

standards-aligned textbook or basic instructional materials in core curricula areas

This bill simply provides clarification to districts pursuant to current law and State Board of Education regulations allowing school districts to use remaining Instructional Materials Funds to purchase instructional materials for the visual and performing arts, foreign language, health or any other curricular area.

I am signing this bill with the understanding that the author will introduce legislation next year to conform to the requirements of Education Code 60422. It is my intention that a priority for the use of the Instructional Materials Funding be used for State adopted standards-aligned textbooks in core curricula areas.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 495** without my signature.

This bill would require the Quality Education Commission to make recommendations by July 1, 2004, to the Superintendent of Public Instruction regarding the indicators that should be included in the Opportunity to Learn Index (OTL) to measure the opportunities for teaching and pupil learning. This bill also would require the Commission to determine a method for computing the OTL index using available data and recommend appropriate minimal standards for the indicators that make up the OTL index.

I am concerned that the index proposed in this legislation may conflict with the Academic Performance Index, which serves as the basis for the state's accountability system. Additionally, the proposed index would be largely redundant as schools already provide information on four of the five indicators required by this bill on their School Accountability Report Cards. Given these existing mechanisms for measuring student performance and school conditions, I am reluctant to add additional mechanisms that would complicate state education policy and may distract parents, students, and teachers from the state's existing accountability system.

For these reasons, I am unable to support this legislation.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 556** without my signature.

SB 556 would make the following amendments to the K-3 Class Size Reduction (CSR) program: 1) allow school districts to provide class sizes without regard to the current grade-level priorities; 2) establish a funding deduction schedule for districts failing to maintain the required pupil-to-teacher ratio effective for the 2003-04, 2004-05, and 2005-06 fiscal years; and 3) allow school districts to utilize their local matching funds pursuant to the State School Deferred Maintenance Program for the 2003-04 fiscal year to supplement state funding for CSR programs to avoid the reduction or elimination of those programs.

I believe the bill's revised fiscal consequences for exceeding the current 20:1 student-to-teacher ratio are inappropriate. The existing CSR program allows school districts sufficient flexibility to adhere to the 20:1 ratio. I am not aware of any information that suggests increasing class sizes up to 21.9 would not erode the benefits of this current, successful school reform measure. Indeed, by relaxing the penalties for infractions of the class size limits, this bill would only serve to provide fiscal incentives to reduce the educational benefits of the current program.

For these reasons, I am unable to sign this measure.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 588** without my signature.

This bill authorizes school districts, until January 1, 2006, to sell, lease, or leaseback certain surplus real and personal property owned by the district for a specified length of time, and use the proceeds from this transaction for any one-time operational purpose.

Existing law contains protections to ensure that school districts do not deplete capital facilities resources in order to fund operational expenses.

This broadly drafted bill would allow school districts statewide to utilize the entire proceeds from the sale or lease of surplus property to support operational activities. I am concerned that, to the extent that districts utilize capital resources to fund general fund costs, they would reduce their capacity to fund future capital needs, which would be contrary to the long-term interests of both the districts and the State.

Special district circumstances may on rare occasions require exceptions from current law. However, I cannot support a general statewide policy

that would undermine existing protections that help ensure students have access to safe and appropriate facilities.

For these reasons, I am returning this bill without my signature.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 590** without my signature.

This bill would prohibit retailers from requesting or requiring a consumer's personal information when it is not necessary for the transaction. It would also ban the sharing of personal information with a third party unless the transaction is necessary or authorized or the consumer is given the chance to opt-out.

I applaud Senator Speier for her incredible leadership on all issues pertaining to consumer protections, and in particular, her commitment to negotiating, drafting and carrying complicated and controversial privacy legislation and personally spending hundreds of hours of her time with stakeholders to meet "workability" concerns of financial institutions while balancing privacy rights for consumers.

While I respect Senator Speier's courage and her ever-present leadership on this and a wide range of important legislative matters, regretfully I must return this measure to the Legislature for further consideration in the next legislative session in order to resolve a number of outstanding issues.

Given the superior quality of Senator Speier's work and the careful craftsmanship she demonstrated these past 4 years in SB 773 (financial privacy) and again in SB 1 (financial privacy), which I was so very proud to sign, it is my sincere hope that the outstanding issues pertaining to internet retailers, delayed implementation, and identity theft protections will be worked out immediately.

As was demonstrated by the difficulties encountered these past four years in solving "workability" concerns in the landmark financial privacy bill, SB 1 (Speier 2003), it may take up to a year to craft SB 590 even if it is introduced as an urgency measure. I thank the author for convening stakeholder meetings this year and thank her for participating in negotiations with interested parties such as the Retailer's Association, credit bureaus, credit check companies and credit card companies.

Thus, it is my hope that Senator Speier will introduce urgency legislation that can be enacted immediately and that important privacy measures such as SB 590 when finalized, will continue to demonstrate the author's and my long standing commitment to carefully guarding the privacy rights of every Californian. I want to thank Assemblymember Dutra for his active participation and hundreds of hours spent in shepherding SB 1 and other privacy measures through the Assembly. It is my wish that California

continue to be a role model to other states by leading the nation in consumer privacy protection as indicated by the Privacy Journal, which rated California number one among all other states.

I also want to thank the author for her unwavering commitment to ALL privacy issues as demonstrated by the following several bills Senator Speier authored and which I was pleased to sign into law:

- Senate Bill 1 (2003): Consumer Protection and Privacy Rights
- Senate Bill 247 (2002): Restriction of Access to Birth and Death Certificates
- Senate Bill 297 (2002): DNA Database
- Senate Bill 1614 (2002): Confidentiality of Birth and Death Indices
- Senate Bill 1093 (2000): Restriction of Medical Information Disclosure
- Senate Bill 926 (1999): Supermarket Club Disclosure Act

Finally, I am extremely proud of our record on privacy and other civil rights and the accomplishments of this Legislature in balancing the rights of consumers and business as it relates to implementing Californian's privacy bills and reducing identity theft as well as passing strong legislation that assists victims in preventing and solving issues related to identity theft.

I thank all the Members of the California Legislature for helping to make California the nation's leader in consumer privacy. We can all be very proud of the work we have accomplished. Attached to this message is a list of many of the privacy and identity theft bills I was pleased to sign into law. I am proud of us all.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

(Attachment filed with Secretary of Senate.)

Governor's Office, State Capitol

October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 605** without my signature.

This bill would require a state agency that purchases public safety radio communication equipment to ensure that equipment purchased complies with public safety digital interoperability communications standards in Suite 102 of the American National Standards Institute (ANSI) and the Telecommunications Information Association. The bill also would add the Governor's Office of Homeland Security to the list of member state agencies on the Public Safety Radio Strategic Planning Committee.

I strongly support efforts to help ensure that state public safety agencies have the radio equipment necessary to effectively communicate with each other, and I have signed legislation to create the Public Safety Radio Strategic Planning Committee to help promote these efforts. The Public Safety Radio Strategic Planning Committee is tasked with determining the communications equipment needs of state agencies, and the development

of a program for communications equipment purchase that will enable the migration of the communications systems to accepted industry standards for interoperability.

The Public Safety Radio Strategic Planning Committee has started the process of determining these needs and developing the equipment purchase program. The Committee should be allowed to present their recommendations to the Legislature for consideration before adding purchase requirements to state agencies.

While the intent of this bill is good, there are several flaws with this bill. First, this bill could adversely impact the state's emergency response capabilities. Radio communication equipment which meets the ANSI standards may not work well for public safety agencies that must work in remote or mountainous terrain, or those that must communicate with federal or local emergency response agencies that do not have compatible equipment.

Second, this bill could adversely impact the state's emergency response capabilities. Radio equipment which meets the ANSI digital standards may not work well for public safety agencies that must work in remote or mountainous terrain, or those that must communicate with federal or local emergency response agencies that do not have compatible equipment.

Finally, this bill would require state agencies to purchase equipment that complies with standards that are more restrictive than the Federal Communications Commission (FCC) requires. The equipment that would have to be purchased if this bill was signed is 20–30% more expensive than equipment that meets current FCC requirements. Some state agencies, such as the California Department of Corrections, operate older radio systems in some institutions. These systems operate on frequencies not supported in ANSI compliant radios. By mandating the procurement of ANSI equipment, this bill creates a situation where any failure of a key component would require the replacement of the entire radio system (at a typical cost of \$1.5 million) rather than obtaining a replacement unit (typically \$20–30 thousand). As a result, while I support efforts to enhance the ability of state public safety agencies to communicate with each other, these agencies must have the flexibility to purchase the type radio equipment that will enable them to best carry out their emergency response missions.

I commend the author and the Legislature for their interest in enhancing the state's public safety communications systems, and I ask the author to work with the Public Safety Radio Strategic Planning Committee to ensure his intents are recognized and incorporated into the Committee's work products.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 636** without my signature.

This bill would require the State Department of Education (SDE) to establish and administer a statewide program of grant funding to establish alternative dispute resolution (ADR) programs for special education.

Although I support more efficient ways resolve disputes, current law already allows for the non-adversarial resolution of special education issues through mediation prior to a formal, due process hearing. Since the 2003 Budget Act already appropriates \$10.3 million for dispute resolution services including mediation and fair hearing services, this bill would create an unnecessary duplicate program.

This bill appropriates \$300,000 to the SDE for administration of the ADR program and could result in local assistance costs between \$13.1 and \$17.8 million for three years and ongoing costs of between \$3.3 and \$4.4 million annually. This bill would redirect these funds from educational services to students with disabilities, to program administration.

It is premature to implement a new program prior to analyzing the results of a current Alternative Dispute Resolution pilot program in operation. This program could be replicated at other Special Education Local Plan Areas, possibly with little guidance and assistance. Additionally, California has 11 federally funded Parent Training and Information Centers, and 32 Family Empowerment Centers. These entities should provide training, information and resources to parents relative to alternative dispute resolution.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 12, 2003

To the Members of the Senate:

I am signing SB 686. This bill requires (1) insurers issuing policies of liability insurance to long-term care (LTC) facilities and residential care facilities for the elderly, to provide 90 days notice to the Department of Insurance (DOI) when they wish to leave the market; (2) requires each liability insurer to report to the Insurance Commissioner specified information; and (3) allows the DOI to create an unincorporated, not-for-profit, temporary joint underwriting association for liability insurance, if funds are available for this purpose from the Insurance Fund. The bill also requires the Department of Health Services (DHS) to

implement, by August 1, 2004, a new Medi-Cal facility-specific rate-setting system for LTC facilities.

This bill begins to address the crisis in liability insurance for nursing homes by providing better information about the availability and financial viability of that insurance to the Insurance Commissioner. I am signing this bill with the understanding that the Medi-Cal long-term care rate freeze will remain in place until August 2005 consistent with the 2003 Budget Act and that the nursing home industry, labor and the Legislature will continue to work on a non-General Fund source to support a new LTC rate methodology.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 774** without my signature.

This bill would create the Disease Prevention Demonstration Program to evaluate the long-term desirability of allowing pharmacists to furnish or sell nonprescription hypodermic needles to prevent the spread of blood-borne pathogens. In addition, persons who are 18 years of age or older would be able to possess up to 30 hypodermic needles or syringes. Local health departments would be required to register participating pharmacies, provide written materials to be distributed by the pharmacies to the purchasers of needles, and cooperate with the Office of AIDS in evaluating the program.

I am committed to the underlying goal of the bill, which is to reduce the transmission of HIV and hepatitis C among injection drug users, and I am proud of the progress we have made in combating these two diseases. I have added millions of dollars in the Office of AIDS for behavioral and early intervention programs for high-risk youth and communities of color, and for HIV prevention education. I have strongly supported our new HIV reporting system, which will reveal trends in HIV transmission and assist in targeting HIV education, prevention, and care efforts. I have signed legislation that already makes hypodermic needles and syringes available through authorized, legally sanctioned syringe exchange programs located throughout California.

In Spring 2000, the Department of Health Services appointed the Hepatitis C Working Group, comprised of key stakeholders from the public and private sectors. The Working Group developed the first-ever hepatitis C strategic plan for California. In August 2000, I signed SB 1256 (Polanco), which allocated \$1.5 million for hepatitis C outreach and education.

I worked hard with the author of the legislation I signed in 1999 to bring law enforcement and health officials together on a bill that would

decriminalize supervised needle exchange programs. This bill undermines the key elements that won my support for that legislation:

- It departs significantly from the one-for-one exchange of syringes which is the standard of practice in authorized needle exchange programs.
- It weakens the strong county oversight and accountability requirement that exists for current syringe accessibility programs.
- It creates a reimbursable State-mandated local program by adding requirements on local health officials.

I commend the author for his continued hard work on this issue; the bill is much improved over last year. However, for the reasons stated earlier, I cannot sign this measure.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 12, 2003

To the Members of the Senate:

I am signing SB 810, which will help protect water quality in watersheds where beneficial uses of water have become impaired due to excess sediment.

This bill will allow the regional water quality control boards to work closely with the Department of Forestry and Fire Protection (CDF) to ensure that timber harvesting plans include the conditions necessary to fully protect water quality. By reducing the flow of excess sediment into our streams and rivers, this bill not only protects the interests of neighboring landowners, but it also promotes healthy fisheries and protects the public's interest in maintaining clean water for consumptive uses and recreation.

In order to promote consistent implementation of SB 810, it is important for the State Water Resources Control Board to serve in a coordinating role and oversee the exercise of the regional boards' authority. In this regard, I am calling for further legislation to provide that the regional boards' determinations under SB 810 are subject to appeal and review by the State Board. Further, it is my intent that the authority given to the regional boards by this bill be used only in rare instances when the review team and conflict resolution process with CDF is unable to come to agreement.

This bill, however, is a good step in protecting impaired rivers and streams from further impairment, and I congratulate all of those who

worked cooperatively to achieve this important protection for water quality.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 12, 2003

To the Members of the Senate:

I am signing SB 892, which requires every public and private school to have restroom facilities open during school hours, and to keep every restroom maintained and cleaned regularly, fully operational, and stocked with soap and paper supplies. This bill would also specify that public schools that violate these provisions, as determined by the State Allocation Board would be ineligible for funds under the State Deferred Maintenance Program (DMP) if, after a 30-day notice period and an opportunity to cure the violation, the public school is still in violation.

A Legislative Council opinion states that SB 892 does not impose a state-mandated local program on school districts for which the State must provide reimbursement, as current law already requires schools to provide, furnish and repair water closets (restrooms) that are available and sufficient for pupil use. It is reasonable to interpret current law to apply to requirements that restrooms be open, clean, operational and supplied with water, soap, toilet paper and a method for hand drying. Therefore, SB 892 does not create a new program or establish a higher level of service and therefore does not create a reimbursable state mandate.

Maintenance of school restrooms is a local responsibility. Because I feel that there is no excuse for schools failing to provide school children with clean functional restrooms, I have also recently signed AB 1124 (Nunez) which specifies that keeping school restrooms fully-functional and in compliance with local public restroom hygiene standards are priorities for the use of school districts' restricted maintenance account and deferred maintenance funding.

I applaud the leadership that Senator Murray and Assembly Member Nunez have provided on the need for clean and functional school restrooms. In championing these measures, they have raised the awareness of this issue both in Sacramento and across the State.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol

October 12, 2003

To the Members of the California Senate:

I am returning **Senate Bill 933** without my signature.

This bill would allow victims who were involuntary repatriation to Mexico from 1929 to 1944, or their heirs or beneficiaries, to sue for

damages incurred as a result of repatriation, so long as the suits are brought prior to December 31, 2006.

Should the State wish to compensate victims of unlawful deportations from the Depression era, private litigation can be inefficient and expensive.

Alternatively, the Legislature could determine how much the taxpayers should pay; create a reparations fund; and then provide an expedited, administrative procedure for processing claims. Such an approach was used by the state to compensate victims of the Cypress Freeway collapse. This would be quicker and less expensive for both taxpayers and plaintiffs.

Cordially,

GRAY DAVIS, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 12, 2003

To the Members of the Senate:

I am signing SB 969 which will:

- Clarify existing law's prohibition against non-licensed, non-certified or non-registered staff from providing telephone medical advice services to consumers

- Clarify that health plans that provide, operate or contract for telephone medical advice must ensure that only individuals licensed, certified or registered provide medical advice to their enrollees and require that no staff use a title or designation when speaking to an enrollee that may cause "a reasonable person" to believe that the staff member is a licensed, certified, or registered health care professional if they, in fact, are not.

- Define the types of activities non-licensed, non-certified or non-registered staff may conduct while responding to enrollees.

- Add Licensed Clinical Social Workers to the list of providers that may provide telephone medical advice services.

I am signing this bill because it will ensure that consumers are not misled into believing they are receiving advice from licensed health care professionals if the individual is not actually licensed as well as expand a health plan's oversight responsibilities by ensuring that only licensed professionals are, in fact, providing medical advice via telephone medical advice service programs.

However, I also want to assure Californians that this bill will not add to the cost of health care. As was made clear by the Legislature during Committee and Floor hearings, this bill will continue to permit health plans to utilize non-licensed staff to schedule medical appointments while at the same time ensuring that enrollees have access to appropriately licensed professionals to address their medical questions.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
October 12, 2003

To the Members of the Senate:

I am signing SB 1075 which requires the Department of Health Services (DHS) to include in web site content or in any breast cancer literature it produces certain information on: 1) breast cancer risk factors in younger women, and 2) alternatives to mammography that may be available and more effective.

Among new alternatives to mammography being studied are breast ultrasound, magnetic resonance imaging, digital mammography, nuclear medicine studies, and computer-aided diagnosis. However, use of these alternatives to mammography for breast cancer screening as a more effective tool is only the subject of research at this time. SB 1075 specifies that such detection alternatives shall be included when they are proven more effective than mammography for younger women and DHS should include them in breast cancer literature only when clinical research proves them to be.

Sincerely,

GRAY DAVIS, Governor

Receipt of Bills

I acknowledge receipt this 10th day of October at 2:20 p.m., of SB 428 and SB 606 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Casey Elliott.

STEPHEN HUMMELT
Assistant Secretary of the Senate

I acknowledge receipt this 12th day of October at 10:44 p.m., of SB 19, SB 83, SB 125, SB 261, SB 278, SB 328, SB 495, SB 556, SB 588, SB 590, SB 605, SB 636, SB 774, and SB 933 without the Governor's signature, together with a statement of his objections thereto, signed by the Governor, delivered to me personally by Pam Oto.

MARLISSA HERNANDEZ
Assistant Secretary of the Senate

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: July 8, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: July 14, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: August 12, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: August 12, 2003, relating to its lifer hearing backlog was received from the Board of Prison Terms and transmitted to the Committee on Public Safety.

A report dated: August 13, 2003, relating to California's Innocence Protection program was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: August 26, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California Energy Commission and transmitted to the Committee on Governmental Organization.

A report dated: August 26, 2003, relating to the Transportation Rate Fund audit was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: August 27, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California Technology, Trade and Commerce Agency and transmitted to the Committee on Governmental Organization.

A report dated: August 29, 2003, relating to water was received from California Bay-Delta Authority and transmitted to the Committee on Agriculture and Water Resources.

A report dated: August 29, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Coastal Conservancy and transmitted to the Committee on Governmental Organization.

A report dated: August 29, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Insurance and transmitted to the Committee on Governmental Organization.

A report dated: August 29, 2003, relating to SB 780 (California Freedom of Access to Clinic and Church Entrances Act and Reproductive Rights Law Enforcement Act) was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A report dated: August 29, 2003, relating to Child Development Contractors' Compliance with Fee and Eligibility Requirements was received from the Department of Education and transmitted to the Committee on Education.

A report dated: September 2, 2003, relating to its Inspection Pilot program was received from the Bureau of Automotive Repair and transmitted to the Committee on Business and Professions.

A report dated: September 2, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: September 2, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Fair Employment and Housing Commission and transmitted to the Committee on Governmental Organization.

A report dated: September 2, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Public Utilities Commission and transmitted to the Committee on Governmental Organization.

An audit report dated: September 3, 2003, relating to the State Treasurer's Office statement of securities accountability as of 12/31/02 was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: September 3, 2003, relating to the Gulf Coast to California Pipeline Feasibility study was received from the California Energy Commission and transmitted to the Committee on Transportation.

An initiative title and summary dated: September 3, 2003, relating to Arbitration. Health Care Disputes. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: September 3, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Emergency Medical Services Authority and transmitted to the Committee on Governmental Organization.

A report dated: September 3, 2003, relating to the Underground Storage Tank program was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

A report dated: September 4, 2003, relating to child care and developmental services was received from the Department of Education and transmitted to the Committee on Education.

Year five and six report dated: September 4, 2003, relating to the Pacific Earthquake Engineering Research Center was received from the Seismic Safety Commission and transmitted to the Committee on Governmental Organization.

A report dated: September 5, 2003, relating to its investment and lending fraud pilot program was received from the Department of Corporations and transmitted to the Committee on Budget and Fiscal Review.

A report dated: September 5, 2003, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Gambling Control Commission and transmitted to the Committee on Governmental Organization.

A report dated: September 5, 2003, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Office of Environmental Health Hazard Assessment and transmitted to the Committee on Governmental Organization.

A report dated: September 8, 2003, 2003, relating to Disabled Veteran Business Enterprise participation was received from the State Teachers Retirement System and transmitted to the Committee on Governmental Organization.

A report dated: September 8, 2003, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Board of Equalization and transmitted to the Committee on Governmental Organization.

A report dated: September 9, 2003, relating to Ethnic/Race/Gender Business Ownership was received from the State Controller and transmitted to the Committee on Business and professions.

A report dated: September 9, 2003, relating to the Probation Services Task Force was received from the Administrative Office of the Courts and the Association of Counties and transmitted to the Committee on Public Safety.

An audit report dated: September 11, 2003, relating to Los Angeles County Department of Health Services' financial capacity to render services to county residents was received from the State Auditor and transmitted to the Committee on Rules.

An audit report dated: September 17, 2003, relating to the California Whistleblower Protection Act, 2/3-6/3 investigations was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: September 18, 2003, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A referendum title and summary dated: September 19, 2003, relating to overturning the immigrant driver's license law was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: September 22, 2003, relating to a Statewide System of School Support for school improvement, expenditure of funds was received from the Department of Education and transmitted to the Committee on Education.

A report dated: September 23, 2003, relating to the National Family Caregiver Support program was received from the Department of Aging and transmitted to the Committee on Health and Human Services.

A second audit report dated: September 24, 2003, relating to the procurement of a single, statewide automated child support system by the Department of Child Support Services, with the Franchise Tax Board acting as its agent was received from State Auditor and transmitted to the Committee on Rules.

A report dated: September 24, 2003, relating to the Pregnant and Parenting Women's Alternative Sentencing Program Act was received from the Department of Corrections and transmitted to the Committee on Public Safety.

The July 2003 report dated: September 24, 2003, relating to the Capitol Area East End Complex was received from the Department of General Services and transmitted to the Committee on Rules.

A report dated: September 26, 2003, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Veterans Affairs and transmitted to the Committee on Governmental Organization.

A report dated: September 26, 2003, relating to agreements and/or contracts between the Department of Child Support Services or local child support agencies and the local district attorneys was received from the Legislative Analyst's Office and transmitted to the Committee on Health and Human Services.

The July 2003 quarterly report dated: September 30, 2003, relating to agency activities was received from the Office of Criminal Justice Planning and transmitted to the Committee on Public Safety.

A report dated: September 30, 2003, relating to Integrated Services for Homeless Adults with Serious Mental Illness was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

An audit report dated: September 30, 2003, relating to the Golden State ScholarShare College Savings Trust and the Governor's Scholarship programs was received from the ScholarShare Investment Board and transmitted to the Committee on Education.

A report dated: October 1, 2003, relating to the Taxpayers' Bill of Rights was received from the Franchise Tax Board and transmitted to the Committee on Revenue and Taxation.

An initiative title and summary dated: October 1, 2003, relating to Sexual Orientation, Status, Conduct or Relationships. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: October 1, 2003, relating to Limits on Class Size. Initiative Constitutional Amendment Amdt.#1-NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: October 1, 2003, relating to Medi-Cal Reimbursement for Telepsychiatry was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

A report dated: October 1, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Real Estate and transmitted to the Committee on Governmental Organization.

A report dated: October 1, 2003, relating to the Toxic Substances Enforcement program was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A report dated: October 1, 2003, relating to appropriation balances was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A referendum title and summary dated: October 2, 2003, relating to a petition to overturn the domestic partner law was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: October 2, 2003, relating to Vertical Prosecution Block Grant distribution was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: October 2, 2003, relating to Juvenile Justice in California was received from the Department of Justice and transmitted to the Committee on Public Safety.

An initiative title and summary dated: October 2, 2003 relating to the Children's Hospital Projects. Grant Program. Bond Act. Initiative Statute, was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: October 2, 2003, relating to the Centers for Complex Civil Litigation Pilot program was received from the Judicial Council of California and transmitted to the Committee on Public Safety.

A report dated: October 3, 2003, relating to groundwater was received from the Department of Water Resources and transmitted to the Committee on Agriculture and Water Resources.

A report dated: October 3, 2003, relating to California's Caregiver Resource Center System was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

A report dated: October 6, 2003, relating to the purchase of goods and services was received from the California Lottery and transmitted to the Committee on Governmental Organization.

A report dated: October 6, 2003, relating to Crisis Intervention for Persons with Developmental Disabilities was received from the Department of Developmental Services and transmitted to the Committee on Health and Human Services.

A report dated: October 7, 2003, relating to Therapeutic Behavioral Services expansion costs was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

An electronic report dated: October 7, 2003, relating to the 250 California special districts with the largest revenues for the FY2001-02 available on the Controller's website was received from the State Controller and transmitted to the Committee on Local Government.

A stakeholder briefing draft dated: October 8, 2003, relating to the California Water Plan was received from the Department of Water Resources and transmitted to the Committee on Agriculture and Water Resources.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE JOURNAL

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IN RECESS
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Senate Chamber, Sacramento
Friday, October 31, 2003

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
October 14, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Tal Finney, Interim Director of the Governor's Office of Planning and Research. Appointed 10/9/03. Effective 11/1/03:

Director, Office of Administrative Law vice Edward G. Heidig, withdrawn from the Senate, term ending 1/7/07.

Michelle M. Lopez, Deputy Legal Affairs Secretary. Appointed 10/9/03. Effective 11/1/03:

Deputy Director, Office of Administrative Law vice John Darwin Smith, resigned, term ending 1/7/07.

Michael Bustamante, Senior Advisor, Governor's Office. Appointed 10/9/03. Effective 11/1/03:

Member, Agricultural Labor Relations Board vice Michael B. Stoker, term expired, term ending 1/1/05.

Daniel Zingale, Deputy Chief of Staff and Cabinet Secretary. Appointed 10/9/03. Effective 11/1/03:

Member, Agricultural Labor Relations Board vice Ivonne Ramos Richardson, term expired. term ending 1/1/07.

- Michael Flores, Secretary of Foreign Affairs. Appointed 10/9/03. Effective 11/1/03:
Member, California Gambling Control Commission, newly created, 97 legislation, term ending 12/31/06.
- Vincent M. Harris, Deputy Chief of Staff. Appointed 10/9/03. Effective 11/1/03:
Member, California Gambling Control Commission vice John E. Hensley, resigned, term ending 12/31/05.
- Frank Quintero, IV, former Chief Deputy Appointments Secretary. Appointed 10/9/03. Effective 11/1/03:
Member, State Personnel Board vice Richard "Bud" Carpenter, resigned, term ending 1/15/11.
- Eric C. Bauman, Special Assistant to the Governor and Director of the Los Angeles Regional Office. Appointed 10/9/03. Effective 11/1/03:
Member, Board of Prison Terms vice Leonard G. Munoz, resigned, term ending 3/15/07.
- Edward Emerson, Director of Advance. Appointed 10/9/03. Effective 11/1/03:
Member, Board of Prison Terms vice David A. Hepburn, term expired, term ending 3/15/06.
- Bill Lloyd, Special Assistant to the Governor and Senate Relations. Appointed 10/9/03. Effective 11/1/03:
Member, Public Employment Relations Board vice Donald A. Jackson, resigned, term ending 12/31/07.
- Ann M. Richardson, Chief Deputy Legislative Secretary. Appointed 10/9/03. Effective 11/1/03:
Member, Public Employment Relations Board vice Antonio C. Amador, term expired, term ending 12/31/06.
- Steven R. Maviglio, Press Secretary to the Governor. Appointed 10/8/03. Effective 11/1/03:
Member, Unemployment Insurance Appeals Board vice Elihu M. Harris withdrawn from the Senate, term ending 1/1/07.
- Nancy E. McFadden, Deputy Chief of Staff and Senior Advisor. Appointed 10/9/03. Effective 11/1/03:
Member, Unemployment Insurance Appeals Board, vice James S. Stockdale, resigned, term ending 7/1/06.
- Yong S. Lee, acupuncturist. Appointed 10/14/03. Effective 10/20/03:
Member, Acupuncture Board vice Lloyd G. Wright, withdrawn from the Senate, term ending 6/1/06.
- Si (Scott) Z. Lin, acupuncturist. Appointed 10/14/03. Effective 10/20/03:
Member, Acupuncture Board vice Howard Moffett, resigned, term ending 6/1/07.

- Jane Boeckmann, President of World Communications. Appointed 10/14/03. Effective 10/20/03:
Member, California Arts Council vice Rosaline George, term expired, term ending 1/1/07.
- Darius Anderson, president and CEO of Platinum Advisors. Appointed 10/14/03. Effective 10/20/03:
Member, State Athletic Commission vice Alvin J. Ducheny, resigned, term ending 6/1/06.
- Narpat Bhandari, management consultant. Appointed 10/14/03. Effective 10/20/03:
Member, Board of Behavioral Sciences, Department of Consumer Affairs vice Nancy O. Livingston, term expired, term ending 6/1/07.
- Pius Lee, President, California Realty & Land, Inc. Appointed 10/14/03. Effective 10/20/03:
Member, Boating and Waterways Commission vice Donald R. Doser, resigned, term ending 1/15/07.
- Joseph T. Rouzan III, Executive Vice President, Los Angeles Brotherhood Crusade. Appointed 10/14/03. Effective 10/20/03:
Member, Board of Corrections, newly created, 2001 Legislation. term ending 1/1/05.
- Stephanie Lewis, Chief Probation Officer. Appointed 10/14/03. Effective 10/20/03:
Member, Board of Corrections vice Linda L. Duffy, resigned, term ending 1/1/04.
- Christine J. Lally, staff assistant to the Appointments Secretary. Appointed 10/14/03. Effective 10/20/03:
Director, California Exposition and State Fair vice Diane S. Johnson, term expired, term ending 1/1/05.
- Willie L. Pelote, served since 3/27/03: moved to another slot on board 10/14/03. Effective 10/20/07:
Director, California Exposition and State Fair vice John L. Growney, resigned, term ending 1/1/07.
- Reginald M. Salvador, assistant Cabinet Secretary for the Governor's Office. Appointed 10/14/03. Effective 10/20/03:
Director, California Exposition and State Fair vice Willie L. Pelote, resigned, term ending 1/1/04.
- Derek "Tony" A. West, attorney. Appointed 10/14/03. Effective 10/20/03:
Member, Board of Directors, Hastings College of the Law vice Blaine E. Pettitt, deceased, term ending 10/20/15.

- Julie I. Bornstein, former director of the Department of Housing and Community Development. Appointed 10/14/03. Effective 10/20/03:
Member, Board of Directors, California Housing Finance Agency vice Kenneth S. Hobbs, resigned, term ending 9/26/07.
- John G. Morris, president John Morris, Inc. Appointed 10/14/03. Effective 10/20/03:
Member, Board of Directors, California Housing Finance Agency, vice Clark Wallace, term expired, term ending 9/26/07.
- Thomas A. Harrison, Executive Vice President for Wells Fargo. Appointed 10/14/03. Effective 10/20/03:
Member, California Housing Partnership Corporation vice Bram Goldsmith, resigned, term ending 1/1/07.
- Toni Atkins, Councilmember, City of San Diego. Appointed 10/14/03. Effective 10/20/03:
Member, California Housing Partnership Corporation vice Daryl W. Sweeney, resigned, term ending 1/1/04.
- C. Hugh Friedman, serves on the Air Resources Board. Appointed 10/14/03. Effective 10/20/03:
Member, California Law Revision Commission vice Julia Sylva, resigned, term ending 10/1/07.
- Victor G. Bucher, accountant. Appointed 10/14/03. Effective 10/20/03:
Member, California Lottery Commission vice Daniel E. Apodaca, resigned, term ending 11/6/06.
- Richard W. Figueroa, a deputy legislative secretary, Governor's Office. Appointed 10/14/03. Effective 10/20/03:
Member, Managed Risk Medical Insurance Board vice John L. Geesman, resigned, term ending four years from date of second commission.
- Adam Pines, attorney. Appointed 10/14/03. Effective 10/20/03:
Member, Medical Board of California, Division of Licensing vice Bruce Henry Hasenkamp, term expired, term ending 6/1/04.
- Mary Lou Villar, Administrative Law Judge. Appointed 10/14/03. Effective 10/20/03
Member, Medical Board of California, Division of Medical Quality, newly created, 2002 legislation, term ending 6/1/06.
- Michael H. McGowan, Yolo County Supervisor. Appointed 10/14/03. Effective 10/20/03.
Member, Commission on State Mandates vice David Rosenberg, resigned, term ending four years from date of second commission.

- Joseph R. Benitez, Tribal Elder, the Cabazon Band of Mission Indians. Appointed 10/14/03. Effective 10/20/03:
Member, Native American Heritage Commission vice William R. Callaway, deceased, term ending at the pleasure of the Governor.
- Marilyn J. Delgado, Director, Office of American Indian Coordinator. Appointed 10/14/03. Effective 10/20/03:
Member, Native American Heritage Commission vice Priscilla R. Hunter, removed by board, term ending at the pleasure of the Governor.
- Mary Ann E. Martin Andeas, Tribal Council Woman, the Morongo Band of Mission Indians. Appointed 10/14/03. Effective 10/20/03:
Member, Native American Heritage Commission vice Kenneth Ray Gilbert, term ending at the pleasure of the Governor.
- Danny J. Bakewell, president and CEO, Los Angeles Brotherhood Crusade. Appointed 10/14/03. Effective 10/20/03:
Member, State Park and Recreation Commission vice William A. Newsom, resigned, term ending 1/15/06.
- Kamran Sahabi, president, Sahabi Dental Corporation. Appointed 10/14/03. Effective 10/20/03:
Member, State Park and Recreation Commission vice Eugene J. La Pietra, resigned, term ending 1/15/05.
- Arthur Kassel, trustee, Tichi Wilkerson Kassel Trust. Appointed 10/14/03. Effective 10/20/03.
Member, Commission on Peace Officer Standards and Training vice W. Collene Campbell, withdrawn from the Senate, term ending 9/18/04.
- Richard W. McKee, a Dean, American River College. Appointed 10/14/03. Effective 10/20/03:
Member, Commission on Peace Officer Standards and Training vice Rana Sampson, term expired, term ending 9/18/06.
- David A. Solaro, an El Dorado County Board of Supervisors. Appointed 10/14/03. Effective 10/20/03:
Member, Commission on Peace Officer Standards and Training vice Barbara G. Warden, withdrawn from the Senate, term ending 9/18/06.
- Roy Wasden, Chief of Police, City of Modesto. Appointed 10/14/03. Effective 10/20/03:
Member, Commission on Peace Officer Standards and Training vice Robert Paul Blankenship, withdrawn from the Senate, term ending 9/18/04.

- Les Weidman, Sheriff-Coroner for Stanislaus County. Appointed 10/14/03. Effective 10/20/03:
Member, Commission on Peace Officer Standards and Training vice Laurie R. Smith, term expired, term ending 9/18/06.
- Roy Dehbi, CEO, Dehbi & Associates. Appointed 10/14/03. Effective 10/20/03:
Member of the Seismic Safety Commission vice Ashok S. Patwardhan, term expired, term ending 5/15/07.
- Farhang Ostadan, soils engineer. Appointed 10/14/03. Effective 10/20/03:
Member of the Seismic Safety Commission vice Jerry C. Chang, term expired, term ending 5/15/05.
- Frances E. Winslow, Director of Emergency Services, City of San Jose. Appointed 10/14/03. Effective 10/20/03:
Member of the Seismic Safety Commission vice Douglas E. Mochizuki, term expired, term ending 5/15/07.
- Peter R. Aguilar, Director of the Inland Empire District Office for the Governor. Appointed 10/14/03. Effective 10/20/03:
Member, Southwestern Low-Level Radioactive Waste Commission vice William Wesley Otterson, deceased, term ending at the pleasure of the Governor.
- Allen H. Sumner, Chief Deputy Legal Affairs Secretary, Governor's Office. Appointed 10/14/03. Effective 10/20/03:
Member, Southwestern Low-Level Radioactive Waste Commission vice James Gary Peterson, withdrawn from the Senate, term ending at the pleasure of the Governor.
- Jacob Ari Swiller, a partner in Hydrogen Now. Appointed 10/14/03. Effective 10/20/03:
Member, California Transportation Commission vice John R. Lawson, term expired, term ending 2/1/07.
- Helen L. Doherty, teacher. Appointed 10/14/03. Effective 10/20/03:
Member, Commission on Teacher Credentialing vice Patricia Ann Kuhn, not confirmed, term ending 11/20/05.
- Hilary McLean, Chief Deputy Press Secretary, Governor's Office. Appointed 10/14/03. Effective 10/20/03:
Member, Commission on Teacher Credentialing vice Helen Elizabeth Lee, term expired, term ending 11/20/05.
- Silvia Saucedo, attorney. Appointed 10/14/03. Effective 10/20/03:
Member, Teachers' Retirement Board vice George W. Fenimore, term expired, term ending 12/31/03.

Susan Meisenhelder, Professor of English. Appointed 10/14/03. Effective 10/20/03:

Member, Trustees of the California State University vice Michael D. Stennis, term expired, term ending 3/1/08.

William R. Shadish, retired M.D. Appointed 10/14/03. Effective 10/20/03.

Member, California Veterans Board vice John L. Fitzke, term expired, term ending 11/15/06.

Herbert A. Medina, served since 4/28/00; reappointed 10/14/03. Effective 10/20/03:

Member, Western Interstate Commission for Higher Education, term ending 10/12/07.

Ronald W. Wong, Chairman, Imprenta Communications Group. Appointed 10/14/03. Effective 10/20/03:

Member, California Regional Water Quality Control Board, Los Angeles Region vice Susan M. Cloke, term expired, term ending 9/18/07.

Christopher J. Neary, an attorney. appointed 10/14/03. Effective 10/20/03:

Member, California Regional Water Quality Control Board, North Coastal Region vice John R. Selvage, not confirmed, term ending 9/30/06.

Josie L. Calderon, president, Consultant Services. Appointed 10/14/03. Effective 10/20/03:

Member, California Regional Water Quality Control Board, San Diego Region vice Laurie J. Black, term expired, term ending 9/30/07.

Sukhee Kang, president, Stride Rite Stores. Appointed 10/14/03. Effective 10/20/03:

Member, California Regional Water Quality Control Board, Santa Ana Region vice Frank L. Williams, term expired, term ending 9/30/07.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 15, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Susan Meisenhelder

Member,
Trustees of the California State University

Ronald W. Wong Member,
California Regional Water Quality Control
Board, Los Angeles Region

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
October 15, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Philip Recht, attorney. Appointed 10/15/03. Effective 10/20/03:
Member, California State Lottery Commission vice David
Rosenberg, resigned, term ending 11/6/06.

Daniel F. Crowley, attorney. Appointed 10/15/03. Effective 10/20/03:
Member, California Regional Water Quality Control Board, North
Coastal Region vice John R. Giorgi, withdrawn from the Senate,
term ending 9/30/04.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 15, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Josie L. Calderon California Regional Water Quality Control
Board San Diego Region

Edward Emerson Member, Board of Prison Terms

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
October 15, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent.

I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Susan Meisenhelder, Ed.D., Professor of English. Appointed 10/14/03. Effective 10/20/03:

Member, Trustees of the California State University vice Michael D. Stennis, term expired, term ending 3/1/08.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol
October 17, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Thomas Harrison California Housing Partnership Corporation

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
October 20, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Narpat Bhandari Member, Board of Behavioral Sciences
Kamran Sahabi Member,
Parks and Recreation Commission
Herbert A. Medina Member, Western Interstate Commission
for Higher Education

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
October 21, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and

consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Jay Hansen, Political and Legislative Director for the State Building and Construction Trades of California. Appointed 10/21/03. Effective 10/22/03:

Member, California Housing Partnership Corporation vice Bram Goldsmith, resigned, term ending 1/1/07.

A. David Sickler, Regional Director for the State Building and Construction Trades Council of California. Appointed 10/21/03. Effective 10/22/03:

Member, Commission on State Mandates vice Albert P. Beltrami, term expired, term ending four years from date of second commission.

Victor M. Sim, an attorney. Appointed 10/21/03. Effective 10/22/03:

Member, California Regional Water Quality Control Board, Los Angeles Region vice Susan M. Cloke, term expired, term ending 9/30/07.

Dr. Anne A. Sturz, a professor of Marine Sciences and Environmental Studies. Appointed 10/21/03. Effective 10/22/03:

Member, California Regional Water Quality Control Board, San Diego Region vice Laurie J. Black, term expired, term ending 9/30/07.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 21, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Fritz L. Duda, President of Fritz Duda Company. Appointed 10/20/03. Effective 10/21/03:

Member, Board of Directors, Hastings College of the Law vice Jackson LeRoy Schultz, withdrawn from the Senate, term ending 10/21/15

Verah L. Bradford, an attorney. Appointed 10/20/03. Effective 10/21/03:
Member, Commission on Teacher Credentialing vice Carol
Katzman, resigned, term ending 11/20/04.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 21, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Michael S. Brockman, served since 4/25/02; reappointed 11/7/03.
Effective 11/7/03:

Member, California State Lottery Commission, term ending
11/6/08.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol
October 22, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Jay Hansen

Member,
California Housing Partnership Corp.

William Wachob

Member, Youthful Offender Parole Board

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
October 22, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Henry Lozano, consultant. Appointed 10/21/03. Effective 10/22/03:

Member, Contractors' State License Board, Department of Consumer Affairs vice Pablo Jose Wong, withdrawn from the Senate, term ending 6/1/06.

Jay Hansen, Political and Legislative Director, State Building and Construction Trades Council, AFL-CIO. Appointed 10/22/03. Effective 10/23/03:

Member, Board of Directors, California Housing Finance Agency, vice Carrie Agnes Hawkins, term expired, term ending 9/26/07.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 24, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

C. Michael Cooney, served since 1/19/00; reappointed 11/1/03. Effective 11/3/03:

Member, Student Aid Commission, term ending 10/30/07.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol
October 29, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Joseph M. Breall, attorney. Appointed 10/29/03. Effective 10/30/03:

Member, Board of Behavioral Sciences, Department of Consumer Affairs vice Nancy O. Livingston, term expired, term ending 6/1/07.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol
October 31, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Lea Ann Chrones, former Chief Deputy Warden at Corcoran. Appointed 10/30/03. Effective 10/30/03:

Warden, North Kern State Prison at Delano vice Richard E. Early, retired term ending at the pleasure of the Director of Corrections.

James A. Yates, formerly with the California Substance Abuse Treatment Facility. Appointed 10/30/03. Effective 10/30/03:

Warden, Pleasant Valley State Prison, Department of Corrections vice Donna G. Lewis, retired, term ending at the pleasure of the Director of Corrections.

John C. Marshall, formerly (Acting) Warden North Kern State Prison. Appointed 10/30/03. Effective 10/30/03:

Warden, California Men's Colony, Department of Corrections vice William A. Duncan, II, resigned, term ending at the pleasure of the Director of Corrections.

Jose R. Solis former Chief Deputy Warden at Correctional Training Facility—Soledad. Appointed 10/30/03. Effective 10/30/03:

Warden, Correctional Training Facility, Department of Corrections vice James W. Hamlet, resigned, term ending at the pleasure of the Director of Corrections.

William J. Sullivan, former Chief Deputy Warden at the California Correctional Institution. Appointed 10/30/03. Effective 10/31/03:

Warden, California Correctional Institution at Tehachapi, Department of Corrections vice Arthur Calderon, not confirmed, term ending at the pleasure of the Director of Corrections.

Pat L. Vazquez, former Chief Deputy Warden at California Correctional Institution. Appointed 10/30/03. Effective 10/31/03:

Warden, California State Prison at Wasco, Department of Corrections vice Randolph L. Candelaria, retired, term ending at the pleasure of the Director of the Department of Corrections.

Above appointments referred to the Committee on Rules.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

An initiative title and summary dated: October 6, 2003, relating to election primaries. Initiative constitutional amendment and statute was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: October 6, 2003, relating to state revenue and expenditures. Initiative statute was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: October 6, 2003, relating to preferential voting. Term of office. Initiative constitutional amendment was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: October 9, 2003, relating to special repair projects was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: October 9, 2003, relating to desalination was received from the Department of Water Resources and transmitted to the Committee on Agriculture and Water Resources.

A report dated: October 14, 2003, relating to the Commercial Salmon Trollers Enhancement and Restoration program was received from the Department of Fish and Game and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: October 14, 2003, relating to new public school design practices was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: October 15, 2003, relating to the state mandate process and local entity claims submitted under the Peace Officers Procedural Bill of Rights and animal adoption mandates was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: October 15, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California Unemployment Insurance Appeals Board and transmitted to the Committee on Governmental Organization.

A report dated: October 15, 2003, relating to FY 2002–03 financial statements was received from the California Lottery Commission and transmitted to the Committee on Governmental Organization.

An initiative title and summary dated: October 16, 2003, relating to mental health services expansion funding. Tax on income over \$1 million. Initiative statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: October 17, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Education and transmitted to the Committee on Governmental Organization.

A report dated: October 17, 2003, relating to Megan's Law was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: October 17, 2003, relating to the Z'berg-Nejedly Forest Practices Act was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: October 20, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Stephen P. Teale Data Center and transmitted to the Committee on Governmental Organization.

A report dated: October 21, 2003, relating to the Consolidated Special Interest Plate program was received from the Department of Motor Vehicles and transmitted to the Committee on Transportation.

A referendum title and summary dated: October 21, 2003, relating to a petition to overturn amendments to health care coverage requirements was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: October 21, 2003, relating to the California Preliminary Credential program was received from the Commission on Teacher Credentialing and transmitted to the Committee on Education.

A qualified initiative dated: October 23, 2003, relating to State Budget, related taxes, and reserve. Voting requirements. Penalties. Initiative Constitutional Amendment and Statute was received from the Secretary of State and transmitted to the Committee on Rules.

A report dated: October 24, 2003, relating to use of design—built for K–12 school construction was received from the Legislative Analyst's Office and transmitted to the Committee on Education.

The September 2003 report dated: October 2003, relating to implementation of budget actions was received from the California Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report relating to Implementing public authorities and non-profit consortia to deliver in-home supportive services was received from the Department of Social Services and transmitted to the Committee on Health and Human Services.

A report relating to Medi-Cal reimbursement for telepsychiatry services was received from the Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE JOURNAL

—
IN RECESS
—

Senate Chamber, Sacramento
Sunday, November 30, 2003

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
November 3, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Willie L. Pelote	Director, California Exposition and State Fair
Reginald M. Salvadore	Director, California Exposition and State Fair

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
November 5, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Lon S. Hatamiya, Secretary, Technology, Trade and Commerce Agency.
Appointed 11/5/03. Effective 11/14/03:
Member, California State Lottery Commission vice Philip Recht,
withdrawn from the Senate, term ending 11/6/06.

Maria L. Contreras-Sweet, Secretary, Business, Transportation and Housing Agency. Appointed 11/5/03. Effective 11/14/03:

Member, Trustees of the California State University vice Susan Meisenhelder, withdrawn from the Senate, term ending 3/1/08.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
November 5, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Philip Recht	Member, California Lottery Commission
Susan Meisenhelder	Member, Trustees of the California State University

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
November 6, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Robert C. Hight	Commissioner, Pacific States Marine Fisheries Commission
Allen H. Sumner	Member, Southwestern Low-Level Radioactive Waste Commission

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
November 12, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation.

Ann M. Richardson	Member, Public Employment Relations Board
Nancy E. McFadden	Member, Unemployment Insurance Appeals Board

Sincerely,

GRAY DAVIS, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
November 12, 2003

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to an office which is by law to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

GRAY DAVIS, Governor

Ann M. Richardson, former Chief Deputy Legislative Affairs Secretary for the Governor. Appointed 11/7/03. Effective 11/7/03:

Member, Unemployment Insurance Appeals Board vice Nancy McFadden, withdrawn from the Senate, term ending 7/1/06.

Above appointment referred to the Committee on Rules.

Governor's Office, State Capitol
November 14, 2003

To the Members of the Senate:

In accordance with the provisions of Article V, section 8(b), of the California Constitution, submitted herewith is a report of the review and actions pursuant to Penal Code sections 3041.1 and 3041.2 on parole decisions involving persons sentenced to indeterminate terms. The report is for the period January 1, 2003 to and including November 14, 2003.

Sincerely,

GRAY DAVIS, Governor

Governor's Office, State Capitol
November 17, 2003

To the Senate of the State of California:

I hereby respectfully withdraw from consideration the nomination of the following appointees heretofore submitted and now before your honorable body for confirmation:

Jennifer Elaine Adams-Brooks: Water Quality Control Board, San Diego Region

Peter R. Aguilar: Low-Level Radioactive Waste Commission, Southwestern

Dede Alpert: Pacific States Marine Fisheries Commission

Eric Theodore Anderson: Water Quality Control Board, San Diego Region

Darius William Anderson: Athletic Commission, State

Toni G. Atkins: Housing Partnership Corporation, California

Danny Joseph Bakewell, Jr.: Park and Recreation Commission, State

Alan Wayne Barcelona: Peace Officer Standards and Training, Commission on

Martin Neil Basch: Pacific States Marine Fisheries Commission

Eric Carl Bauman: Prison Terms, Board of
Joseph Robert Mike Benitez: Native American Heritage Commission
Ashok Kumar Bhatt: Water Commission, California
Laurie Jill Black: Community Colleges, Board of Governors of
Julie Ilene Bornstein: Housing Finance Agency, CA, Board of
Steven Harrison Brackett: Youthful Offender Parole Board
Verah Leona Bradford: Teacher Credentialing, Commission on
Joseph Michael Breall: Behavioral Sciences, State Board of
Michael S. Brockman: Lottery Commission, California
Victor George Bucher: Lottery Commission, California
Susan K. Burr: Education Comm, CA Quality
Dorothy Chu: Education Comm, CA Quality
Maria L. Contreras-Sweet: University, Trustees of the California State
Joyce G. Cook: Law Revision Commission, California
C. Michael Cooney: Student Aid Commission
Daniel Francis Crowley: Water Quality Control Board, North Coastal
Region
Roy Dehbibi: Seismic Safety Commission
Marilyn J. Delgado: Native American Heritage Commission
Helen L. Doherty: Teacher Credentialing, Commission on
Patrick James Dorais: Automotive Repair, Chief of the Bureau of
Fritz Lee Duda: Hastings College of the Law, Board of Directors
Tal Finney: Administrative Law, Director of Office of
Michael Flores: Gambling Control Commission
C. Hugh Friedman: Law Revision Commission, California
Dr. Hubert Thornton Greenway: Medical Board of CA
Dr. Anita Grier: Community Colleges, Board of Governors of
Melinda Frances Guzman-Moore: Community Colleges, Board of
Governors of
Jay Craig Hansen: Housing Finance Agency, CA, Board of
Shawn Patrick Harmon: Water Quality Control Board, North Coastal
Region
Kenneth J. Harrington: Court Administrator, Division of Workers'
Compensation
Vincent Meredith Harris: Gambling Control Commission
Lon Shoso Hatamiya: Lottery Commission, California
John Hideyo Hayashi: Water Quality Control Board, Central Coastal
Region
William Eugene Hedrick: Education Comm, CA Quality
David Huebner: Law Revision Commission, California
Alice A. Huffman: University, Trustees of the California State
Fahari Jeffers: Community Colleges, Board of Governors of
Sukhee Kang: Water Quality Control Board, Santa Ana Region
Arthur Michael Kassel: Peace Officer Standards and Training,
Commission on
Carol Sinn Katzman: Education, State Board of
Desiree Icaza Kellogg: Law Revision Commission, California

Christine Joanne Lally: Exposition & State Fair, Bd. of Directors,
Pius Siu-Cheung Lee: Boating and Waterways Commission
Dr. Yong Sup Lee: Acupuncture Board
Stephanie W. Lewis: Corrections, Board of
Si (Scott) Zhe Lin: Acupuncture Board
Bill A. Lloyd: Public Employment Relations Bd
Michelle Mitchell Lopez: Administrative Law, Deputy Director of
Henry Lozano: Contractors' State License Board
Helen Rose Mars: Fair Employment and Housing Commission
Mary Ann Eileen Martin Andreas: Native American Heritage
Commission
Michael H. McGowan: State Mandates, Commission on
Richard W. McKee: Peace Officer Standards and Training,
Commission on
Hilary McLean: Teacher Credentialing, Commission on
Franklin Delano Miramontes: Independent System Operator Govn Bd
John Gilbert Morris: Housing Finance Agency, CA, Board of
Christopher James Neary: Water Quality Control Board, North Coastal
Region
Farhang Ostadan: Seismic Safety Commission
Alice Shirvanian Petrossian: Education Comm, CA Quality
Adam Pines: Medical Board of CA
Miguel Angel Pulido: Teacher's Retirement Board, State
Frank Quintero, IV: Personnel Board, State
Claudette Laurie Roberts: Water Quality Control Board, Lahontan
Region
Luis Javier Rodriguez: Education, State Board of
Joseph Theodore Rouzan III: Corrections, Board of
Mark Charles Salvaggio: Water Quality Control Board, Central Valley
Region
Silvia Saucedo: Teacher's Retirement Board, State
Dr. William Raymond Shadish, M.D.: Veterans Board, California
A. David Sickler: State Mandates, Commission on
Victor M. Sim: Water Quality Control Board, Los Angeles Region
David Alan Solaro: Peace Officer Standards and Training,
Brenda Allyson Soulliere: Water Quality Control Board, Colorado River
Basin Region
Virginia Ruth Strom-Martin: Education Comm, CA Quality
Dr. Anne Aleda Sturz: Water Quality Control Board, San Diego Region
Jacob Aryeh Swiller: Transportation Commission, California
Marina I. Torres: Education Comm, CA Quality
Stanley Matthew Toy, Jr.: University, Trustees of the California State
Richard L. Verches: Education Comm, CA Quality
Mary Lou Villar: Medical Board of CA
Roy William Wasden: Peace Officer Standards and Training,
Commission on
Curtis L. Washington: Education, State Board of

Leslie Paul Weidman: Peace Officer Standards and Training, Commission on
 Daniel Weinstein: University, Trustees of the California State
 Frances Edwards Winslow: Seismic Safety Commission
 Ronald Wayne Wong: Community Colleges, Board of Governors of
 Nancy Sue Wright: Water Quality Control Board, Colorado River Basin
 Region
 Dr. Felix C. Yip: Medical Board of CA
 Milton M. Younger: University, Trustees of the California State
 Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
 November 18, 2003

To the Members of the Senate:

Dear Senators: I hereby designate Richard Costigan, Cynthia Bryant, Pamela Oto, and Jamey Tak on my staff who may sign for enrolled bills pursuant to Section 9509 of the Government Code.

Thank you for your attention to this matter.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, September 22, 2003

Mr. President: The Senate Rules Committee has appointed Senator Alarcón to serve as Co-Chair of the Joint Committee to Develop a Master Plan to End Poverty in California (Res. Ch. 117, Statutes of 2003).

BURTON, Chair

State Capitol, November 10, 2003

Mr. President: The Senate Rules Committee has created a Select Committee on Perchlorate Contamination and appointed Senator Soto to serve as Chair.

The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Nancy McFadden of Sacramento as a member of the California Medical Assistance Commission to serve for a term ending January 1, 2006.

Appointed Mr. Angelo Quaranta of San Francisco as a member of the Contractors' State License Board to serve for a term ending June 1, 2007.

BURTON, Chair

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: September 22, 2003, relating to legislation necessary to maintain the codes was received from the Legislative Counsel of California and transmitted to the Committee on Judiciary.

A report dated: October 22, 2003, relating to race, ethnicity, and gender in contracting and procurement was received from the Department of Corrections and transmitted to the Committee on Budget and Fiscal Review.

A report dated: October 27, 2003, relating to race, ethnicity, and gender in contracting was received from the Department of Managed Health Care and transmitted to the Committee on Budget and Fiscal Review.

A report dated: October 27, 2003, relating to contracting and consulting services was received from the Department of Corrections and transmitted to the Committee on Governmental Organization.

A report dated: October 27, 2003, relating to fee reduction impact on the State Corporations Fund was received from the Department of Corporations and transmitted to the Committee on Budget and Fiscal Review.

A report dated: October 27, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Motor Vehicles and transmitted to the Committee on Governmental Organization.

A report dated: October 30, 2003, relating to dynamic pricing in California was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: October 30, 2003, relating to penalties paid in excess of \$1000.00 was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: October 30, 2003, relating to beach safety/water quality monitoring was received from the Department of Health Services and transmitted to the Committee on Budget and Fiscal Review.

A report dated: October 30, 2003, relating to 2003 surplus proprietary lands was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

The July 2003 third quarterly report dated: October 31, 2003, relating to the renewable energy program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: October 31, 2003, relating to FY02–03 consultant services contracts was received from the Department of Education and transmitted to the Committee on Governmental Organization.

A report dated: October 31, 2003, relating to the Gang, Crime, and Violence Prevention Partnership program was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: October 31, 2003, relating to waiver activity from 1/2001–12/2002 was received from the Department of Education and transmitted to the Committee on Education.

A report dated: October 2003, relating to the Non-Industrial Timber Management Plan process was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: November 3, 2003, relating to energy projects was received from the Department of General Services and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: November 5, 2003, relating to consulting services was received from the Department of Corrections and transmitted to the Committee on Governmental Organization.

An audit report dated: November 6, 2003, relating to the state's oversight of categorical programs was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: November 6, 2003, relating to adjustments in the Special Education Funding Model was received from the Department of Education and transmitted to the Committee on Education.

A report dated: November 6, 2003, relating to crime in California in 2002 was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: November 10, 2003, relating to the 2000–01 Student Expense and Resources Survey was received from the Student Aid Commission and transmitted to the Committee on Education.

A report dated: November 10, 2003, relating to the Department of Transportation's Storm Water Management program was received from the Department of Finance and transmitted to the Committee on Budget and Fiscal Review.

A report dated: November 10, 2003, relating to project savings was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: November 12, 2003, relating to the FY 2003-04 Strategic Plan was received from the Employment Training Panel and transmitted to the Committee on Labor and Industrial Relations.

The September third quarter report dated: November 12, 2003, relating to Hazardous Waste Fee Revenue was received from the State Board of Equalization and transmitted to the Committee on Budget and Fiscal Review.

An initiative title and summary dated: November 12, 2003, relating to parental notification prior to termination of minor's pregnancy. Initiative Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: November 13, 2003, relating to the Underground Storage Tank Cleanup Fund program was received from the State Water Resources Control Board and transmitted to the Committee on Budget and Fiscal Review.

A report dated: November 14, 2003, relating to environmental goals and policy was received from the Governors Office of Planning and Research and transmitted to the Committee on Governmental Organization.

An extension request dated: November 14, 2003, relating to case load information was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: November 14, 2003, relating to the regulatory steps necessary to protect and conserve wetlands that are not subject to the federal Clean Water Act was received from the State Water Resources Control Board and transmitted to the Committee on Budget and Fiscal Review.

Ballot Titles, Summaries and Labels for the March 2, 2004 Primary Election Ballot dated: November 14, 2003, relating to proposition 55 and 56 were received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: November 14, 2003, relating to beach posting and closure data was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

A report dated: November 14, 2003, relating to indicators for measuring bacterial contamination in coastal waters was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

An Initiative Title and Summary dated: November 14, 2003, relating to Emergency and Medical Services. Funding. Telephone Surcharge. Initiative Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: November 14, 2003, relating to estimated proposition 98 savings available for revision by June 2004 was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

A report dated: November 14, 2003, relating to administrative civil liability assessments for 2001 was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

A report dated: November 14, 2003, relating to the Storm Water Enforcement Act of 1998 was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

A report dated: November 17, 2003, relating to nonpoint source pollution was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

A report dated: November 18, 2003, relating to the strategic plan for an aging population was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

A report dated: November 18, 2003, relating to consulting contracts was received from the Department of Mental Health and transmitted to the Committee on Governmental Organization.

An Initiative Title and Summary dated: November 18, 2003, relating to Campaign Financing. Oil Severance Tax. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report relating to consulting services was received from the Department of Managed Health Care and transmitted to the Committee on Governmental Organization.

A report relating to forest and rangeland research in California was received from the Department of Forestry and Fire Protection and transmitted to the Committee on Natural Resources and Wildlife.

A report relating to statutory reporting requirements was received from the California Housing Finance Agency and transmitted to the Committee on Housing and Community Development.

Senate Rules Committee
Sacramento, November 28, 2003

Mr. Greg Schmidt
Secretary of the Senate

Dear Mr. Schmidt: Pursuant to Section 9131 of the Government Code, the Senate Committee on Rules submits the attached report to the public on the expenditures made from the Senate Operating Fund for the period ending November 30, 2002.

Sincerely,

LINDA L. STARR
Director of Accounting

California State Senate
Report of the Senate Rules Committee
Summary of Expenditures Paid from Senate Operating Fund

12/01/2001 – 11/30/2002

99/99/2000 – 99/99/2000

Cost Category	Total Expenditures	Members	Committee & Research	Caucus & Floor Leaders	Gen Overhead and Support Services
Employee Salaries & Benefits	67,162,572 84	23,155,716 55	22,854,694 22	2,927,759 06	18,224,403 01
Member Travel & Living IN	115,387 61	115,387 61	00	00	00
Member Travel & Living OUT	98,358 75	98,358 75	00	00	00
Member Travel – Session	124,574 68	124,574 68	00	00	00
Employee Travel – Per Diem	649,952 41	311,956 76	159,804 41	34,482 65	143,708 59
Automobile Expense	581,676 44	396,062 39	19,961 61	2,202 75	163,449 69
Automobile Repairs	133,045 46	43,346 52	00	00	89,698 94
Building Expense	1,486,385 47	1,333,720 90	17 00	00	152,647 57
Office Alterations	330 56	00	00	00	330 56
Telephone	705,510 63	415,378 83	71,266 99	15,331 90	203,532 91
Postage	846,057 35	287,465 50	14,155 85	171,552 35	372,883 65
Freight	91,053 89	77,768 69	3,864 01	1,419 55	8,001 64
Office Supplies	159,138 95	86,282 46	19,573 88	9,430 02	43,852 59
Printing & Duplicating	484,321 68	644,956 84	271,054 84	84,302 45	-515,992 45
Publications	109,047 09	71,068 18	18,867 43	3,128 88	15,982 60
Equipment & Furnishings	497,289 81	17,027 03	1,002 79	1,968 28	477,291 71
Study Contracts	721,992 46	960 00	232,613 16	00	488,419 30
Meals	106,632 54	00	00	00	106,632 54
Ceremonies and Events	32,747 05	00	00	00	32,747 05
Miscellaneous	768,731 13	205,174 95	32,628 20	21,595 21	509,332 77
TOTAL Accounting					
Year-to-Date:	74,874,806 80	27,385,206 64	23,699,504 39	3,273,173 10	20,516,922 67

Senate Operating Fund
AB23 Summary of Expenditures for Members' Offices
Accounting Year Expenditures

12/01/2001 – 11/30/2002

Office	Total Expenditures (All Funds)	Session Per Diem (Gen Fund)	Total Expenditures Operating Fund	Employee Salaries & Benefits	Member's Travel IN	Member's Travel OUT
Senator Dick Ackerman	598,584.48	22,627.00	575,957.48	482,623.60	4,100.11	2,014.26
Senator Richard Alarcon	714,254.50	23,232.00	691,022.50	599,519.57	4,972.97	2,531.02
Senator Dede Alpert	555,364.77	23,353.00	532,011.77	431,013.89	3,210.23	1,653.99
Senator Jim Battin	709,056.36	23,232.00	685,824.36	566,705.26	8,123.00	674.00
Senator Debra Bowen	655,049.85	23,232.00	631,817.85	537,055.34	5,007.89	12,718.33
Senator James L. Brulte	737,079.08	23,474.00	713,605.08	607,444.35	3,564.25	.00
Senator John Burton	829,094.22	25,047.00	804,047.22	725,827.86	12,742.49	1,157.00
Senator Wesley Chesbro	816,883.68	23,232.00	793,651.68	661,145.79	1,419.90	1,878.23
Senator Jim Costa	779,196.12	23,111.00	756,085.12	648,506.25	6,020.86	6,762.38
Senator Joe Dunn	639,696.67	23,111.00	616,585.67	489,047.01	5,288.60	3,207.08
Senator Martha M. Escutia	760,637.97	23,232.00	737,405.97	578,749.78	2,131.00	2,730.76
Senator Liz Figueroa	678,567.50	23,232.00	655,335.50	560,484.00	4,193.68	2,619.70
Senator Ray Haynes	827,924.41	23,232.00	804,692.41	634,969.35	8,390.00	1,216.94
Senator Maurice Johannessen	823,898.15	23,232.00	800,666.15	721,684.72	121.00	3,422.80
Senator Ross Johnson	605,331.92	24,805.00	580,526.92	505,706.24	1,610.28	.00
Senator Betty Karnette	605,345.34	23,232.00	582,113.34	441,368.96	2,073.00	9,462.41
Senator William "Pete" Knight	695,768.59	23,232.00	672,536.59	592,082.21	1,113.54	1,976.69
Senator Sheila James Kuehl	728,293.75	22,748.00	705,545.75	576,290.85	1,757.22	.00
Senator Mike Machado	776,536.09	23,232.00	753,304.09	688,186.36	1,967.60	2,913.82
Senator Bob Margett	682,871.64	23,232.00	659,639.64	564,812.79	397.00	616.42
Senator Tom McClintock	651,844.42	23,111.00	628,733.42	568,555.54	746.00	.00
Senator Bruce McPherson	702,140.65	22,022.00	680,118.65	559,061.98	455.80	1,655.95
Senator Dick Monteith	733,824.39	22,627.00	711,197.39	607,811.08	102.14	2,081.47
Senator Bill Morrow	785,788.13	23,232.00	762,556.13	648,207.61	2,517.61	.00
Senator Kevin Murray	714,573.72	23,232.00	691,341.72	510,424.07	3,132.00	13,971.94
Senator Jack O'Connell	750,633.13	23,232.00	727,401.13	610,079.50	3,892.25	.00
Senator Thomas "Rico" Oller	815,824.10	23,232.00	792,592.10	692,830.19	847.00	1,940.42
Senator Deborah V. Ortiz	688,185.74	.00	688,185.74	559,565.34	2,981.14	3,801.23
Senator Steve Peace	690,303.28	23,353.00	666,950.28	570,497.99	1,444.00	1,617.55
Senator Don Perata	637,961.82	23,232.00	614,729.82	563,859.37	459.50	.00
Senator Richard G. Polanco	582,100.75	23,232.00	558,868.75	480,657.89	8,142.25	2,725.27
Senator Charles Poochigian	740,192.18	23,232.00	716,960.18	612,603.56	753.50	.00
Senator Gloria Romero	708,815.22	23,232.00	685,583.22	567,564.44	2,285.90	1,360.14
Senator Jack Scott	668,370.80	23,232.00	645,138.80	521,220.35	1,263.60	3,259.96
Senator Byron D. Sher	563,339.13	23,232.00	540,107.13	452,490.57	363.00	.00
Senator Nell Soto	774,910.43	23,232.00	751,678.43	612,698.40	1,601.00	4,824.19
Senator Jackie Speier	748,406.72	22,627.00	725,779.72	596,543.88	1,880.50	205.00
Senator Tom Torlakson	781,409.31	23,232.00	758,177.31	630,104.67	3,311.92	578.30
Senator John Vasconcellos	622,440.45	22,869.00	599,571.45	557,305.36	2,098.50	2,781.50
Senator Edward Vincent	708,663.18	22,869.00	685,794.18	620,410.58	803.66	.00
Retired Member Offices	1,366.00	.00	1,366.00	.00	.00	.00
TOTAL Accounting Year:	28,290,528.64	905,322.00	27,385,206.64	23,155,716.55	115,387.61	98,358.75

Senate Operating Fund
AB23 Summary of Expenditures for Members' Offices
Accounting Year Expenditures

12/01/2001 – 11/30/2002

Office	Member's 1st Class Airfare	Session Travel	Employee Travel Expense	Senate Car Rental	Senate Car Maintenance	Senate Car Gas
Senator Dick Ackerman	.00	4,708.00	3,050.94	3,820.32	696.19	1,538.81
Senator Richard Alarcon	.00	4,737.50	7,597.96	4,158.00	444.76	2,324.54
Senator Dede Alpert	.00	4,767.25	12,583.51	4,158.00	376.95	1,021.00
Senator Jim Battin	.00	6,327.50	3,330.47	4,158.00	1,488.30	2,498.15
Senator Debra Bowen	.00	3,092.25	3,611.01	2,275.44	478.97	415.01
Senator James L. Brulte	.00	4,296.00	8,431.29	4,158.00	1,363.35	2,036.08
Senator John Burton	.00	.00	256.30	3,273.12	391.91	1,117.31
Senator Wesley Chesbro	.00	1,365.00	3,751.27	6,790.21	4,628.76	2,130.03
Senator Jim Costa	.00	13,004.90	18,176.25	5,576.76	2,184.78	372.53
Senator Joe Dunn	.00	6,404.88	11,207.05	.00	.00	861.38
Senator Martha M. Escutia	.00	5,279.25	6,373.94	3,974.76	2,835.99	1,402.26
Senator Liz Figueroa	.00	185.00	8,177.08	4,158.00	2,598.47	2,123.67
Senator Ray Haynes	.00	3,332.00	9,221.90	3,860.88	788.12	1,310.99
Senator Maurice Johannessen	.00	.00	2,279.80	4,158.00	1,615.60	3,271.36
Senator Ross Johnson	.00	2,349.00	1,918.47	4,158.00	1,031.65	2,213.68
Senator Betty Karnette	.00	4,840.50	29,111.28	3,530.04	938.16	483.69
Senator William "Pete" Knight	.00	4,970.00	2,614.99	3,994.32	53.98	638.36
Senator Sheila James Kuehl	.00	3,136.50	12,805.60	.00	.00	421.73
Senator Mike Machado	.00	.00	12,649.12	4,158.00	2,359.43	2,991.38
Senator Bob Margett	.00	4,825.00	13,969.85	3,846.12	1,178.45	2,286.38
Senator Tom McClintock	.00	1,307.50	2,482.85	4,308.48	77.61	684.29
Senator Bruce McPherson	.00	115.00	18,352.89	4,158.00	2,452.45	3,352.08
Senator Dick Monteith	.00	.00	10,156.06	4,158.00	486.32	2,397.52
Senator Bill Morrow	.00	5,146.75	16,701.14	4,158.00	279.27	2,390.18
Senator Kevin Murray	.00	5,536.25	4,989.08	4,158.00	1,228.82	2,351.09
Senator Jack O'Connell	.00	8,530.40	7,841.14	1,000.14	.00	162.54
Senator Thomas "Rico" Oller	.00	.00	6,940.89	4,158.00	1,224.42	956.18
Senator Deborah V. Ortiz	.00	.00	4,905.01	4,158.00	388.01	665.17
Senator Steve Peace	.00	5,028.75	10,346.56	4,158.00	388.50	1,128.51
Senator Don Perata	.00	.00	1,682.87	4,158.00	610.43	1,821.24
Senator Richard G. Polanco	.00	4,831.50	12,814.15	4,158.00	1,882.25	1,038.59
Senator Charles Poochigian	.00	106.00	4,308.64	3,612.60	1,900.07	2,012.79
Senator Gloria Romero	.00	5,017.25	7,435.33	3,309.00	2,038.62	1,319.01
Senator Jack Scott	.00	4,614.00	4,193.30	3,574.32	394.72	722.74
Senator Byron D. Sher	.00	.00	3,212.40	4,158.00	209.61	1,290.77
Senator Nell Soto	.00	5,025.25	13,352.02	5,024.76	964.99	835.95
Senator Jackie Speier	.00	.00	649.50	4,158.00	1,105.97	1,798.94
Senator Tom Torlakson	.00	158.50	3,506.59	3,869.16	2,351.86	2,059.39
Senator John Vasconcellos	.00	.00	3,702.00	3,639.93	1,587.44	1,202.15
Senator Edward Vincent	.00	1,767.00	3,266.26	4,158.00	155.52	1,956.64
Retired Member Offices	.00	.00	.00	.00	.00	.00
TOTAL Accounting Year:	.00	124,574.68	311,956.76	152,440.36	45,180.70	61,604.11

Senate Operating Fund
AB23 Summary of Expenditures for Members' Offices
Accounting Year Expenditures

12/01/2001 – 11/30/2002

Office	Auto Pool District	Auto Rental	District Building Expense	Telephone	Telegraph	Postage
Senator Dick Ackerman	.00	5,045.40	29,417.88	7,596.64	.00	10,777.85
Senator Richard Alarcon	.00	5,467.97	980.00	6,799.97	.00	11,726.76
Senator Dede Alpert	.00	4,621.82	33,626.32	4,166.06	.00	3,823.69
Senator Jim Battin	5,730.93	3,922.60	58,177.73	11,592.65	.00	2,890.72
Senator Debra Bowen	.00	1,267.83	34,480.09	9,627.46	.00	2,437.05
Senator James L. Brulte	.00	4,756.26	34,672.80	10,081.58	.00	1,675.46
Senator John Burton	.00	.00	23,040.00	15,240.81	.00	482.13
Senator Wesley Chesbro	4,817.71	278.25	41,518.60	17,170.41	.00	11,065.10
Senator Jim Costa	.00	4,489.06	19,388.50	13,444.12	.00	1,869.90
Senator Joe Dunn	.00	4,718.53	34,835.00	11,249.61	.00	5,674.56
Senator Martha M. Escutia	.00	3,931.15	34,571.76	18,255.19	.00	22,270.78
Senator Liz Figueroa	.00	779.92	40,543.79	11,801.86	.00	3,299.94
Senator Ray Haynes	9,505.60	9,555.92	34,320.46	8,063.97	.00	29,840.10
Senator Maurice Johannessen	6,217.65	5,573.40	29,606.76	11,983.15	.00	2,734.74
Senator Ross Johnson	.00	3,827.20	41,465.21	6,099.70	.00	1,461.06
Senator Betty Karnette	.00	5,711.94	35,190.00	9,432.14	.00	6,517.11
Senator William "Pete" Knight	.00	3,824.91	33,798.26	8,852.33	.00	5,034.57
Senator Sheila James Kuehl	.00	4,994.81	68,206.92	14,835.73	.00	3,674.73
Senator Mike Machado	.00	334.42	.00	8,623.96	.00	2,356.90
Senator Bob Margett	.00	5,754.44	35,096.05	3,770.88	.00	4,307.61
Senator Tom McClintock	559.35	5,029.00	21,004.00	9,426.88	.00	1,158.49
Senator Bruce McPherson	.00	318.42	51,920.23	12,019.05	.00	3,603.52
Senator Dick Monteith	4,646.40	.00	37,891.90	13,618.88	.00	3,282.40
Senator Bill Morrow	.00	1,721.52	44,752.62	9,038.35	.00	2,795.68
Senator Kevin Murray	.00	10,569.08	63,608.28	9,819.52	.00	23,249.17
Senator Jack O'Connell	.00	7,002.25	55,755.24	14,252.01	.00	2,763.53
Senator Thomas "Rico" Oller	8,144.98	25.41	1,787.33	21,672.70	.00	22,146.68
Senator Deborah V. Ortiz	.00	46.89	16,800.00	5,425.20	.00	21,441.64
Senator Steve Peace	.00	5,126.68	36,201.25	11,522.21	.00	229.59
Senator Don Perata	.00	280.18	.00	11,574.78	.00	5,863.22
Senator Richard G. Polanco	.00	5,088.78	.00	7,728.16	.00	2,276.71
Senator Charles Poochigian	.00	3,654.20	30,752.60	7,613.14	.00	21,522.11
Senator Gloria Romero	.00	4,629.62	33,087.60	10,794.89	.00	4,277.16
Senator Jack Scott	.00	3,539.60	52,058.70	8,921.43	.00	6,107.11
Senator Byron D. Sher	.00	45.86	43,483.64	5,916.83	.00	9,672.08
Senator Nell Soto	.00	6,402.81	34,277.74	16,085.27	.00	3,497.14
Senator Jackie Speier	.00	1,163.20	54,728.70	8,698.08	.00	10,478.58
Senator Tom Torlakson	.00	2,191.18	63,112.94	10,694.25	.00	3,862.21
Senator John Vasconcellos	.00	1,421.91	1,275.00	4,143.39	.00	3,755.76
Senator Edward Vincent	.00	3,498.70	28,287.00	6,307.09	.00	1,561.96
Retired Member Offices	50.00	.00	.00	1,418.50	.00	.00
TOTAL Accounting Year:	39,572.62	140,611.12	1,333,720.90	415,378.83	.00	287,465.50

Senate Operating Fund
AB23 Summary of Expenditures for Members' Offices
Accounting Year Expenditures

12/01/2001 – 11/30/2002

Office	Freight	Office Supplies	Duplicating	Publications	Equipment & Furnishings	Misc
Senator Dick Ackerman	1,678.80	961.16	14,192.72	579.32	929.23	2,226.25
Senator Richard Alarcon	5,250.17	5,727.28	21,279.90	1,126.01	.00	6,378.12
Senator Dede Alpert	1,370.00	1,160.42	10,050.22	2,318.98	516.95	11,572.49
Senator Jim Battin	1,413.64	1,204.01	4,142.30	1,277.18	.00	2,167.92
Senator Debra Bowen	788.51	1,330.85	10,357.33	2,957.34	738.34	3,178.81
Senator James L. Brulte	2,220.07	2,231.93	18,490.13	1,458.90	249.29	6,475.34
Senator John Burton	1,357.93	4,523.30	11,412.08	956.43	456.19	1,812.36
Senator Wesley Chesbro	1,970.87	1,587.64	21,365.42	2,799.37	48.57	7,920.55
Senator Jim Costa	2,755.94	2,377.76	5,308.18	2,074.32	.00	3,772.63
Senator Joe Dunn	3,399.56	2,736.21	31,637.03	788.34	142.25	5,388.58
Senator Martha M. Escutia	4,420.24	2,625.10	41,796.16	1,018.02	330.57	4,709.26
Senator Liz Figueroa	737.39	1,184.54	9,228.33	955.23	54.17	2,210.73
Senator Ray Haynes	2,353.31	2,406.13	34,500.79	1,232.56	.00	9,823.39
Senator Maurice Johannessen	765.51	387.84	3,545.27	637.33	.00	2,661.22
Senator Ross Johnson	484.69	1,057.56	2,360.58	1,634.60	.00	3,149.00
Senator Betty Karnette	3,139.76	2,419.53	17,585.52	2,292.19	718.23	7,298.88
Senator William "Pete" Knight	694.60	1,321.61	6,840.41	1,240.10	.00	3,485.71
Senator Sheila James Kuehl	2,653.44	3,840.61	5,684.33	1,780.99	536.86	4,925.43
Senator Mike Machado	635.32	1,387.23	10,618.56	5,200.89	3,247.41	5,673.69
Senator Bob Margett	1,146.69	1,468.96	12,508.05	997.11	.00	2,657.84
Senator Tom McClintock	2,581.00	719.04	3,770.90	2,056.30	1,271.19	2,995.00
Senator Bruce McPherson	2,291.15	2,114.44	10,965.06	2,347.26	.00	5,165.37
Senator Dick Monteith	394.40	1,710.94	12,822.56	1,523.66	536.66	7,781.28
Senator Bill Morrow	1,826.05	1,610.34	16,692.26	979.68	1,385.77	2,353.30
Senator Kevin Murray	4,170.51	2,469.49	17,697.96	5,076.60	.00	8,889.86
Senator Jack O'Connell	1,770.71	3,609.37	4,245.13	2,102.48	.00	4,394.44
Senator Thomas "Rico" Oller	170.51	811.54	24,332.34	1,195.26	798.20	4,304.05
Senator Deborah V. Ortiz	376.06	4,544.11	51,453.01	1,054.35	188.96	10,391.62
Senator Steve Peace	907.19	1,635.09	9,123.03	1,615.93	531.27	5,448.18
Senator Don Perata	2,403.09	2,514.41	12,286.19	3,211.28	.00	4,005.26
Senator Richard G. Polanco	2,639.86	459.73	16,808.51	908.60	.00	6,708.50
Senator Charles Poochigian	765.49	2,658.96	18,992.51	1,489.69	207.70	4,006.62
Senator Gloria Romero	2,435.07	3,594.12	30,502.14	1,027.20	1,349.79	3,555.94
Senator Jack Scott	2,963.54	3,430.26	19,849.46	3,245.53	566.78	5,213.40
Senator Byron D. Sher	1,491.44	1,010.65	10,963.60	2,165.23	.00	3,633.45
Senator Nell Soto	4,080.70	3,296.30	30,005.15	1,523.27	198.46	7,985.03
Senator Jackie Speier	3,716.84	2,234.41	26,918.68	2,122.78	805.50	8,571.16
Senator Tom Torlakson	1,404.13	2,981.93	19,955.58	1,844.77	1,218.69	4,971.24
Senator John Vasconcellos	1,199.96	1,847.79	6,160.59	1,766.05	.00	5,684.12
Senator Edward Vincent	944.55	1,089.87	8,508.87	489.55	.00	2,588.93
Retired Member Offices	.00	.00	.00	2.50	.00	.00
TOTAL Accounting Year:	77,768.69	86,282.46	644,956.84	71,068.18	17,027.03	206,134.95

Senate Operating Fund
AB23 Summary of Expenditures for Committee Offices
Accounting Year Expenditures

12/01/2001 – 11/30/2002

Office	Total Expenditures	Employee Salaries & Benefits	Employee Travel & Per Diem	Employee Auto Expense	Building Expense	Telephone
Agriculture & Water Resources	395,410.00	384,266.40	5,419.01	544.74	.00	2,276.79
Appropriations	1,022,023.89	1,011,424.18	1,895.70	8.04	.00	2,620.34
Banking, Commerce & Intl Trade	220,132.92	213,995.59	627.32	555.41	.00	916.47
Budget & Fiscal Review	1,020,913.97	977,900.00	9,514.91	1,305.78	.00	3,414.63
Business & Professions	420,833.81	412,666.10	4,231.07	130.19	.00	2,018.65
Constitutional Amendments	261,719.25	260,162.27	.00	.00	.00	657.47
Education	585,162.45	568,525.91	4,822.05	.00	.00	1,303.54
Elections & Reapportionment	330,097.55	326,248.05	.00	.00	.00	883.35
Energy/Utilities/Communication	286,518.79	282,413.32	1,207.50	105.53	.00	1,137.38
Environmental Quality	344,847.65	337,998.46	1,831.71	406.08	.00	2,190.46
Governmental Organization	330,136.54	324,694.98	923.52	73.69	.00	944.42
Health & Human Services	691,268.60	655,111.61	4,606.18	795.20	.00	3,924.18
Housing & Community Development	281,090.61	277,443.84	1,623.37	193.33	.00	703.13
Insurance	510,847.81	506,538.54	308.41	78.12	.00	1,168.53
Judiciary	619,080.83	602,034.82	5,241.19	408.00	.00	1,930.62
Labor and Industrial Relations	493,718.52	480,303.50	3,952.46	524.06	.00	2,738.57
Local Government	320,581.81	303,194.73	4,031.14	390.67	.00	1,006.10
Natural Resources	332,129.60	323,918.99	5,090.04	1,054.22	.00	993.32
Privacy	195,475.82	190,917.66	2,597.39	364.12	.00	707.03
Public Safety	660,236.21	641,069.23	3,260.94	430.21	.00	1,428.78
Pub. Employment & Retirement	374,347.06	367,598.24	2,148.82	475.20	.00	580.86
Revenue & Taxation	294,724.12	286,731.03	1,828.00	84.43	.00	1,184.57
Transportation	432,679.39	427,463.98	253.05	.00	.00	732.40
Veteran's Affairs	147,150.71	145,274.18	373.28	.00	.00	492.81
Sub: Admin. of Justice	193,782.59	193,782.59	.00	.00	.00	.00
Sub: Aging and Long Term Care	261,135.94	254,618.35	861.07	428.10	.00	823.87
Sub: Alameda Corridor	194,697.09	194,697.09	.00	.00	.00	.00
Sub: Alzheimer's	45,777.99	44,927.94	266.55	100.17	.00	.00
Sub: The Americas	316,564.84	315,496.16	717.05	146.14	.00	188.07
Sub: Asia Trade and Commerce	259,822.30	248,218.72	3,266.95	255.07	.00	657.11
Sub: Bad Faith Liability	60,815.31	59,386.88	1,187.68	.00	.00	.75
Sub: CA European Trade Dev	92,322.40	89,029.10	777.15	96.49	.00	693.59
Sub: Criminal Procedure	141,385.68	141,385.68	.00	.00	.00	.00
Sub: Higher Education	200,283.26	197,800.39	664.10	109.21	.00	607.59
Sub: MentalHealth & Neuro	35,974.69	35,748.63	117.50	.00	.00	.00
Sub: New Technologies	83,870.87	83,870.87	.00	.00	.00	.00
Sub: Prof/Vocation	96,745.93	96,745.93	.00	.00	.00	.00
Sub: Toxic Materials	144,766.85	144,766.85	.00	.00	.00	.00
Sel: Bay Area Infrastructure	155,475.12	154,919.17	.00	.00	.00	555.95
Sel: Bay Area Transportation	340,872.79	340,088.76	700.05	.00	.00	.00
Sel: Border Issues	158,784.29	158,784.29	.00	.00	.00	.00
Sel: CA Horseracing Industry	209,764.27	207,614.57	1,015.00	262.00	.00	.00
Sel: CA Wine Industry	251,419.99	247,211.94	1,401.30	214.65	.00	499.72
Sel: Cal Fed Water Program	167,084.93	165,173.20	.00	.00	.00	923.34
Sel: Capital Area Flood Protec	59,521.04	59,521.04	.00	.00	.00	.00
Sel: Central Vly Economic Dev	10,632.75	10,413.15	219.60	.00	.00	.00
Sel: Citizen Participation	262,506.94	259,368.41	1,194.50	729.44	.00	1,056.13
Sel: College/Univ Admissions	156,093.40	154,323.79	201.50	211.99	.00	.00
Sel: Defense Conversion,	194,504.71	194,312.49	181.50	.00	.00	.00
Sel: Delta Resources & Develop	135,726.94	135,301.95	350.00	74.99	.00	.00
Sel: Develop Disabilities & MH	179,789.06	177,732.90	1,042.94	135.34	.00	.00
Sel: Economic Development	166,802.16	159,730.83	4,952.17	195.36	.00	611.71
Sel: Entertainment Industry	1,517.70	.00	423.00	.00	.00	.00
Sel: Family, Child & Youth Dev	191,898.22	190,927.67	725.20	244.77	.00	.00
Sel: Genetics, Genetic Tech	3,493.76	.00	314.50	.00	.00	.00
Sel: Government Oversight	107,154.04	105,700.84	.00	.00	.00	172.46
Sel: Higher Ed	194.21	.00	.00	151.24	.00	.00
Sel: Intl Trade Policy and	125,747.20	116,829.09	4,053.22	310.36	.00	1,049.32
Sel: Invest Price Manipulation	300,315.63	235,905.76	2,674.58	38.24	.00	738.05
Sel: Metro Transit Authority	114,942.34	114,143.92	591.64	52.11	.00	.00

Senate Operating Fund
AB23 Summary of Expenditures for Committee Offices
Accounting Year Expenditures

12/01/2001 – 11/30/2002

Office	Total Expenditures	Employee Salaries & Benefits	Employee Travel & Per Diem	Employee Auto Expense	Building Expense	Telephone
Sel: Mobile/Manufactured Homes	323,797.71	313,317.20	1,404.70	322.08	.00	826.30
Sel: Oversight of Energy Labs	3,869.96	.00	3,208.12	661.84	.00	.00
Sel: Reg of Talent Agencies	89.75	.00	89.75	.00	.00	.00
Sel: Rural Education	78,165.00	78,165.00	.00	.00	.00	.00
Sel: School Safety	97,829.50	95,940.28	1,469.67	419.55	.00	.00
Sel: So CA Water	72.44	.00	.00	.00	.00	72.44
Sel: Technological Crime and	68,431.13	67,937.02	416.01	.00	.00	.00
Sel: Status of Ending Poverty	28,098.52	27,693.17	.00	.00	.00	.00
Sel: Urban Economic Developmt	186.50	.00	186.50	.00	.00	.00
Sel: Urban Landfills	165,402.08	162,632.83	1,286.80	217.47	.00	781.46
Republican Comm Consultant	774,012.69	773,822.57	.00	.00	.00	190.12
Republican Fiscal Consultants	739,625.28	716,936.00	3,226.51	917.42	.00	6,074.71
Republican Policy Consultants	783,138.11	774,233.66	3,950.25	223.18	.00	719.03
Joint: Committee on the Arts	173,960.97	166,069.37	2,168.27	225.33	.00	469.94
Joint: Dev Master Plan for Ed	313,506.05	165,243.98	4,156.57	1,591.87	.00	5,051.74
Joint: Fisheries & Aquaculture	70,725.97	70,508.47	217.50	.00	.00	.00
Joint: Headwaters Forest & Eco	120,550.91	120,550.91	.00	.00	.00	.00
Joint: Legislative Budget	152,993.14	150,644.71	1,637.16	6.55	17.00	319.44
Joint: Leg Sunset Review	134,284.20	127,212.53	1,166.15	.00	.00	726.49
Joint: Mental Health	188,072.55	187,128.66	.00	.00	.00	864.31
Joint: Prepare/CA 21st Century	257,072.23	249,247.06	515.60	597.69	.00	1,203.59
Joint: Prison Construction	177,391.31	170,824.00	3,745.46	393.65	.00	494.76
Joint: Worker's Compensation	132,243.60	132,188.60	.00	.00	.00	.00
Task Force: Comm Cost Control	205,957.68	195,328.27	3,043.37	.00	.00	1,138.29
Legislative Ethics	217,220.18	201,680.12	1,348.58	.00	.00	865.52
Senate Office of Research	2,499,816.17	2,311,015.25	33,061.13	2,702.29	.00	7,081.67
TOTAL Accounting Year:	23,699,504.39	22,854,694.22	159,804.41	19,961.61	17.00	71,266.99

Senate Operating Fund
AB23 Summary of Expenditures for Committee Offices
Accounting Year Expenditures

2/01/2001 – 11/30/2002

Office	Postage	Freight	Office Supplies	Duplicating Publications	Equipment & Furnishing	
Agriculture & Water Resources	73.08	39.52	224.98	2,284.89	30.95	141.64
Appropriations	179.12	79.42	882.08	3,174.47	1,112.98	.00
Banking, Commerce & Intl Trade	91.21	.00	217.11	2,516.92	854.93	.00
Budget & Fiscal Review	377.31	21.75	1,030.84	25,225.42	1,371.97	.00
Business & Professions	70.54	3.25	265.76	1,134.28	148.67	.00
Constitutional Amendments	.97	.00	82.28	110.63	455.53	.00
Education	187.78	21.34	708.29	8,454.76	820.65	.00
Elections & Reapportionment	196.56	5.95	238.11	1,547.91	423.95	.00
Energy/Utilities/Communication	2.72	.00	305.53	575.11	771.70	.00
Environmental Quality	67.15	16.09	206.89	1,576.93	15.00	.00
Governmental Organization	176.20	34.76	300.40	2,438.46	401.31	.00
Health & Human Services	162.24	30.47	952.89	23,057.37	693.06	.00
Housing & Community Developmen	70.41	.00	88.97	893.43	.00	.00
Insurance	3.73	64.56	114.03	2,625.51	53.62	.00
Judiciary	195.24	105.38	1,577.57	6,306.14	671.62	.00
Labor and Industrial Relations	1,216.02	45.93	292.86	4,645.12	.00	.00
Local Government	1,694.85	154.27	479.50	8,500.51	816.84	.00
Natural Resources	51.11	.00	243.64	479.42	121.46	.00
Privacy	.00	.00	51.26	838.36	.00	.00
Public Safety	385.12	7.99	807.89	11,725.51	725.32	34.32
Pub. Employment & Retirement	252.95	.00	317.98	818.01	195.00	.00
Revenue & Taxation	61.90	12.49	248.02	2,791.20	1,560.48	.00
Transportation	194.98	.00	182.08	3,010.59	755.11	.00
Veteran's Affairs	327.04	29.54	377.81	276.05	.00	.00
Sub: Admin. of Justice	.00	.00	.00	.00	.00	.00
Sub: Aging and Long Term Care	29.04	12.96	352.73	3,554.93	24.00	.00
Sub: Alameda Corridor	.00	.00	.00	.00	.00	.00
Sub: Alzheimer's	.00	.00	.00	483.33	.00	.00
Sub: The Americas	.00	.00	13.15	4.27	.00	.00
Sub: Asia Trade and Commerce	7.67	32.24	267.34	5,800.52	316.00	.00
Sub: Bad Faith Liability	.00	.00	.00	.00	.00	.00
Sub: CA European Trade Dev	87.46	27.76	47.84	1,519.96	43.05	.00
Sub: Criminal Procedure	.00	.00	.00	.00	.00	.00
Sub: Higher Education	.00	189.58	2.30	586.85	.00	323.24
Sub: MentalHealth & Neuro	.00	.00	.00	.44	.00	76.99
Sub: New Technologies	.00	.00	.00	.00	.00	.00
Sub: Prof/Vocation	.00	.00	.00	.00	.00	.00
Sub: Toxic Materials	.00	.00	.00	.00	.00	.00
Sel: Bay Area Infrastructure	.00	.00	.00	.00	.00	.00
Sel: Bay Area Transportation	15.39	14.08	.00	.00	.00	.00
Sel: Border Issues	.00	.00	.00	.00	.00	.00
Sel: CA Horseracing Industry	.00	10.86	.00	861.84	.00	.00
Sel: CA Wine Industry	853.09	.00	5.00	1,234.29	.00	.00
Sel: Cal Fed Water Program	.00	.00	.00	988.39	.00	.00
Sel: Capital Area Flood Protec	.00	.00	.00	.00	.00	.00
Sel: Central Vly Economic Dev	.00	.00	.00	.00	.00	.00
Sel: Citizen Participation	.00	.00	88.87	69.59	.00	.00
Sel: College/Univ Admissions	7.73	.00	10.00	1,318.64	.00	.00
Sel: Defense Conversion,	.00	10.72	.00	.00	.00	.00
Sel: Delta Resources & Develop	.00	.00	.00	.00	.00	.00
Sel: Develop Disabilities & MH	342.66	.00	.00	535.22	.00	.00
Sel: Economic Development	.35	86.97	71.66	1,081.44	4.47	.00
Sel: Entertainment Industry	.00	.00	90.00	204.70	.00	.00
Sel: Family, Child & Youth Dev	.58	.00	.00	.00	.00	.00
Sel: Genetics, Genetic Tech	141.74	.00	270.00	2,616.67	.00	.00
Sel: Government Oversight	.00	.00	10.00	1,270.74	.00	.00
Sel: Higher Ed	.00	.00	.00	.00	42.97	.00
Sel: Intl Trade Policy and	.64	49.44	77.28	2,714.30	533.11	.00
Sel: Invest Price Manipulation	28.05	95.99	1,110.77	11,680.35	.00	.00
Sel: Metro Transit Authority	.00	.00	.00	154.67	.00	.00

Senate Operating Fund
AB23 Summary of Expenditures for Committee Offices
Accounting Year Expenditures

2/01/2001 – 11/30/2002

Office	Postage	Freight	Office Supplies	Duplicating	Publications	Equipment & Furnishing
Sel: Mobile/Manufactured Homes	724.30	27.04	151.92	6,798.26	140.37	85.54
Sel: Oversight of Energy Labs	.00	.00	.00	.00	.00	.00
Sel: Reg of Talent Agencies	.00	.00	.00	.00	.00	.00
Sel: Rural Education	.00	.00	.00	.00	.00	.00
Sel: School Safety	.00	.00	.00	.00	.00	.00
Sel: So CA Water	.00	.00	.00	.00	.00	.00
Sel: Technological Crime and	.00	.00	78.10	.00	.00	.00
Sel: Status of Ending Poverty	.00	.00	17.65	387.70	.00	.00
Sel: Urban Economic Developmt	.00	.00	.00	.00	.00	.00
Sel: Urban Landfills	.00	.00	30.00	453.52	.00	.00
Republican Comm Consultant	.00	.00	.00	.00	.00	.00
Republican Fiscal Consultants	1.93	10.68	513.37	10,119.64	357.42	341.06
Republican Policy Consultants	.00	.00	995.50	1,494.81	474.55	.00
Joint: Committee on the Arts	422.54	485.61	10.51	4,080.40	29.00	.00
Joint: Dev Master Plan for Ed	1,562.40	1,499.55	734.84	48,878.37	.00	.00
Joint: Fisheries & Aquaculture	.00	.00	.00	.00	.00	.00
Joint: Headwaters Forest & Eco	.00	.00	.00	.00	.00	.00
Joint: Legislative Budget	.00	.00	26.20	.00	342.08	.00
Joint: Leg Sunset Review	478.03	.00	598.53	4,102.47	.00	.00
Joint: Mental Health	75.34	4.24	.00	.00	.00	.00
Joint: Prepare/CA 21st Century	503.45	45.97	470.90	4,463.27	.00	.00
Joint: Prison Construction	.00	18.72	622.75	1,291.97	.00	.00
Joint: Worker's Compensation	.00	.00	.00	55.00	.00	.00
Task Force: Comm Cost Control	497.34	404.83	252.99	4,371.00	519.40	.00
Legislative Ethics	624.50	.00	704.30	11,559.16	438.00	.00
Senate Office of Research	1,713.39	164.06	1,752.61	21,311.13	3,710.10	.00
TOTAL Accounting Year:	14,155.85	3,864.01	19,573.88	271,054.84	18,867.43	1,002.79

Senate Operating Fund
AB23 Summary of Expenditures for Committee Offices
Accounting Year Expenditures

12/01/2001 – 11/30/2002

Office	Study Contracts	Miscellaneous
Agriculture & Water Resources	.00	108.00
Appropriations	.00	647.56
Banking, Commerce & Intl Trade	.00	357.96
Budget & Fiscal Review	.00	751.36
Business & Professions	.00	165.30
Constitutional Amendments	.00	250.10
Education	.00	318.13
Elections & Reapportionment	.00	553.67
Energy/Utilities/Communication	.00	.00
Environmental Quality	.00	538.88
Governmental Organization	.00	148.80
Health & Human Services	.00	1,935.40
Housing & Community Developmen	.00	74.13
Insurance	.00	.00
Judiciary	.00	610.25
Labor and Industrial Relations	.00	.00
Local Government	.00	313.20
Natural Resources	.00	177.40
Privacy	.00	.00
Public Safety	.00	360.90
Pub. Employment & Retirement	.00	1,960.00
Revenue & Taxation	.00	222.00
Transportation	.00	87.20
Veteran's Affairs	.00	.00
Sub: Admin. of Justice	.00	.00
Sub: Aging and Long Term Care	.00	430.89
Sub: Alameda Corridor	.00	.00
Sub: Alzheimer's	.00	.00
Sub: The Americas	.00	.00
Sub: Asia Trade and Commerce	.00	1,000.68
Sub: Bad Faith Liability	.00	240.00
Sub: CA European Trade Dev	.00	.00
Sub: Criminal Procedure	.00	.00
Sub: Higher Education	.00	.00
Sub: MentalHealth & Neuro	.00	31.13
Sub: New Technologies	.00	.00
Sub: Prof/Vocation	.00	.00
Sub: Toxic Materials	.00	.00
Sel: Bay Area Infrastructure	.00	.00
Sel: Bay Area Transportation	.00	54.51
Sel: Border Issues	.00	.00
Sel: CA Horseracing Industry	.00	.00
Sel: CA Wine Industry	.00	.00
Sel: Cal Fed Water Program	.00	.00
Sel: Capital Area Flood Protec	.00	.00
Sel: Central Vly Economic Dev	.00	.00
Sel: Citizen Participation	.00	.00
Sel: College/Univ Admissions	.00	19.75
Sel: Defense Conversion,	.00	.00
Sel: Delta Resources & Develop	.00	.00
Sel: Develop Disabilities & MH	.00	.00
Sel: Economic Development	.00	67.20
Sel: Entertainment Industry	.00	800.00
Sel: Family, Child & Youth Dev	.00	.00
Sel: Genetics, Genetic Tech	.00	150.85
Sel: Government Oversight	.00	.00
Sel: Higher Ed	.00	.00
Sel: Intl Trade Policy and	.00	130.44
Sel: Invest Price Manipulation	35,000.00	13,043.84
Sel: Metro Transit Authority	.00	.00
Sel: Mobile/Manufactured Homes	.00	.00

Senate Operating Fund
AB23 Summary of Expenditures for Committee Offices
Accounting Year Expenditures

2/01/2001 – 11/30/2002

Office	Study Contracts	Miscellaneous
Sel: Oversight of Energy Labs	.00	.00
Sel: Reg of Talent Agencies	.00	.00
Sel: Rural Education	.00	.00
Sel: Oversight of Energy Labs	.00	.00
Sel: Reg of Talent Agencies	.00	.00
Sel: Rural Education	.00	.00
Sel: School Safety	.00	.00
Sel: So CA Water	.00	.00
Sel: Technological Crime and	.00	.00
Sel: Status of Ending Poverty	.00	.00
Sel: Urban Economic Developmt	.00	.00
Sel: Urban Landfills	.00	.00
Republican Comm Consultant	.00	.00
Republican Fiscal Consultants	.00	1,126.54
Republican Policy Consultants	.00	1,047.13
Joint: Committee on the Arts	.00	.00
Joint: Dev Master Plan for Ed	84,243.00	543.73
Joint: Fisheries & Aquaculture	.00	.00
Joint: Headwaters Forest & Eco	.00	.00
Joint: Legislative Budget	.00	.00
Joint: Leg Sunset Review	.00	.00
Joint: Mental Health	.00	.00
Joint: Prepare/CA 21st Century	.00	24.70
Joint: Prison Construction	.00	.00
Joint: Worker's Compensation	.00	.00
Task Force: Comm Cost Control	.00	402.19
Legislative Ethics	.00	.00
Senate Office of Research	113,370.16	3,934.38
TOTAL Accounting Year:	232,613.16	32,628.20

**Senate Operating Fund
AB23 Summary of Expenditures for Leadership Offices
Accounting Year Expenditures**

12/01/2001 – 11/30/2002

Office	Total Expenditures	Employee Salaries & Benefits	Employee Travel & Per Diem	Employee Auto Expense	Building Expense	Telephone
Senate Democratic Caucus	1,249,723.63	1,025,701.70	1,370.15	339.67	.00	6,721.26
Senate Republican Caucus	945,738.64	855,439.57	13,260.95	939.58	.00	4,003.61
Senate Democratic Floor Leader	415,647.27	390,063.59	19,626.55	923.50	.00	2,005.16
Senate Republican Floor Leader	662,063.56	656,554.20	225.00	.00	.00	2,601.87
TOTAL Accounting Year:	3,273,173.10	2,927,759.06	34,482.65	2,202.75	.00	15,331.90

Office	Postage	Freight	Office Supplies	Duplicating	Publications	Equipment & Furnishing
Senate Democratic Caucus	143,105.03	1,266.14	2,338.33	57,372.54	1,816.77	528.52
Senate Republican Caucus	28,447.32	127.38	3,673.26	26,588.37	614.18	299.93
Senate Democratic Floor Leader	.00	26.03	2,358.34	327.78	229.12	.00
Senate Republican Floor Leader	.00	.00	1,060.09	13.76	468.81	1,139.83
TOTAL Accounting Year:	171,552.35	1,419.55	9,430.02	84,302.45	3,128.88	1,968.28

Office	Study Contracts	Miscellaneous
Senate Democratic Caucus	.00	9,163.52
Senate Republican Caucus	.00	12,344.49
Senate Democratic Floor Leader	.00	87.20
Senate Republican Floor Leader	.00	.00
TOTAL Accounting Year:	.00	21,595.21

**CALIFORNIA STATE SENATE
Report of the Senate Rules Committee
Fund Transfers**

12/01/2001 – 11/30/2002

Office of the Legislative Analyst	\$2,733,000
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Total Fund Transfers	\$2,733,000

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 5, 2004

The Senate met at 1:30 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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:
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—38.

Quorum present.

(NOTE: Senator Vincent will be excused this day on illness and Senator Aanestad will be excused this day on personal business.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Divine Creator and Master of the Universe, As we stand before You at the beginning of this new year we turn our hearts to You in thanksgiving and petition. We remember and give thanks for the many souls who no longer walk with us along the road of life. We especially remember our colleague, Denny Carpenter. We commend them all to Your eternal care. And then, as we turn to face the many challenges placed before us, we recognize and plead for Your divine counsel. As we struggle to find equitable solutions that will truly re-establish California as the Golden State, we ask that Your wisdom guide our thoughts and actions. We pray that in the coming days Your divine energy will protect us from harm, keep us free from undue anxiety, and instill peace within us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Soto led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 13, 2003

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 902

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, September 13, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

AB 253

Assembly Chamber, September 13, 2003

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1209 to the Senate.

Above measure ordered held at Desk.

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, September 29, 2003

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1313

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, November 10, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Nancy McFadden of Sacramento as a member of the California Medical Assistance Commission to serve for a term ending January 1, 2006

Appointed Mr. Angelo Quaranta of San Francisco as a board member of the Contractors' State License Board to serve for a term ending June 1, 2007.

BURTON, Chair

State Capitol, November 10, 2003

Mr. President: The Senate Rules Committee has created a Select Committee on Perchlorate Contamination and appointed Senator Soto to serve as Chair.

BURTON, Chair

State Capitol, November 18, 2003

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Mr. Clifford Thompson of Taft as a member of the Hazardous Waste Appeal Board to serve at the pleasure of the Rules Committee.

Appointed Mr. Louis Garcia of Oxnard as a member of the Environmental Health Specialist Registration Committee to serve for a term ending January 1, 2005.

Appointed Mr. Sushil Sharma of Fremont as a member of the New Motor Vehicle Board to serve for a term ending January 15, 2006

BURTON, Chair

State Capitol, November 18, 2003

Mr. President: The Senate Rules Committee has adopted Senate Rules Committee Resolution #42 outlining the jurisdiction of the Select Committee on Perchlorate Contamination and appointed the following members to serve on the select committee: Senators Hollingsworth, Kuehl, Margett, Romero and Sher.

BURTON, Chair

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 843

SB 786

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 843—An act to amend Section 80 of the Military and Veterans Code, relating to veterans.

Bill read second time.

Senate Bill 786—An act to amend Section 51204 of the Education Code, relating to pupil instruction.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1586

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1586—An act to amend Section 21390 of, and to add Section 21391 to, the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 47

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 47—An act to amend Sections 6377, 17053.49, and 23649 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 Local Government

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 526

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 526—An act to amend Section 41204.1 of the Education Code, and to add Section 97.48 to the Revenue and Taxation Code, relating to local government finance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Budget and Fiscal Review

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Budget and Fiscal Review, to which was referred:

SB 985

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CHESBRO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 985—An act to amend Section 13320 of, and to add Section 13335.5 to, the Government Code, relating to the state budget.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 928

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 928—An act to amend Section 1635.5 of the Business and Professions Code, relating to dentistry.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 115

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 115—An act to amend Section 11010 of the Business and Professions Code, and to amend Section 1353 of, and to add Section 1102.175 to, the Civil Code, relating to real property.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 136

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 136—An act to amend Section 9855.2 of the Business and Professions Code, to add Section 1102.19 to the Civil Code, and to amend Section 12762 of the Insurance Code, relating to contracts.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 136 pursuant to Joint Rule 58.

SENATOR FIGUEROA

Permission of Rules Committee

Senate Chamber, January 5, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 136.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 650

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 650—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 375

SB 764

SB 433

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 375—An act to add and repeal Sections 17052.15 and 23615 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 764—An act to amend Section 205.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 433—An act to add Division 8.6 (commencing with Section 22970) to the Business and Professions Code, relating to tobacco.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 391

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 391—An act to add Section 37200.5 to the Government Code, relating to cities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 111

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 111—An act to amend Sections 29, 4866, 6095, and 6140.2 of, and to repeal Sections 2106, 2873.7, 6086.12, 7340.5, 9889.60, 9889.62, and 9889.64 of, the Business and Professions Code, to repeal Chapter 3 (commencing with Section 1812.40) of Title 2 of Part 4 of Division 3 of the Civil Code, to amend Section 529.1 of the Code of Civil Procedure, to amend Sections 8805, 62000, 71027, 71051, 89343, and 92640 of, and to repeal Sections 17912.1, 45357, 45358, 51882, 62006, 62007, and 62008 of, the Education Code, to amend Section 3200 of, and to repeal Sections 20025 and 20042 of, the Family Code, to amend Sections 853, 7147, and 15702 of, and to repeal Sections 715, 15602, and 15603 of, the Fish and Game Code, to amend Sections 5029, 13127, and 58509 of, and to repeal Sections 13124, 13125, and 42814 of, the Food and Agricultural Code, to amend Sections 6276.12, 6276.30, 6276.46, 8293, 8588.5, 8875.1, 9121, 11011.15, 12092, 12173, 14036.6, 15345.4, 15399.51, 15814.25, 16272.5, and 51015.05 of, to repeal Sections 8593.3, 8599.1, 8870.75, 8877.7, 9116, 11011.19, 14525.6, 15345.1, 15345.2, 15345.3, 15345.5, 16272.3, 16367.9, 19995.35, 19998.5, 30605, 51015.1, 53117, 68106, 68511.4, and 68515 of, to repeal Article 3.3 (commencing with Section 15339.25) of Chapter 1 of Part 6.7 of Division 3 of Title 2 of, to repeal Article 6.5 (commencing with Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of, to repeal Chapter 5 (commencing with Section

16285) of Part 1.5 of Division 4 of Title 2 of, and to repeal Part 14 (commencing with Section 16000) of Division 3 of Title 2 of, the Government Code, to amend Sections 1179.2, 1275.3, 1522.4, 1596.955, 6982, 11756.7, 11758.10, 11772, 11798.1, 11831.5, 11998.2, 16109, 25159.19, 25503.2, 40410.5, 40452, 43013.5, 50519, 50524, 105140, 105175, 110795, 114820, 116360, 124150, 124160, 124195, 127360, 128195, and 129295 of, to repeal Sections 1205.1, 1519, 1520.65, 1522.6, 1527.9, 1529.3, 1557, 1569.545, 1597.01, 1598.3, 11756.5, 11757.62, 11758.33, 11758.40, 11782, 11963.5, 13143.7, 18944.34, 25159.13, 25244.3, 25299.80, 25928, 38045, 39663, 44245, 44247, 50837, 101535, 104595, 105335, 108865, 110540, 120865, 124135, 124140, 124145, 124235, and 127365 of, to repeal Article 5 (commencing with Section 25547) of Chapter 6.95 of Division 20 of, to repeal Article 5 (commencing with Section 100475) of Chapter 3 of Part 1 of Division 101 of, to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, and to repeal Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of, the Health and Safety Code, to repeal Sections 11751.51, 12693.94, and 12696.25 of the Insurance Code, to amend Sections 139.4 and 139.43 of, and to repeal Section 6715 of, the Labor Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 653.1, 1247k, 2053, 3053.2, 5010, 5066, 7514, 13508, 13835.2, 13835.6, and 14210 of, and to repeal Sections 1174.6, 3424, 4497.40, 7009, 11108.7, 11110, 13013, 13828.2, and 13871 of, the Penal Code, to amend Sections 612.5, 4562.5, 42553, and 71064 of, and to repeal Sections 2802, 2804.6, 3488, 4473, 4563.5, 5097.96, 6226, 18017, 25689, 29777, 42552, and 42776 of, the Public Resources Code, to amend Sections 322, 701.6, 5371.4, 5385.6, and 99620 of, to repeal Sections 5388, 8303, and 99621 of, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405, 19264, and 23331 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, to amend Section 30919 of, and to repeal Sections 155.8 and 30921 of, the Streets and Highways Code, to amend Section 11011 of, and to repeal Sections 1598 and 11005 of, the Unemployment Insurance Code, to amend Sections 4750.4, 5011.5, 14112, 40001, and 42007 of, and to repeal Sections 2575, 4750.2, 21370.1, 32005, and 34508.5 of, the Vehicle Code, to repeal Sections 1061, 12226.1, and 12228 of the Water Code, and to amend Sections 503, 1120, 4390, 4689.1, 5719.5, 11008, 11008.19, 11213, 11215, 11469, 11476.6, 14005.6, 14026.5, 14041.5, 14087.2, 14104.6, 14105.15, 14499.5, and 16576 of, and to repeal Sections 225.05, 398, 898.5, 1756.1, 1906, 1914, 4026, 4506, 4519.5, 4637, 4681.2, 4692, 4751, 4838, 4842, 5734, 5914, 10627, 11004.5, 11406, 12312, 14090.1, 14090.2, 14090.3, 14195.8, 14492, 16501.6, 18379, 18989.3, and 19856 of, the Welfare and Institutions Code, relating to state reports.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 29

SB 788

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 29—An act to amend Section 14000 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

Senate Bill 788—An act to amend Section 201 of the Food and Agricultural Code, relating to agriculture.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 952

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 952—An act to add Section 65852.12 to the Government Code, relating to local agencies.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 77

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 77—An act to amend Section 2622 of, to add Section 2623 to, and to repeal and add Section 2620 of, the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 357

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

MCPHERSON, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 357—An act to amend Sections 666.7, 11108.3, 12028, 12074, 12077, 12201, 12280, 12285, 12287, 12290, and 12301 of the Penal Code, relating to deadly weapons.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 897

SB 914

AB 62

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 897—An act to add Section 1367.615 to the Health and Safety Code, and to add Section 10123.865 to the Insurance Code, relating to health care benefits.

Bill read second time.

Senate Bill 914—An act to amend Section 124250 of the Health and Safety Code, relating to domestic violence.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 914 pursuant to Joint Rule 58.

SENATOR BOWEN

Permission of Rules Committee

Senate Chamber, January 5, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 914.

BURTON, Chair

Assembly Bill 62—An act to add Section 5088 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 740

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 740—An act to repeal and add Section 798.80 of the Civil Code, relating to mobilehome parks.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 121

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 121—An act to add Section 17053.51 to 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 Public Safety

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 58

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 58—An act to add Section 964 to the Penal Code, relating to police reports, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 493

SB 559

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 493—An act to add Chapter 6.9.1 (commencing with Section 25400.1) to Division 20 of the Health and Safety Code, relating to hazardous materials.

Bill read second time.

Senate Bill 559—An act to add Article 6.2 (commencing with Section 25367.1) to Chapter 6.8 of Division 20 of the Health and Safety Code, relating to hazardous substances.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 120

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 120—An act to add Chapter 19 (commencing with Section 50898.10) to Division 31 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 431

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 431—An act relating to health.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 756

SB 815

AB 1253

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 756—An act to add Section 96.11 to the Revenue and Taxation Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 815—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1253—An act to add and repeal Section 20901.2 of the Government Code, relating to public employees’ retirement.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1253 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BERMUDEZ

Permission of Rules Committee

Senate Chamber, January 5, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1253.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, January 5, 2004

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 76 SB 683 SB 789 SB 790

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 76—An act to amend Sections 69514.5, 69653, 78211.5, 78216, 87107, 87108, 87150, 87151, 87152, 87153, 87154, 87867, and 87885 of, to add Article 3 (commencing with Section 84050) to Chapter 1 of Part 50 of, and to repeal Section 87868 of, the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 683—An act to add Chapter 5.5 (commencing with Section 60660) to Part 33 of the Education Code, relating to education.

Bill read second time.

Senate Bill 789—An act relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 790—An act to amend, repeal, and add Sections 45103.1, 45103.5, 88003.1, and 88004.5 of the Education Code, and to add and

repeal Section 3562.3 of the Government Code, relating to public education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 1417—An act to amend Section 84207 of, and to add Article 1.5 (commencing with Section 84730) to Chapter 5 of Part 50 of, the Education Code, relating to community colleges, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed and to third reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 166** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules; and

SB 433 was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Rules.

MOMENT OF SILENCE

Senator Burton requested that the Senate observe a moment of silence in memory of former Senator Dennis Carpenter.

RECESS

At 1:49 p.m., the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 1:49 p.m., the Senate reconvened.

Hon. John L. Burton, of the 3rd District, presiding.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to personal business: Senator Aanestad.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 1:50 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, January 6, 2004.

Motion carried.

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 Bill 1083: By Senator Ortiz—An act to amend Section 16122 of the Welfare and Institutions Code, relating to adoption.

Senate Bill 1084: By Senator Torlakson—An act to amend Section 97.1 of the Streets and Highway Code, and to amend Section 42010 of the Vehicle Code, relating to highways.

Senate Bill 1085: By Senator Murray—An act to amend Sections 21464 and 42001 of the Vehicle Code, relating to vehicles.

Senate Bill 1086: By Senator Sher—An act to amend Section 1091 of the Government Code, relating to conflicts of interest, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1087: By Senators Soto, Alarcón, Alpert, Cedillo, Chesbro, Ducheny, Karnette, Kuehl, Machado, Ortiz, Romero, Speier, and Torlakson—An act to amend Section 2333.5 of, and to amend and repeal Sections 2331 and 2333 of, the Streets and Highways Code, relating to highways.

Senate Concurrent Resolution 52: By Senator Alpert—Relative to Family Empowerment Month.

SENATE COMMITTEE ROLL CALLS

Committee on Natural Resources and Wildlife

SB 277—That the Assembly amendments be concurred in

AYES (7)—Senators Alpert, Bowen, Hollingsworth, Kuehl, Ortiz, Sher, and Torlakson.

NOES (2)—Senators Denham and Oller.

SB 317—That the Assembly amendments be concurred in

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 9/10/03

Kuehl (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Stephen D. Hulsy of Hawthorne and Ray Stricklin of Huntington Beach.

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of CHP Officer Paul Pino, of Lone Pine.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Marion Chapman, Esq. of Oakland.

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Thomas Plott of San Bernardino, Claribel "Kitty" Parker of Upland and Matthew Prentice of Sacramento.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Margaret M. Schlegel of Fresno.

Senators Denham and Poochigian requested that when the Senate adjourns this day it do so in memory of Bill Lyons Sr. of Modesto.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Former Senator Dennis Carpenter of Newport Beach, Major Robert Kruger, USAF (Ret.) of Rancho Cordova and Rebecca Grace Righeimer of Fountain Valley.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of David Bale of Santa Monica.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Anthony Indelicato of Manteca and Wilhelm K. "Charlie" Gilers of Linden.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Robert Stevens Whitmore Jr. of Arcadia.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Ralph Sanson of Aptos.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Maria Pagano of Alameda and Francis Raymond Freitas of Oakland.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Julie Forbes, Arden L. Kashishian and Peter Peterian of Fresno and Col. Edwin "Kal" Kalkowski of Clovis.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Elbie Hickambottom and Virginia McManigal of Pasadena.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Rena Bogin of New York.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Robert Charles Frazer of Chula Vista.

Senators Ducheny and Alpert requested that when the Senate adjourns this day it do so in memory of Justice Ed Butler and Nicholas Vitalich Sr. of San Diego.

Jan. 5, 2004

SENATE JOURNAL

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ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 4:30 a.m., Tuesday, January 6, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, January 6, 2004

The Senate met at 4:30 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and
Vasconcellos—39.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 5, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith
returning AB 403 and AB 1467 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

REPORTS OF STANDING COMMITTEES
Committee on Elections and Reapportionment

Senate Chamber, January 6, 2004

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

AB 714

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 714—An act to amend Sections 19225, 19226, 19227, 19227.5, and 19229 of the Elections Code, relating to voting.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, January 6, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 142

SB 628

AB 262

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Senate Chamber, January 6, 2004

Second Reading of Bills—Author's Amendments

Senate Bill 142—An act to add Section 12693.983 to the Insurance Code, and to add Section 14011.65 to the Welfare and Institutions Code, relating to the Healthy Families Program.

Bill read second time.

Senate Bill 628—An act to amend Section 17071.76 of the Education Code, relating to school facilities.

Bill read second time.

Assembly Bill 262—An act to amend Sections 56.05, 56.10, 56.11, 56.17, and 56.21 of, and to add Section 56.268 to, the Civil Code, relating to personal information.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Natural Resources and Wildlife

Senate Chamber, January 6, 2004

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 512

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

Senate Bill 512—An act to add Article 5 (commencing with Section 36996) to Chapter 8 of Division 27 of the Public Resources Code, relating to natural resources.

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 measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1088: By Senator Scott—An act to amend Section 11521.2 of the Insurance Code, relating to grants and annuities societies.

UNANIMOUS CONSENT TO RESCIND ACTION (AB 1209)

Without objection, the action was rescinded whereby AB 1209 was passed to the Assembly, and the bill taken up at tis time for the purpose of amendment.

Consideration of Assembly Bill 1209

Assembly Bill 1209—An act to amend Section 6254 of the Government Code, relating to public agency security.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1209 pursuant to Joint Rule 58.

ASSEMBLY MEMBER NAKANO

Permission of Rules Committee

Senate Chamber, January 6, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1209.

BURTON, Chair

Amendments Adopted

Amendments to AB 1209 proposed by Senator Johnson were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 391** was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

SENATE COMMITTEE ROLL CALLS**Committee on Transportation****SB 685—Do pass**

AYES (6)—Senators Ashburn, Brulte, Florez, McClintock, Morrow, and Murray.

NOES (6)—Senators Karnette, Perata, Scott, Soto, Speier, and Torlakson.
Failed passage

SB 957—Do pass

AYES (4)—Senators Ashburn, Brulte, McClintock, and Morrow.

NOES (7)—Senators Florez, Karnette, Murray, Perata, Soto, Speier, and Torlakson.

Failed passage

Date of Hearing: 1/6/04

Murray (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Spc. Justin Pollard of Foothill Ranch.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Lt. Col. Frank W. Fucich (Ret.) of Cameron Park.

Senator Perata requested that when the Senate adjourns this day it do so in memory of James “Jim” Owen Rush of Oakland.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Norm Legacki of Seal Beach.

ADJOURNMENT

At 4:30 p.m., the Senate adjourned pursuant to the Senators’ requests until 9 a.m., Wednesday, January 7, 2004.

IN JOINT CONVENTION
2004 State of the State Address

Assembly Chamber, Sacramento
Tuesday, January 6, 2004

At 4:50 p.m., the Senate and Assembly met in Joint Convention.

Hon. Herb J. Wesson, Jr., Speaker of the Assembly, presiding.

(NOTE: For text of State of the State Address see Assembly Journal for January 6, 2004.)

ADJOURNMENT OF JOINT CONVENTION

At 5:29 p.m., there being no further business, Speaker Wesson declared the Joint Convention adjourned *sine die*.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, January 7, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, and Vasconcellos—38.

Quorum present.

(NOTE: Senators Sher and Vincent will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Revenue and Taxation

Senate Chamber, January 7, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 557

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 557—An act to add Article 10 (commencing with Section 4629) to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, relating to forest practices.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Local Government

Date of Hearing, January 7, 2004

Mr. President: The Committee on Local Government, to which was referred:

SB 526

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Transportation

Senate Chamber, January 7, 2004

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 685

SB 957

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

MURRAY, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Rules

Senate Chamber, January 7, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 50

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 50—An act relating to drinking water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, January 7, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 653

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 653—An act to add Section 454.6 to the Public Utilities Code, relating to energy.

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 MEASURE

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Concurrent Resolution 53: By Senators Hollingsworth, Alpert, Burton, Ducheny, and Morrow (Principal coauthors: Assembly Members Bates, Kehoe, La Suer, Nation, Plescia, and Vargas)—Relative to the Firefighter Steven Rucker Memorial Highway.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1209—An act to amend Section 6254 of the Government Code, relating to public agency security, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to illness: Senators Sher and Vincent.

SENATE COMMITTEE ROLL CALLS

Committee on Local Government

SB 526—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Hollingsworth, Machado, Margett, Perata, and Torlakson.

NOES (0)—None.

Date of Hearing: 1/7/04

Torlakson (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Cora Cocks of Lakewood.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Geraldine "Jane" Corliss of Carmichael.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Patt Dempster of Martinez.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 8:30 a.m., Thursday, January 8, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 8, 2004

The Senate met at 8:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—36.

Quorum present.

(NOTE: Senators Alarcón and Speier will be excused this day on legislative business, Senator Hollingsworth will be excused this day on personal business, and Senator Vincent will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Lord, Grant that we may be surrounded by friends and colleagues whose strengths complement our weaknesses.—AMEN.

(Adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Ashburn led the Senate in the pledge of allegiance to the Flag.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Escutia:

Senate Chamber, January 8, 2004

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61 (b)(1) in order that SB 239 may be reported by the Committee on Judiciary after the deadline.

SENATOR ESCUTIA

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN
30 CALENDAR DAYS**

The following request was presented by Senator Sher:

Senate Chamber, January 8, 2004

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1086** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR SHER

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH
ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION AND
SUSPEND JOINT RULES 55 AND 61 (B)(1)**

Resolved, That Article IV, Section 8(a) of the Constitution, and Joint Rules 55 and 61 (b)(1) be suspended as requested.

Resolution read and presented by Senator Knight.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Murray moved that **AB 1197** be placed on the inactive file.

Motion carried.

Senator Dunn moved that **SB 53** be placed on the inactive file.

Motion carried.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Ducheny moved that **SB 492** be taken from the inactive file and placed on the second reading file.

Motion carried.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Soto, **SB 902** was returned to the Assembly for further action.

Senator Romero Presiding

CONSIDERATION OF DAILY FILE

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1209—An act to amend Section 6254 of the Government Code, relating to public agency security, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Johnson.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (1)—Senator Chesbro.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (1)—Senator Chesbro.

Bill ordered transmitted to the Assembly.

UNANIMOUS CONSENT GRANTED

Without objection, unanimous consent was granted that **AB 1764** and **AB 1769** be referred to the Committee on Rules.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón and Speier.

The following Senator was granted leave of absence for the day due to personal business: Senator Hollingsworth.

The following Senator was granted leave of absence for the day due to illness: Senator Vincent.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 9 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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, January 12, 2004.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 8, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1068 and AB 1588 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

**REPORTS OF STANDING COMMITTEES
Committee on Rules**

State Capitol, January 7, 2004

The Committee on Rules has referred the following measure to committee:

Local Government—SB 1086.

The Committee on Rules has re-referred the following measures to committee:

Banking, Commerce and International Trade and Judiciary—SB 503.

Education—SB 786, SB 843.

Environmental Quality—SB 50.

Governmental Organization—SB 427.

Governmental Organization and Judiciary—SB 403.

Health and Human Services—SB 29, SB 431, SB 433.

Judiciary—SB 391, SB 914.

Public Safety and Judiciary—SB 166.

Transportation—SB 788.

State Capitol, January 7, 2004

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:

Michael Bustamante, Member, Agricultural Labor Relations Board (5-0)

Daniel Zingale, Member, Agricultural Labor Relations Board (5-0)

Ann M. Richardson, Member, California Unemployment Insurance Appeals Board (5-0)

Steven R. Maviglio, Member, California Unemployment Insurance Appeals Board (4-0)

Herschel Rosenthal, Member, Fair Employment and Housing Commission (5-0)

Derek "Tony" A. West, Member, Board of Directors, Hastings College of the Law (5-0)

Richard W. Figueroa, Member, Managed Risk Medical Insurance Board (5-0)

Leslie S. Bowker, Ph.D., Member, California Regional Water Quality Control Board, Central Coast Region (5-0)

Christopher L. Cabaldon, Member, California Regional Water Quality Control Board, Central Valley Region (5-0)

John E. Brissenden, Member, California Regional Water Quality Control Board, Lahontan Region (5-0)

Amy L. Horne, Member, California Regional Water Quality Control Board, Lahontan Region (5-0)

Susan M. Cloke, Member, California Regional Water Quality Control Board, Los Angeles Region (5-0)

Bradley H. Mindlin, Member, California Regional Water Quality Control Board, Los Angeles Region (5-0)

William R. Massey, Member, California Regional Water Quality Control Board, North Coastal Region (5-0)

Jose J. Solorio, Member, California Regional Water Quality Control Board, Santa Ana Region (5-0)

Clifford C. Waldeck, Member, California Regional Water Quality Control Board, San Francisco Bay Region (5-0)

Mary C. Warren, Member, California Regional Water Quality Control Board, San Francisco Bay Region (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

State Capitol, January 7, 2004

Mr. President: The Senate Rules Committee has appointed the following members to the newly created Joint Committee to Develop a Master Plan to End Poverty in California (Res. Ch. 117, Statutes of 2003): Senators Chesbro, Perata, Romero and Vincent. Senator Alarcón serves as co-chair.

BURTON, Chair

State Capitol, January 7, 2004

The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed the following persons as members of the Commission on Asian and Pacific Islander American Affairs to serve for terms ending January 1, 2006: Ms. Alexis Wong of San Francisco, Mr. Francisco Hsieh of San Francisco and Mr. Charlie Woo of Los Angeles.

Reappointed Ms. Jane W. Carney of Riverside as a member of the South Coast Air Quality Management District Board to serve for a term ending January 15, 2008.

Reappointed Senator Deborah Ortiz as a member of the Capitol Area Committee to serve for a term ending December 31, 2007.

Appointed Michelle Fan, Ph.D. of Davis as a member of the Health Professions Education Foundation Board of Trustees to serve for a term ending January 1, 2005.

Reappointed Mr. Steve Thompson of Sacramento as a member of the Advisory Committee on Managed Health Care to serve for a term ending January 1, 2007.

Appointed Ms. Angie S. Wei of Oakland as a member of the advisory committee to serve for a term ending January 1, 2005.

Appointed Zenaida Aguirre-Munoz, Ph.D. of Los Angeles as a member of the Pupil Assessment Committee to serve for a term ending January 1, 2006.

Reappointed Ms. Adele Levine of Fremont as a member of the California Student Aid Commission to serve for a term ending January 1, 2008.

Reappointed Stella Aguinaga-Bialous, Dr.PH of San Francisco as a member of the Tobacco Education and Research Oversight Committee to serve for a term ending January 1, 2006.

BURTON, Chair

Committee on Education

Senate Chamber, January 8, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 905

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 905—An act to amend Section 76001 of the Education Code, relating to education finance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, January 8, 2004

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 1021

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1021—An act to amend Section 16337 of, and to add Chapter 5 (commencing with Section 16500) to Part 4 of Division 9 of, the Probate Code, relating to trusts.

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 Bill 1089: By Senator Johnson—An act relating to water.

Senate Bill 1090: By Senator Dunn—An act to amend Sections 18060.5 and 18063 of the Health and Safety Code, relating to manufactured homes and mobilehomes.

Senate Bill 1091: By the Committee on Local Government (Senators Torlakson, Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1092: By the Committee on Local Government (Senators Torlakson, Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein

actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1093: By the Committee on Local Government (Senators Torlakson, Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

Senate Bill 1094: By Senator Murray—An act to add Section 56158 to the Education Code, relating to special education.

MEASURE WITHDRAWN AND RETURNED TO ASSEMBLY

Without objection, **SB 403** was withdrawn from the Committee on Governmental Organization and returned to the Assembly.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Kenneth Doyle of Blue Jay.

Senators Ducheny and Alpert requested that when the Senate adjourns this day it do so in memory of Marilyn Marston of San Diego.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Mary “Lois” Tinson of Baldwin Hills.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Merlin R. Adams of North Hollywood.

Senators Kuehl and Alarcón requested that when the Senate adjourns this day it do so in memory of Mimi Robins of Van Nuys.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Rev. Jerome F. Means of Stockton.

Senator Morrow requested that when the Senate adjourns this day it do so in memory of Rear Admiral Robert M. Garrick of Bonsall.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Mary Blanche Martin, Alice Simonian and Dr. Harold H. Haak of Fresno and John Shigeo Mikuni of Sanger.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 1:30 p.m., Monday, January 12, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 12, 2004

The Senate met at 1:30 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.
Quorum present.

(NOTE: Senators Brulte and Florez will be excused this day on legislative business and Senator Johnson will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

We do not need to seek You, O God, for You are already here waiting to be found, soaked into our reality. Grace our journey, which is one of recognizing You, always, already present, and surfacing that presence in our daily lives.—AMEN.

(Edwina Gateley, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Figueroa led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

January 9, 2004

To the Members of the Senate:

In compliance with Article IV, Section 12 of the California Constitution, I hereby submit to you the 2004–05 Governor's Budget (SB 1095).

Never before has California been faced with a fiscal challenge of such an incredible magnitude. As the first phase of my outside audit of state government revealed, we must confront an inherited debt that is now estimated to be a staggering \$22 billion.

But at the same time, never has there been such an opportunity to fundamentally change the way business is done in Sacramento—and, an opportunity to implement reforms that will make California solvent and strong once again.

The budget I have put before you sets California on a clear path of recovery.

First, it calls for difficult but necessary steps to begin to bring the amount of money we spend in line with the amount of money the state takes in.

Second, it reflects fundamental reform proposals throughout state government—in K–12 education, in higher education, in health and human service programs, and more. These reform proposals make sense not only from a budgetary perspective, but from a policy perspective as well.

And third, it puts the state on a path to recovery without raising taxes, which would only serve to blunt the economic recovery we are now beginning to realize.

No one should underestimate the size of the task that is before us. The debt that this administration inherited did not occur in a single year. And given the size of the state's fiscal crisis, nearly every area of state government will be asked to shoulder some of the sacrifice that will be required.

But that is what the people who sent us here expect us to do—face our problems squarely and make the right decisions for the people.

We have already demonstrated to the people of California that we can put aside politics as usual. Late last year, we cast aside partisan differences and worked together to approve the California Recovery Plan for the March ballot—a bond of up to \$15 billion to refinance a portion of the inherited debt, coupled with new requirements for a balanced budget, a

rainy-day budget reserve, and authority to control overspending—before it grows out of control.

It is this spirit of bipartisan cooperation that I hope will guide our debate over the state budget in the weeks and months ahead. By working together to address the state's fiscal crisis in a responsible manner, we can once again show the people of California that we are worthy of the trust they have placed in us.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

January 9, 2004

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Sunne Wright McPeak, former President and CEO, the Bay Area Council.
Appointed 11/17/03. Effective 11/17/03:

Secretary of Business, Transportation and Housing Agency vice
Maria L. Contreras-Sweet, resigned, term ending at the pleasure of
the Governor.

Terrence Arthur Tamminen, former executive director, Environment Now
Foundation. Appointed 11/17/03. Effective 11/17/03:

Secretary, California Environmental Protection Agency vice
Winston H. Hickox, resigned, term ending at the pleasure of the
Governor.

Donna Arduin, former Director, Office of Policy and Budget for the State
of Florida. Appointed 11/17/03. Effective 11/17/03:

Director of Finance vice Steve Peace, resigned, term ending at the
pleasure of the Governor.

Arthur Gen Kawamura, formerly with Orange County Produce, LLC.
Appointed 11/17/03. Effective 11/17/03:

Secretary of Food and Agriculture vice William (Bill) J. Lyons, Jr.,
resigned, term ending at the pleasure of the Governor.

S. Kimberly Belshé former program director, The James Irvine
Foundation. Appointed 11/17/03: Effective 11/17/03:

Secretary, Health and Human Services Agency vice Grantland L.
Johnson, resigned, term ending at the pleasure of the Governor.

Anne E. Sheehan, Executive Director, California Building Industry Foundation. Appointed 12/1/03. Effective 12/2/03:

Member, State Personnel Board vice Frank Quintero IV, withdrawn from the Senate, term ending 1/15/11.

Mike Chrisman, former Southern California Edison's Region Manager for the San Joaquin Valley. Appointed 11/17/03. Effective 11/17/03:

Secretary of Resources Agency vice Mary D. Nichols, resigned, term ending at the pleasure of the Governor.

Frank T. "Fred" Aguiar, former Supervisor for San Bernardino. Appointed 12/11/03. Effective 12/29/03:

Secretary of State and Consumer Services Agency vice Aileen C. Adams, resigned, term ending at the pleasure of the Governor.

Roderick Quintin Hickman, former Chief Deputy Director, Department of Corrections. Appointed 11/17/03. Effective 11/17/03:

Secretary of Youth and Adult Correctional Agency vice Robert B. Presley, resigned, term ending at the pleasure of the Governor.

Above appointments referred to the Committee on Rules.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced and transmitted to the Committee on Budget and Fiscal Review on January 9:

Senate Bill 1095: By Senator Chesbro—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources and Wildlife

Senate Chamber, January 12, 2004

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 904

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

Senate Bill 904—An act to amend Sections 5093.52, 5093.55, 5093.56, 5093.61, and 5093.68 of the Public Resources Code, relating to wild and scenic rivers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, January 12, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 264

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 264**—An act relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, January 12, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 433

SB 785

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 433**—An act to add Section 22980.05 to, and to repeal and add Section 22974.8 of, the Business and Professions Code, relating to tobacco.

Bill read second time.

Senate Bill 785—An act to add Section 14016.51 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Employment and Retirement

Senate Chamber, January 12, 2004

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 971

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 971—An act to amend Sections 1789.31, 1789.33, and 1789.35 of the Civil Code, and to amend Sections 22050, 23026, 23057, 23100, 23102, and 23104 of the Financial Code, relating to deferred deposit transactions, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 971 pursuant to Joint Rule 58.

ASSEMBLY MEMBER CORREA

Permission of Rules Committee

Senate Chamber, January 12, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 971.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, January 12, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 843

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 843—An act to amend Sections 66025.6, 69433.4, 69750, 69750.3, 69750.5, 69750.7, 69751, 69751.3, and 69751.5 of, and to add Section 69751.4 to, the Education Code, and to amend Section 981.8 of the Military and Veterans Code, relating to veterans.

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 Bill 492—An act to amend and repeal Section 65585.2 of the Government Code, relating to housing.

Bill read second time, ordered engrossed, and to third reading.

RECESS

At 1:54 p.m., the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 1:55 p.m., the Senate reconvened.

Hon. John L. Burton, of the 3rd District, presiding.

RE-REFERENCE TO COMMITTEE

At the request of Senator Alpert, **AB 83** was re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 557** was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Rules.

MEASURES STRICKEN FROM FILE

At the request of the authors, **SB 19, SB 45, SB 83, SB 125, SB 242, SB 261, SB 278, SB 328, SB 428, SB 495, SB 556, SB 590, SB 605, SB 606, SB 636, SB 774, and SB 799** were stricken from the file.

Governor's vetoes sustained.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Brulte and Florez.

The following Senator was granted leave of absence for the day due to illness: Senator Johnson.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 1:58 p.m., further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, January 13, 2004.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 12, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 800 and AB 1306 to the Senate.

Above measures ordered held at Desk.

Assembly Chamber, January 12, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 604

SB 976

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, January 12, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCA 1

Above resolution ordered enrolled.

Assembly Chamber, January 12, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 2	AB 371	AB 1145	AB 1209
AB 44	AB 652	AB 1179	AB 1501
AB 283	AB 685	AB 1182	AB 1572
AB 343	AB 900	AB 1192	AB 1736

Assembly Chamber, January 12, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted the report of the Committee on Conference concerning:

AB 968

Assembly Chamber, January 12, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 139

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 139—Relative to the Charles R. Drew University of Medicine and Science.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, January 12, 2004

The Committee on Rules has re-referred the following measure to committee:

Labor and Industrial Relations—SB 264.

Committee on Business and Professions

Date of Hearing, January 12, 2004

Mr. President: The Committee on Business and Professions, to which were referred:

SB 136

SB 928

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

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 Bill 1096: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1097: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1098: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1099: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1100: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1101: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1102: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1103: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1104: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1105: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1106: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1107: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1108: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1109: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1110: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1111: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1112: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1113: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1114: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1115: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1116: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1117: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1118: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1119: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1120: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1121: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1122: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1123: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1124: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1125: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2004.

Senate Bill 1126: By Senator McClintock—An act to add Section 6383 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1127: By Senator Scott—An act to amend Sections 23592 and 23596 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: June 23, 2003, relating to compliance assessment performance was received from the Department of Pesticide Regulation and transmitted to the Committee on Budget and Fiscal Review.

A report dated: September 22, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California State Personnel Board and transmitted to the Committee on Governmental Organization.

A report dated: November 10, 2003, relating to the streamlined capital outlay funds was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: November 18, 2003, relating to the Enhanced Data Elements Study was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

An initiative title and summary dated: November 20, 2003, relating to Sex Offenders. Punishment. Parole. Public Information. Initiative Statute Amdt.#1-S was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: November 20, 2003, relating to Recall Signature Requirement. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: November 20, 2003, relating to the Portable Classroom Egress Study was received from the Department of General Services and transmitted to the Committee on Education.

A report dated: November 20, 2003, relating to MTBE was received from the California Energy Commission and transmitted to the Committee on Environmental Quality.

A report dated: November 21, 2003, relating to complaints received from construction subcontractors on contracts in excess of \$300,000 was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: November 24, 2003, relating to Insurance Fund forecast was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

An audit report dated: November 25, 2003, relating to administrative proceedings conducted by the California Public Utilities Commission was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: November 26, 2003, relating to disabled veteran business enterprise participation was received from the California Housing Finance Agency and transmitted to the Committee on Governmental Organization.

A report dated: November 26, 2003, relating to the California Child Abuse program was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 1, 2003, relating to the Renewable Energy program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: December 1, 2003, relating to FY 2002–2003 activities—was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

An initiative title and summary dated: December 1, 2003,, relating to Public Benefits. Driver's License. Eligibility. Immigration Status and Identity Verification. Initiative Constitutional Amendment Amdt. 1-NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 1, 2003, relating to the Electric Transmission Plan for Renewable Resources in California was received from the Public Utilities Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: December 2, 2003, relating to the Oak Woodlands Conservation Act of 2001 was received from the California Wildlife Conservation Board and transmitted to the Committee on Natural Resources and Wildlife.

A report dated: December 2, 2003, relating to Renewable Resources Development was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

The Annual Report dated: December 3, 2003, was received from the Employment Training Panel and transmitted to the Committee on Labor and Industrial Relations.

A report dated: December 4, 2003, relating to the CSU Santa Barbara Center for the Study of Correctional Education Report on Deliverables was received from the Department of Education and transmitted to the Committee on Education.

An initiative title and summary dated: December 5, 2003, relating to Limitations on “Three Strikes” Law. Sex Crimes. Punishment. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 5, 2003, relating to financial statements for the months ending September 30, 2003, prepared from books without audit was received from the California Lottery and transmitted to the Committee on Governmental Organization.

A report dated: December 5, 2003, relating to the Collaborative Academic Preparation Initiative was received from the California State University and transmitted to the Committee on Education.

A report dated: December 8, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Air Resources Board and transmitted to the Committee on Governmental Organization.

A report dated: December 9, 2003, relating to the transition to non-metal antifouling paints on marine recreational boats in San Diego Bay was received from the Department of Boating and Waterways and transmitted to the Committee on Environmental Quality.

A report dated: December 9, 2003, relating to AB 312 Expenditure Plan II for 2003–04 “State-Monitored” Title I Schools School Assistance and Intervention Team and Corrective actions was received from the Department of Education and transmitted to the Committee on Education.

A report dated: December 9, 2003, relating to the Kapiloff Land Bank Act was received from the State Lands Commission and transmitted to the Committee on Governmental Organization.

An audit report dated: December 9, 2003, relating to the Department of Transportation’s revenue and expenditures authorized by the Seismic Retrofit Bond Act of 1996 was received from the State Auditor and transmitted to the Committee on Rules.

An audit report dated: December 10, 2003, relating to the processes used by the California Integrated Waste Management Board and local agencies, to grant permits for and to monitor solid waste sites was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: December 11, 2003, relating to the Disabled Veteran Business Enterprise participation was received from the Department of Community Services and Development and transmitted to the Committee on Governmental Organization.

A report dated: December 11, 2003, relating to railroad safety was received from the Public Utilities Commission and transmitted to the Committee on Transportation.

A ballot title and summary and ballot label for the March 2004 primary election ballot dated: December 12, 2003, relating to Health Care Coverage Requirement. Referendum. Supplemental Ballot pamphlet was received from the Department of Justice and transmitted to the Committee on Rules.

Ballot labels for the March 2004 primary election ballot dated: December 14, 2003, relating to Supplemental Ballot Pamphlet. Proposition 57: Economic Recovery Bond Act; Proposition 58: California Balanced Budget Act was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: December 15, 2003, relating to Limitations on Enforcement of Unfair Business Competition Laws. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 15, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the State and Consumer Services Agency and transmitted to the Committee on Governmental Organization.

A report dated: December 15, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the San Francisco Bay Conservation and Development Commission and transmitted to the Committee on Governmental Organization.

An audit report dated: December 16, 2003, relating to the Los Angeles County Metropolitan Transportation Authority's bus operations was received from the State Auditor and transmitted to the Committee on Rules.

Ballot Titles and Summaries for the March 2004 primary election ballot dated: December 17, 2003, relating to Supplemental Ballot Pamphlet. Proposition 57: Economic Recovery Bond Act; Proposition 58: California Balanced Budget Act was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 17, 2003, relating to public payphone programs was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

An audit report dated: December 17, 2003, relating to Water Quality Control Boards: Improvement projects was received from the State Auditor and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: December 17, 2003, relating to Public Funded, Licensed School. Initiative Constitutional Amendment. Amdt.#1-S was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: December 17, 2003, relating to Termination of Minor's Pregnancy. Medical Emergency. Parental Notification or Judicial Waiver. Initiative Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.

An audit report dated: December 18, 2003, relating to compliance with the federal Jeanne Clery Act by educational institutions was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: December 18, 2003, relating to Immediate Intervention/Underperforming School Program and the High Achieving/Improving Schools Program of the Public Schools Accountability Act of 1999 was received from the Department of Education and transmitted to the Committee on Education.

A report dated: December 18, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Public Utilities Commission and transmitted to the Committee on Governmental Organization.

A report dated: December 18, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California Public Employees' Retirement System and transmitted to the Committee on Governmental Organization.

A report dated: December 18, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the State Board of Equalization and transmitted to the Committee on Governmental Organization.

A report dated: December 19, 2003, relating to California Energy Resources Scheduling Division's activities and expenditures was received from the Department of Water Resources and transmitted to the Committee on Agriculture and Water Resources.

An audit report dated: December 22, 2003, relating to the Department of Health Services' address of provider fraud in the California Medical Assistance program was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: December 22, 2003, relating to Energy Savings Potential in California's Existing Buildings was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: December 22, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the Department of Food and Agriculture and transmitted to the Committee on Agriculture and Water Resources.

A report dated: December 22, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California Horse Racing Board and transmitted to the Committee on Governmental Organization.

The October 2003 quarterly report dated: December 23, 2003, relating to the Audit Division's activities was received from the Office of Criminal Justice Planning and transmitted to the Committee on Budget and Fiscal Review.

A report dated: December 23, 2003, relating to the Reimbursable State Transportation Program was received from the Department of Transportation and transmitted to the Committee on Transportation.

A report dated: December 23, 2003, relating to the annual inspection of the State Water Project was received from the Department of Water Resources and transmitted to the Committee on Agriculture and Water Resources.

A report dated: December 23, 2003, relating to Homicides in California in 2002 was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: December 23, 2003, relating to Internal Control Certification was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

A report dated: December 23, 2003, relating to the State Rail Plan for 2001–2011 was received from the Department of Transportation and transmitted to the Committee on Transportation.

An Initiative Title and Summary dated: December 23, 2003, relating to Traffic Violations in School Zones. Increased Fines. School Safety Programs. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 24, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Toxic Substances Control and transmitted to the Committee on Governmental Organization.

A report dated: December 26, 2003, relating to California Physical Fitness Testing—2003 was received from the Department of Education and transmitted to the Committee on Education.

An Initiative Title and Summary dated: December 26, 2003, relating to Use of Authorized or King James Bible as Textbook For Grades One through Twelve. Initiative Constitutional Amendment. Amdt. #1-NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 29, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Food and Agriculture and transmitted to the Committee on Governmental Organization.

A report dated: December 29, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the Gambling Control Commission and transmitted to the Committee on Governmental Organization.

A report dated: December 29, 2003, relating to Disabled Veteran Business Enterprise Participation was received from the Franchise Tax Board and transmitted to the Committee on Governmental Organization.

A report dated: December 29, 2003, relating to administrative and disciplinary actions was received from the Board of Behavioral Sciences and transmitted to the Committee on Business and Professions.

A report dated: December 29, 2003, relating to the management of state school lands was received from the State Lands Commission and transmitted to the Committee on Public Employment and Retirement.

A report dated: December 30, 2003, relating to the Nonprofit Raffle program was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: December 30, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the State Teachers Retirement System and transmitted to the Committee on Governmental Organization.

A report dated: December 30, 2003, relating to the Recycle Underutilized Sites program was received from the California Pollution Control Financing Authority and transmitted to the Committee on Environmental Quality.

A report dated: December 30, 2003, relating to the Sustainable Communities Grant and Loan program was received from the California Pollution Control Financing Authority and transmitted to the Committee on Environmental Quality.

A report dated: December 30, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Office of the State Public Defender and transmitted to the Committee on Governmental Organization.

A report dated: December 30, 2003, relating to short term goals and activities was received from the California Consumer Power and Conservation Financing Authority and transmitted to the Committee on Budget and Fiscal Review.

An Initiative Title and Summary dated: December 30, 2003, relating to Stem Cell Research. Funding. Bonds. Initiative Constitutional Amendment and Statute. Amdt. #1 NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: December 31, 2003, relating to internal accounting and administrative controls was received from the Department of Rehabilitation and transmitted to the Committee on Governmental Organization.

A report dated: December 31, 2003, relating to internal accounting and administrative controls was received from the State Lands Commission and transmitted to the Committee on Governmental Organization.

A report dated: December 31, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the Department of Corporations and transmitted to the Committee on Governmental Organizations.

A report dated: December 31, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of Personnel Administration and transmitted to the Committee on Governmental Organization.

A report dated: December 31, 2003, relating to Disabled Veteran Business Enterprise participation was received from the California Student Aid Commission and transmitted to the Committee on Governmental Organization.

A report dated: December 31, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the California Law Revision Commission and transmitted to the Committee on Governmental Organizations.

A report dated: December 31, 2003, relating to the Target Business Enterprise program was received from the State Treasurer and transmitted to the Committee on Governmental Organization.

A report relating to Medi-Cal Long Term Care Reimbursement Methodology was received from the Department of Health Services and transmitted to the Committee on Health and Human Services.

SENATE COMMITTEE ROLL CALLS

Committee on Business and Professions

SB 136—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

SB 928—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Aanestad, Cedillo, Figueroa, Machado, Murray, and Vincent.

NOES (0)—None.

Date of Hearing: 1/12/04

Figueroa (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Aanestad requested that when the Senate adjourns this day it do so in memory of Drew Reynolds of Grass Valley.

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Lauren King of Sacramento.

Senators Ducheny and Alpert requested that when the Senate adjourns this day it do so in memory of William B. Rick of San Diego.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Jerry Ringerman.

Senator Escutia requested that when the Senate adjourns this day it do so in memory of Manuel Serrano of Los Angeles.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Victor Aroian of Whittier.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Hon. Thomas M. Rees of Santa Cruz.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Velma Ione Pearson of Sacramento.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Harry A. Ardaiz, Marjorie Gostanian Magarian, and Pamela Jane Anton of Fresno, Alvin Glen Ellis of Clovis, and Army SSgt. Steven Bridges, of Tracy.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Zirayr Zorthian of Pasadena.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Mary Petsche formerly of Burlingame and Philip Goldman of Palo Alto.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 13, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, January 13, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—39.

Quorum present.

(NOTE: Senator Speier will be excused this day on legislative business.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, January 13, 2004

Mr. President: The Senate Rules Committee has appointed Ms. Mary Beth Tompane of Carlsbad as a member of the Continuing Care Advisory Committee to serve for a term ending January 1, 2005.

BURTON, Chair

Committee on Natural Resources and Wildlife

Date of Hearing, January 13, 2004

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 512

SB 904

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Housing and Community Development

Date of Hearing, January 12, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 120

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

Committee on Governmental Organization

Date of Hearing, January 13, 2004

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 74

Reports the same back with the recommendation: Do pass.

VINCENT, Chair

Above bill ordered to second reading.

Date of Hearing, January 13, 2004

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 427

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, January 13, 2004

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 111

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Appropriations

Senate Chamber, January 13, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 379

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 379—An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Natural Resources and Wildlife

Senate Chamber, January 13, 2004

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 233

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

KUEHL, Chair

Above measure ordered filed with the Secretary of the Senate.

Committee on Public Safety

Date of Hearing, January 13, 2004

Mr. President: The Committee on Public Safety, to which were referred:

SB 650

SB 883

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Judiciary

Senate Chamber, January 13, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 917

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 917—An act to amend Section 309 of the Corporations Code, relating to corporations.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, January 13, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 381

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

McPHERSON, Chair

Above measure ordered filed with the Secretary of the Senate.

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 Bill 1128: By Senator Ortiz—An act to add Section 2051.5 to the Penal Code, relating to prisons.

Senate Bill 1129: By Senator Johnson (Coauthor: Assembly Member Hancock)—An act to add and repeal Section 17463.5 of the Education Code, relating to school finance, to take effect immediately, as an urgency statute.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 1417—An act relating to community colleges.

Bill read third time.

Amendments Adopted

Amendments to **AB 1417** proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SB 557** was withdrawn from the Committee on Rules and placed on second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Housing and Community Development**

SB 120—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Alarcón, Ducheny, Dunn, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 558—Do pass as amended

AYES (6)—Senators Ackerman, Alarcón, Ducheny, Dunn, Hollingsworth, and Torlakson.

NOES (0)—None.

Date of Hearing: 1/12/04

Ducheny (Chair)

Committee on Governmental Organization**SB 74**—Do pass

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Murray, Soto, and Vincent.

NOES (5)—Senators Battin, Brulte, Johnson, Margett, and Morrow.

SB 111—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (13)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

SB 329—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Battin, Brulte, Cedillo, Dunn, Johnson, Karnette, Margett, Morrow, Murray, Soto, and Vincent.

NOES (0)—None.

SB 427—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Machado, Soto, and Vincent.

NOES (2)—Senators Brulte and Morrow.

Date of Hearing: 1/13/04

Vincent (Chair)

Committee on Natural Resources and Wildlife

SB 512—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Ortiz, and Sher.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

SB 904—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Ortiz, and Sher.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 1/13/04

Kuehl (Chair)

Committee on Public Safety

SB 52—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

Failed passage

SB 58—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 82—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Vasconcellos.

Failed Passage

SB 381—Do pass and re-refer to Committee on Appropriations

AYES (1)—Senator McPherson.

NOES (3)—Senators Romero, Sher, and Vasconcellos.

Failed Passage

SB 382—Do pass as amended and re-refer to Committee on Health and Human Services

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 650—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Sher, and Vasconcellos.

NOES (1)—Senator Romero.

SB 878—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Romero.

Failed Passage

SB 882—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (0)—None.

Failed Passage

SB 883—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Margett, McPherson, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 1/13/04

McPherson (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Speier.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Machado requested that when the Senate adjourns this day it do so in memory of Pfc. Jesse Mizener of Stockton.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, January 14, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, January 14, 2004

The Senate met at 9 a.m.
Hon. Denise Ducheny, of the 40th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—34.

Quorum present.

(NOTE: Senators Aanestad, Dunn, and Speier will be excused this day on legislative business, Senator Ashburn will be excused this day on personal business and Senators Johnson and Margett will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Public Safety

Date of Hearing, January 13, 2004

Madam President: The Committee on Public Safety, to which was referred:

SB 382

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Health and Human Services.

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Labor and Industrial Relations

Senate Chamber, January 14, 2004

Madam President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 414

Reports the same back to the Secretary of the Senate pursuant to Joint Rule 62(a). (May not be further considered during the session.)

ALARCÓN, Chair

Above measure ordered filed with the Secretary of the Senate.

Committee on Judiciary

Senate Chamber, January 14, 2004

Madam President: The Chair of the Committee on Judiciary, to which were referred:

SB 246

SB 343

SB 449

SB 466

SB 740

SB 914

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 246—An act to amend Section 1463.010 of the Penal Code, relating to courts.

Bill read second time.

Senate Bill 343—An act to add Section 15657.01 to the Welfare and Institutions Code, relating to elder abuse.

Bill read second time.

Senate Bill 449—An act to amend Section 6256 of the Family Code, relating to emergency protective orders.

Bill read second time.

Senate Bill 466—An act to add Section 664.8 to the Code of Civil Procedure, relating to entry of judgment.

Bill read second time.

Senate Bill 740—An act to repeal and add Section 798.80 of the Civil Code, relating to mobilehome parks.

Bill read second time.

Senate Bill 914—An act to repeal Sections 124250 and 124251 of the Health and Safety Code, to add Section 13823.13 to, and to repeal Sections 13823.15, 13823.16, 13823.3, 13837, and 13838 of, the Penal Code,

relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Date of Hearing, January 13, 2004

Madam President: The Committee on Public Safety, to which was referred:

SB 58

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Health and Human Services

Date of Hearing, January 14, 2004

Madam President: The Committee on Health and Human Services, to which were referred:

SB 29

SB 431

SB 785

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

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 Bill 1130: By Senator Scott—An act to add Section 4830.6 to the Business and Professions Code, relating to veterinary medicine.

Senate Bill 1131: By Senator Ortiz—An act to add and repeal Article 13.5 (commencing with Section 18845) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Resolution 31: By Senator Soto—Relative to firefighters.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 120—An act to add Chapter 19 (commencing with Section 50898.10) to Division 31 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 74—An act to add Section 11005.4 to the Government Code, relating to state property.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 557—An act relating to forest practices.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1417—An act relating to community colleges.

Bill read second time and ordered to third reading.

REQUEST TO RETURN BILL TO ASSEMBLY

On request of Senator Ducheny, **SB 976** was returned to the Assembly for further action.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing **SB 683**, **SB 843**, and **SB 905** to be heard in the Committee on Education on Thursday, January 15, 2004 without 4 days notice in the Daily File.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 971** was withdrawn from the Committee on Public Employment and Retirement and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Environmental Quality

SB 50—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

SB 472—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

SB 493—Committee amendments

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

SB 493—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (0)—None.

SB 559—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Figueroa, Kuehl, Romero, and Sher.

NOES (2)—Senators Denham and McPherson.

SB 706—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Denham, Figueroa, Kuehl, McPherson, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 1/12/04

Sher (Chair)

Committee on Education

SB 76—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

SB 786—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Knight, and McPherson.

NOES (6)—Senators Alarcón, Chesbro, Karnette, Scott, Sher, and Vasconcellos.

Failed Passage

SB 789—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Knight, and McPherson.

NOES (7)—Senators Alarcón, Chesbro, Karnette, Romero, Scott, Sher, and Vasconcellos.

Failed Passage

SB 790—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Denham, Knight, McPherson, and Scott.

NOES (6)—Senators Alarcón, Alpert, Chesbro, Karnette, Romero, and Vasconcellos.

Failed Passage

SB 956—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Knight, and McPherson.

NOES (7)—Senators Alarcón, Chesbro, Karnette, Romero, Scott, Sher, and Vasconcellos.

Failed Passage

Date of Hearing: 1/14/04

Vasconcellos (Chair)

Committee on Health and Human Services

SB 29—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, and Romero.

NOES (0)—None.

SB 38—Do pass as amended and re-refer to Committee on Rules

AYES (1)—Senator Battin.

NOES (6)—Senators Chesbro, Escutia, Kuehl, Ortiz, Romero, and Vasconcellos.

Failed Passage

SB 431—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 433—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, and Romero.

NOES (1)—Senator Vasconcellos.

SB 785—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Chesbro, Escutia, Figueroa, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 1/14/04

Ortiz (Chair)

Committee on Labor and Industrial Relations

SB 264—Do pass and re-refer to Committee on Appropriations

AYES (1)—Senator Oller.

NOES (2)—Senators Kuehl and Romero.

Failed Passage

SB 414—Do pass

AYES (2)—Senators McClintock and Oller.

NOES (3)—Senators Figueroa, Kuehl, and Romero.

Failed Passage

Date of Hearing: 1/14/04

Alarcón (Chair)

Committee on Local Government

SB 1086—Do pass as amended

AYES (4)—Senators Machado, Perata, Soto, and Torlakson.

NOES (1)—Senator Hollingsworth.

Date of Hearing: 1/14/04

Torlakson (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Dunn, and Speier.

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

The following Senators were granted leaves of absence for the day due to illness: Senators Johnson and Margett.

REQUEST TO ADJOURN IN MEMORIAM

Senator Denham requested that when the Senate adjourns this day it do so in memory of Mayor Richard Bernasconi of Merced.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, January 15, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 15, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez,
Hollingsworth, Knight, Kuehl, Machado, McClintock, Morrow, Oller,
Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson,
Vasconcellos, and Vincent—33.

Quorum present.

(NOTE: Senators Dunn, Karnette, and Murray will be excused this day on legislative business, Senator McPherson will be excused this day on personal business, and Senators Bowen, Johnson, and Margett will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

January 15, 2004

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Tom P. McCaffrey, former Senior Vice President/Chief Operation Officer.
Appointed 12/8/03. Effective 12/8/03:

Chief Deputy Director, Department of Health Services vice David M. Souleles, replaced, term ending at the pleasure of the Governor.

Chon Gutierrez, former Chief Assistant Secretary of State. Appointed 11/17/03. Effective 11/17/03:

Director of Motor Vehicles vice Steven Gourley, resigned, term ending at the pleasure of the Governor.

Walter Allen, III, former Assistant Chief, California Department of Justice, Bureau of Narcotic Enforcement. Appointed 12/9/03. Effective 12/9/03:

Director of the Youth Authority vice Jerry Lee Harper, resigned, term ending at the pleasure of the Governor.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 15, 2004

*The Honorable Greg Schmidt**Secretary of the Senate*

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 97, AB 118, AB 366, AB 691, AB 806, and AB 1154 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measures ordered held at Desk.

Assembly Chamber, January 15, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 42

AB 69

AB 1636

AB 1696

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 42—An act to amend Section 56505.2 of the Education Code, relating to special education.

Assembly Bill 69—An act to amend Section 14672.100 of the Government Code, relating to public works.

Assembly Bill 1636—An act to amend Section 49558 of the Education Code, relating to pupil records.

Assembly Bill 1696—An act to amend Section 60041 of the Education Code, and to amend Section 71304 of the Public Resources Code, relating to instructional materials.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, January 14, 2004

Mr. President: The Committee on Rules has examined:

SCA 1

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 14th day of January, 2004, at 3:30 p.m.

BURTON, Chair

Senate Chamber, January 15, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 42

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 42—Relative to women's health.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Date of Hearing, January 14, 2004

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 227

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measure ordered to second reading.

Date of Hearing, January 14, 2004

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 764

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CEDILLO, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Housing and Community Development

Date of Hearing, January 12, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 558

Reports the same back with the recommendation: Do pass as amended.

DUCHENY, Chair

Above measure ordered to second reading.

Committee on Local Government

Date of Hearing, January 14, 2004

Mr. President: The Committee on Local Government, to which was referred:

SB 1086

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Date of Hearing, January 12, 2004

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 50

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

Committee on Health and Human Services

Date of Hearing, January 14, 2004

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 433

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, January 15, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 115

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUZIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 115—An act to add Section 1947.3 to the Civil Code, relating to landlord and tenant.

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 measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1132: By Senator Brulte—An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 382—An act to amend Section 1520.5 of, and to add Section 1520.10 to, the Health and Safety Code, relating to community care facilities.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Health and Human Services.

Senate Bill 58—An act to add Section 964 to the Penal Code, relating to police reports, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

REQUEST FOR UNANIMOUS CONSENT (AB 35)

Senator Torlakson asked for, and was granted, unanimous consent that AB 35 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 35

Assembly Bill 35—An act to add Section 42238.1465 to the Education Code, to add Article 9.5 (commencing with Section 1338.10) to Chapter 2 of Division 2 of, the Health and Safety Code, and to amend Section 30166 of, to add Article 4 (commencing with Section 30133) to Chapter 2 of Part 13 of Division 2 of, the Revenue and Taxation Code, and to amend Section 80.5 of Chapter 230 of the Statutes of 2003, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Amendments to AB 35 proposed by Senator Torlakson were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 343** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn, Karnette, and Murray.

The following Senator was granted leave of absence for the day due to personal business: Senator McPherson.

The following Senators were granted leaves of absence for the day due to illness: Senators Bowen, Johnson, and Margett.

SENATE COMMITTEE ROLL CALLS

Committee on Revenue and Taxation

SB 47—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Knight and Poochigian.

NOES (0)—None.

Failed Passage

SB 121—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Knight and Poochigian.

NOES (0)—None.

Failed Passage

SB 227—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

SB 330—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Knight and Poochigian.

NOES (0)—None.

Failed Passage

SB 417—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Cedillo, Knight, and Poochigian.

NOES (0)—None.

SB 676—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (0)—None.

SB 764—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AJR 8—Do pass

AYES (2)—Senators Knight and Poochigian.

NOES (0)—None.

Failed Passage

Date of Hearing: 1/14/04

Cedillo (Chair)

REQUEST TO ADJOURN IN MEMORIAM

Senator Perata requested that when the Senate adjourns this day it do so in memory of Peter Susin of Alameda.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Friday, January 16, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, January 16, 2004

The Senate met at 9 a.m.
Hon. Gilbert Cedillo, of the 22nd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Ashburn, Bowen, Brulte, Cedillo, Chesbro,
Denham, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Knight, Kuehl,
Machado, McClintock, Morrow, Oller, Ortiz, Romero, Scott, Sher, and
Vincent—24.

Quorum present.

*(NOTE: Senators Alarcón, Alpert, Battin, Burton, Ducheny, Karnette,
Murray, Perata, Poochigian, Soto, Speier, Torlakson, and Vasconcellos
will be excused this day on legislative business, Senator McPherson will
be excused this day on personal business, and Senators Johnson and
Margett will be excused this day due to illness.)*

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 15, 2004

Mr. President: I am directed to inform your honorable body that the
Assembly on this day adopted:

ACR 155

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules for assignment:

Assembly Concurrent Resolution 155—Relative to Dr. Martin Luther King, Jr. Day.

REPORTS OF STANDING COMMITTEES**Committee on Education**

Date of Hearing, January 15, 2004

Mr. President: The Committee on Education, to which was referred:

SB 905

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Rules.

Committee on Appropriations

Senate Chamber, January 16, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 753

SB 756

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 753—An act to amend Sections 8169.6, 14669.15, 14669.16, and 14957 of the Government Code, relating to public works projects, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 756—An act relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Date of Hearing, January 14, 2004

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 417

SB 676

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measures ordered to second reading.

Committee on Education

Date of Hearing, January 14, 2004

Mr. President: The Committee on Education, to which was referred:

SB 76

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, January 16, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 905

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 905—An act to amend Section 48800 of the Education Code, relating to educational enrichment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Environmental Quality

Date of Hearing, January 12, 2004

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 472

SB 559

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measures ordered to second reading.

Date of Hearing, January 12, 2004

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 706

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

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 Bill 1133: By Senator Chesbro—An act to add Section 5080 to the Vehicle Code, relating to vehicles.

Senate Concurrent Resolution 54: By Senators Denham and Ducheny—Relative to World Languages and Cultures Month.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill 227—An act to amend Section 76 of Chapter 35 of the Statutes of 2002, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 558—An act to amend Section 65913.1 of the Government Code, relating to local planning.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 1086—An act to amend Section 1091 of the Government Code, relating to conflicts of interest, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 50—An act to amend Section 25214.10 of the Health and Safety Code, and to amend Sections 42463, 42464, 42465.2, 42465.3, 42475.2, 42476, 42476.5, 42476.6, 42477, and 42478 of the Public Resources Code, relating to solid waste.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 433—An act to add Section 22980.05 to, and to repeal and add Section 22974.8 of, the Business and Professions Code, relating to tobacco.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 35—An act to amend Sections 65352 and 65400 of, and to repeal Section 65307 of, the Government Code, relating to local planning.

Bill read second time and ordered to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Alpert, Battin, Burton, Ducheny, Karnette, Murray, Perata, Poochigian, Soto, Speier, Torlakson, and Vasconcellos.

The following Senator was granted leave of absence for the day due to personal business: Senator McPherson.

The following Senators were granted leaves of absence for the day due to illness: Senators Johnson and Margett.

SENATE COMMITTEE ROLL CALLS

Committee on Education

SB 905—Do pass and re-refer to Committee on Rules

AYES (9)—Senators Alpert, Chesbro, Denham, Knight, Romero, Scott, Sher, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 1/15/04

Vasconcellos (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Randy Birch of Redlands and Mickey McElwain of Fontana.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Steven Ebert and Mary E. Coale of Stockton.

ADJOURNMENT

At 4:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 20, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, January 20, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock,
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,
Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

(NOTE: Senator Soto will be excused this day due to a death in the family and Senators Florez and Margett will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 20, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day had AB 44 and AB 371 returned from the Governor, and rescinded the action whereby Senate amendments to the bills were concurred in.

Pursuant to the instructions of the Assembly, I am herewith returning the bills to the Senate for further action.

Above measures ordered held at Desk.

Assembly Chamber, January 20, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 509 and AB 1087 to the Senate.

Above measures ordered held at Desk.

Assembly Chamber, January 20, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 224	AB 254	AB 517	AB 955
AB 1264	AB 1623	AB 1667	

Assembly Chamber, January 20, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 419

Assembly Chamber, January 20, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 41

Assembly Chamber, January 20, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 98

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.

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 224—An act to amend Section 13132.7 of, and to add Section 13132.8 to, the Health and Safety Code, relating to roof covering materials.

Assembly Bill 254—An act to amend Section 1373.621 of the Health and Safety Code, and to amend Section 10116.5 of the Insurance Code, relating to health.

Assembly Bill 517—An act to amend Section 21455.5 of the Vehicle Code, relating to vehicles.

Assembly Bill 955—An act to amend Section 65352 of the Government Code, relating to land use.

Assembly Bill 1264—An act to amend Section 4216.8 of the Government Code, relating to excavation equipment.

Assembly Bill 1623—An act to amend Section 8020 of the Elections Code, relating to elections.

Assembly Bill 1667—An act to amend Section 803 of, to add Sections 801.1, 801.2, and 803.5 to, and to repeal Section 805.5 of, the Penal Code, relating to criminal procedure.

Assembly Joint Resolution 41—Relative to psychotropic drugs and youth.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, January 20, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 6

SB 746

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 6—An act to amend Sections 33000, 33030, 66010.6, 66010.7, 66901, 66902, 66941, 70901.5, 71000, 71090, 71092, and 87482.4 of, to add Sections 1242, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 6 (commencing with Section 500) to Part 1 of, and to repeal Sections 11005, 45357, 66903, 66903.2, 69563, 71090.5, 99181, and 99182 of the Education Code, relating to public education governance.

Bill read second time.

Senate Bill 746—An act to amend Section 17071.75 of the Education Code, relating to school facilities.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, January 20, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 537

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 537**—An act relating to solid waste.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Date of Hearing, January 13, 2004

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 329

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VINCENT, Chair

Above measure ordered to second reading.

Committee on Insurance

Senate Chamber, January 20, 2004

Mr. President: The Chair of the Committee on Insurance, to which was referred:

SB 174

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 174**—An act to add Section 1367.195 to the Health and Safety Code, and to add Section 10123.75 to the Insurance Code, relating to health care.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Date of Hearing, January 20, 2004

Mr. President: The Committee on Appropriations, to which were referred:

SB 815

SB 904

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Senate Chamber, January 20, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 29	SB 50	SB 58
SB 111	SB 136	SB 512
SB 526	SB 706	SB 928

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measures ordered to second reading.

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 Bill 1134: By Senator Chesbro (Coauthor: Assembly Member Berg)—An act to amend Section 1393.5 of the Labor Code, relating to employment.

Senate Bill 1135: By Senators Chesbro and Aanestad (Coauthor: Assembly Member Berg)—An act to add Section 35401.9 to the Vehicle Code, relating to vehicles.

Senate Bill 1136: By Senator Chesbro (Coauthor: Assembly Member Berg)—An act to amend Sections 1, 2, 4, 5, 6, and 41 of, and to add Section 13.3 to, the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District.

Senate Bill 1137: By Senator Burton—An act to amend Section 22200 of the Education Code, relating to state teachers' retirement.

Senate Bill 1138: By Senator Hollingsworth—An act to amend Sections 37700, 37701, 37702, 37703, 37704, 37706, and 37707 of the Education Code, relating to school districts.

Senate Bill 1139: By Senator Cedillo—An act to amend Section 12816 or the Vehicle Code, relating to vehicles.

Senate Concurrent Resolution 55: By Senator Alpert—Relative to Educational Options Month.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 417—An act to add Section 17140.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 676—An act to add Part 5.5 (commencing with Section 105500) to Division 103 of the Health and Safety Code, relating to public health.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 76—An act to add Section 33050.4 to the Education Code, relating to school attendance.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 472—An act relating to water quality, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 559—An act to add Article 6.2 (commencing with Section 25367.1) to Chapter 6.8 of Division 20 of the Health and Safety Code, relating to hazardous substances.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 706—An act to add Section 41814 to the Health and Safety Code, relating to air pollution.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Without objection **SB 744** was taken from the inactive file and placed on the second reading file.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 382** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Appropriations.

**REPORTS OF STANDING COMMITTEES
Committee on Appropriations**

Senate Chamber, January 20, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 382

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measure ordered to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 806)**

Without objection, the action was rescinded whereby AB 806 was passed to the Assembly, and the measure was taken up without reference to file.

Consideration of Assembly Bill 806

Assembly Bill 806—An act to amend Section 19134 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Amendments to AB 806 proposed by Senator Alpert were read and adopted and the measure ordered printed and to second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to a death in the family: Senator Soto.

The following Senators were granted leaves of absence for the day due to illness: Senators Florez and Margett.

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

SB 559—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

SB 815—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Johnson, Karnette, Machado, and Murray.

NOES (0)—None.

SB 904—Do pass

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, and Murray.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

Date of Hearing: 1/20/04

Alpert (Chair)

REQUEST TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Beth Graham of San Raphael.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, January 21, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, January 21, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Speier, Vasconcellos, and Vincent—32.

Quorum present.

(NOTE: Senators Alarcón, Alpert, and Torlakson will be excused this day on legislative business, Senators Bowen, Florez, Margett, and Sher will be excused this day due to illness, and Senator Soto will be excused this day due to a death in the family.)

REPORTS OF STANDING COMMITTEES
Committee on Revenue and Taxation

Senate Chamber, January 21, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 516

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 516—An act to add Section 23820 to 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 Judiciary

Date of Hearing, January 20, 2004

Mr. President: The Committee on Judiciary, to which was referred:

SB 914

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, January 20, 2004

Mr. President: The Committee on Judiciary, to which was referred:

SB 246

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ESCUTIA, Chair

Above measure ordered to second reading.

Date of Hearing, January 20, 2004

Mr. President: The Committee on Judiciary, to which were referred:

SB 115 SB 391 SB 449 SB 466

Reports the same back with the recommendation: Do pass.

ESCUTIA, Chair

Above bills ordered to second reading.

Committee on Environmental Quality

Date of Hearing, January 12, 2004

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 493

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SHER, Chair

Above measure ordered to second reading.

Committee on Appropriations

Date of Hearing, January 20, 2004

Mr. President: The Committee on Appropriations, to which was referred:

SB 559

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measure ordered to second reading.

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 Bill 1140: By Senator Scott—An act to amend Sections 12021, 12035, 12078, and 12101 of the Penal Code, relating to firearms.

Senate Bill 1141: By Senator Johnson—An act to amend Section 3751 of the Labor Code, relating to workers' compensation.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 329—An act to amend Section 8880.4 of the Government Code, relating to the California State Lottery.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 29—An act to amend Sections 14148.03 and 14148.04 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 50—An act to amend Section 25214.10 of the Health and Safety Code, and to amend Sections 42463, 42464, 42465.2, 42465.3, 42475, 42475.2, 42476, 42476.5, 42476.6, 42477, and 42478 of, and to repeal Section 42475.1 of, the Public Resources Code, relating to solid waste.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 58—An act to add Section 964 to the Penal Code, relating to police reports

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 111—An act to amend Sections 29, 4866, 6095, and 6140.2 of, and to repeal Sections 2873.7, 6086.12, 9889.60, 9889.62, and 9889.64 of, the Business and Professions Code, to repeal Chapter 3 (commencing with Section 1812.40) of Title 2 of Part 4 of Division 3 of the Civil Code, to amend Section 529.1 of the Code of Civil Procedure, to amend Sections 62000, 71027, 71051, 89343, and 92640 of the Education

Code, to amend Section 3200 of, and to repeal Sections 20025 and 20042 of, the Family Code, to amend Section 15702 of, and to repeal Sections 715, 15602, and 15603 of, the Fish and Game Code, to amend Sections 5029, 13127, and 58509 of, and to repeal Sections 13124, 13125, and 42814 of, the Food and Agricultural Code, to amend Sections 6276.12, 6276.30, 6276.46, 8293, 8588.5, 8875.1, 9121, 11011.15, 12092, 12173, 14036.6, 15814.25, 16272.5, and 51015.05 of, to repeal Sections 8593.3, 8599.1, 8870.75, 8877.7, 9116, 11011.19, 14525.6, 16272.3, 16367.9, 19995.35, 19998.5, 30605, 51015.1, 53117, 68106, 68511.4, and 68515 of, to repeal Article 6.5 (commencing with Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of, to repeal Chapter 5 (commencing with Section 16285) of Part 1.5 of Division 4 of Title 2 of, and to repeal Part 14 (commencing with Section 16000) of Division 3 of Title 2 of, the Government Code, to amend Sections 1179.2, 1275.3, 1522.4, 1596.955, 6982, 11756.7, 11758.10, 11772, 11798.1, 11831.5, 11998.2, 16109, 25159.19, 25503.2, 40410.5, 40452, 43013.5, 50519, 50524, 105140, 105175, 110795, 114820, 116360, 124150, 124160, 124195, 127360, 128195, and 129295 of, to repeal Sections 1205.1, 1519, 1520.65, 1522.6, 1527.9, 1529.3, 1557, 1569.545, 1597.01, 1598.3, 11756.5, 11757.62, 11758.33, 11782, 11963.5, 13143.7, 18944.34, 25159.13, 25244.3, 25299.80, 25928, 38045, 39663, 44245, 44247, 50837, 101535, 104595, 105335, 108865, 110540, 120865, 124135, 124140, 124145, 124235, and 127365 of, to repeal Article 5 (commencing with Section 25547) of Chapter 6.95 of Division 20 of, to repeal Article 5 (commencing with Section 100475) of Chapter 3 of Part 1 of Division 101 of, to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, and to repeal Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of, the Health and Safety Code, to repeal Sections 11751.51, 12693.94, and 12696.25 of the Insurance Code, to amend Section 139.43 of, and to repeal Section 6715 of, the Labor Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 653.1, 1247k, 2053, 3053.2, 5010, 5066, 7514, 13508, and 14210 of, and to repeal Sections 1174.6, 3424, 4497.40, 7009, 11108.7, 11110, 13013, 13828.2, and 13871 of, the Penal Code, to amend Sections 612.5, 4562.5, 42553, and 71064 of, and to repeal Sections 2802, 2804.6, 3488, 4473, 4563.5, 6226, 18017, 25689, 29777, 42552, and 42776 of, the Public Resources Code, to amend Sections 322, 701.6, 5371.4, 5385.6, and 99620 of, to repeal Sections 5388, 8303, and 99621 of, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405, 19264, and 23331 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, to repeal Section 155.8 of the Streets and Highways Code, to amend Section 11011 of, and to repeal Sections 1598 and 11005 of, the Unemployment Insurance Code, to amend Sections 4750.4, 5011.5, 14112, 40001, and 42007 of, and to repeal Sections 2575, 4750.2, 21370.1, 32005, and 34508.5 of, the Vehicle Code, to repeal Sections 1061, 12226.1, and 12228 of the Water Code, and to amend Sections 503, 1120, 4390, 4689.1, 5719.5, 11008, 11008.19, 11213,

11215, 11469, 11476.6, 14005.6, 14026.5, 14041.5, 14087.2, 14104.6, 14105.15, 14499.5, and 16576 of, and to repeal Sections 225.05, 398, 898.5, 1756.1, 1906, 1914, 4026, 4506, 4519.5, 4637, 4681.2, 4692, 4751, 4838, 4842, 5734, 5914, 10627, 11004.5, 11406, 12312, 14090.1, 14090.2, 14090.3, 14195.8, 14492, 16501.6, 18379, 18989.3, and 19856 of, the Welfare and Institutions Code, relating to state reports.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 136—An act to amend Sections 4984.7 and 4996.3 of the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 512—An act to amend Section 7655 of the Fish and Game Code, and to amend Section 36710 of the Public Resources Code, relating to marine resources.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 526—An act to amend Section 33378 of the Health and Safety Code, relating to redevelopment.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 706—An act to add Section 41814 to the Health and Safety Code, relating to air pollution.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 928—An act to amend Section 1635.5 of, and to add Section 1635.7 to, the Business and Professions Code, relating to dentistry.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 744—An act to add Section 65585.4 to the Government Code, relating to planning.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 382—An act to amend Section 1520.5 of the Health and Safety Code, relating to community care facilities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 815—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 904—An act to amend Sections 5093.52, 5093.55, 5093.56, 5093.61, and 5093.68 of the Public Resources Code, relating to wild and scenic rivers.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 806—An act to amend Section 19134 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on January 26:

SB 492	SB 558	SB 50
SB 111	SB 136	SB 526
SB 928	SB 382	AB 806

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 371)**

Without objection, the action was rescinded whereby AB 371 was passed to the Assembly, and the measure was taken up without reference to file.

Consideration of Assembly Bill 371

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 371 proposed by Senator Hollingsworth were read and adopted and the measure ordered printed and to second reading.

BILL STRICKEN FROM FILE

At the request of Senator Johnson, SB 588 was stricken from the file. Governor's veto sustained.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 905** was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SB 537** was withdrawn from Committee and placed on file.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the following bills to be heard in the Committee on Appropriations without two days notice in the file: SB 246, SB 239, SB 329, SB 493, SB 753, SB 905, SB 914, SB 6, SB 76, SB 102, SB 120, SB 142, SB 227, SB 236, SB 379, SB 417, SB 431, SB 433, SB 472,

SB 550, SB 595, SB 628, SB 650, SB 676, 764, SB 785, SB 840, and SB 883.

SENATE COMMITTEE ROLL CALLS
Committee on Judiciary

SB 69—Do pass

AYES (2)—Senators Ackerman and Morrow.

NOES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

Failed Passage

SB 115—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (1)—Senator Ackerman.

SB 239—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Ackerman and Morrow.

NOES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

Failed Passage

SB 246—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 391—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

SB 449—Do pass

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

SB 466—Do pass

AYES (4)—Senators Cedillo, Ducheny, Escutia, and Kuehl.

NOES (2)—Senators Ackerman and Morrow.

SB 740—Do pass as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

SB 914—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 1021—Do pass as amended

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

Date of Hearing: 1/20/04

Escutia (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Alpert, and Torlakson.

The following Senators were granted leaves of absence for the day due to illness: Senators Bowen, Florez, Margett, and Sher.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Soto.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Kaye Shannon of Hillsborough and Al Hewitt of Fullerton.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Ignacio Ortiz Elizondo.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Mary J. Winton of Placerville.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, January 22, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 22, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Speier, Torlakson, Vasconcellos, and Vincent—33.

Quorum present.

(NOTE: Senators Alarcón, Brulte, Florez, and Perata will be excused this day on legislative business, Senators Margett and Sher will be excused this day due to illness, and Senator Soto will be excused this day due to a death in the family.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 22, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 694

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, January 22, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 323

Assembly Chamber, January 22, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 162

AB 1187

AB 1320

Assembly Chamber, January 22, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 141

ACR 143

Assembly Chamber, January 22, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1498 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 162—An act to repeal Section 18502.5 of the Health and Safety Code, relating to mobilehome parks, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1187—An act to add Article 10 (commencing with Section 33492.150) to Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code, relating to redevelopment.

Assembly Bill 1320—An act to amend Section 65460.2 of the Government Code, relating to transit village plans.

Assembly Concurrent Resolution 141—Relative to Four Chaplains Day.

Assembly Concurrent Resolution 143—Relative to Spay Day USA 2004.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing, January 22, 2004

Mr. President: The Committee on Appropriations, to which were referred:

SB 76	SB 329	SB 628	SB 785
SB 142	SB 379	SB 650	SB 914
SB 246	SB 431	SB 753	

Reports the same back with the recommendation: Do pass.

ALPERT, Chair

Above bills ordered to second reading.

Date of Hearing, January 22, 2004

Mr. President: The Committee on Appropriations, to which were referred:

SB 102	SB 236	SB 595
SB 676	SB 764	SB 883

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

Committee on Judiciary

Date of Hearing, January 20, 2004

Mr. President: The Committee on Judiciary, to which was referred:

SB 740 SB 1021

Reports the same back with the recommendation: Do pass as amended.

ESCUZIA, Chair

Above measure ordered to second reading.

Committee on Rules

State Capitol, January 22, 2004

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Reappointed Richard Charney, D.C. of San Francisco as a member of the California Board of Accountancy to serve for a term ending January 1, 2008.

Reappointed Ms. Emma Sanchez Glenny of La Crescenta and Ms. Fern Laethem of Carmichael as members of the Advisory Commission on Special Education to serve for terms ending January 1, 2008.

Reappointed Mr. Paul Spittler of Davis as a member of the Off-Highway Motor Vehicle Recreation Commission to serve for a term ending January 15, 2008.

Appointed Senator Gloria Romero as a member of the Santa Monica Mountains Conservancy to serve at the pleasure of the Rules Committee.

BURTON, Chair

State Capitol, January 22, 2004

The Committee on Rules has referred the following measures to committee:

Business and Professions—SB 1130.

Education—SB 1094, SB 1129.

Health and Human Services—SB 1083.

Insurance—SB 1088.

Local Government—SB 1091, SB 1092, SB 1093.

Public Safety—SB 1127, SB 1128.

Revenue and Taxation—SB 1126, SB 1131.

Rules—SB 1089, SB 1096, SB 1097, SB 1098, SB 1099, SB 1100, SB 1101, SB 1102, SB 1103, SB 1104, SB 1105, SB 1106, SB 1107, SB 1108, SB 1109, SB 1110, SB 1111, SB 1112, SB 1113, SB 1114, SB 1115, SB 1116, SB 1117, SB 1118, SB 1119, SB 1120, SB 1121, SB 1122, SB 1123, SB 1124, SB 1125.

Transportation—SB 1085, SB 1087; ACR 121

The Committee on Rules has referred the following measures to two committees:

Agriculture and Water Resources and Rules—SB 1132.

Housing and Community Development and Judiciary—SB 1090.

Transportation and Public Safety—SB 1084.

The Committee on Rules has re-referred the following measures to committee:

Budget and Fiscal Review—SB 1095.

Judiciary—AB 971.

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 Bill 1142: By Senator Chesbro—An act to amend Sections 37700 and 37706 of the Education Code, relating to school districts.

Senate Bill 1143: By Senator Morrow—An act to amend and repeal Sections 15819.90 and 15819.95 of, and to repeal Sections 15819.80, 15819.85, and 15819.92 of, the Government Code, relating to veterans.

Senate Bill 1144: By Senator Burton—An act to amend Sections 14977.1 and 14981 of the Government Code, relating to public contracts.

Senate Bill 1145: By Senator Burton—An act to amend Sections 1946.1, 1954.52, and 1954.53 of, to amend and repeal Section 827 of, and to repeal Section 1942.3 of, the Civil Code, to amend Section 1161.2 of the Code of Civil Procedure, and to amend Section 7060.4 of, and to amend and repeal Section 12955 of, the Government Code, relating to tenancy.

Senate Bill 1146: By Senator Dunn—An act to amend Section 798.25 of the Civil Code, relating to mobilehome parks.

Senate Concurrent Resolution 56: By Senator Figueroa—Relative to the Joint Committee on Boards, Commissions, and Consumer Protection.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill 246—An act relating to courts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 115—An act to add Section 1947.3 to the Civil Code, relating to landlord and tenant.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 391—An act to amend Section 12654 of the Government Code, relating to state actions.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 449—An act to amend Section 6256 of the Family Code, relating to emergency protective orders.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 466—An act to amend Section 379 of the Code of Civil Procedure, relating to permissive joinder.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 493—An act to add Chapter 6.82 (commencing with Section 25395.60) to Division 20 of the Health and Safety Code, relating to hazardous materials.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 559—An act to add Chapter 6.86 (commencing with Section 25399.10) to Division 20 of the Health and Safety Code, relating to hazardous materials.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 537—An act relating to solid waste.

Bill read second time, ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Bill 29—An act to amend Sections 14148.03 and 14148.04 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time.

Amendments Adopted

Amendments to SB 29 proposed by Senator Figueroa were read and adopted and the measure ordered printed, engrossed, and to second reading.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Perata, SB 604 was returned to the Assembly for further action.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 496—An act to repeal and add Section 6385 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

Amendments Adopted

Amendments to AB 496 proposed by Senator Kuehl were read and adopted and the measure ordered printed and re-referred to the Committee on Natural Resources and Wildlife pursuant to Senate Rule 29.10.

UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (AB 97)

Without objection, the action be rescinded whereby AB 97 was passed to the Assembly, and the measure be taken up without reference to file.

Consideration of Assembly Bill 97

Assembly Bill 97—An act to amend Sections 14002.3, 47612, 48209.15, 48209.16, and 56836.155 of, and to repeal Section 48209.17 of, the Education Code, relating to public schools, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 97 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: August 12, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: August 28, 2003, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: December 29, 2003, relating to race/ethnicity/gender business ownership was received from the California Energy Commission and transmitted to the Committee on Governmental Organization.

A report dated: December 31, 2003, relating to Disabled Veteran Business Enterprise participation was received from the State Library and transmitted to the Committee on Governmental Organization.

A report dated: January 2, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Business and Transportation Agency, Office of Traffic Safety and transmitted to the Committee on Governmental Organization.

An initiative title and summary dated: January 2, 2004, relating to Local Funds and Revenues. State Mandates. Initiative Constitutional Amendment. Amdt.#2-NS was received from the Department of Justice and transmitted to the Committee on Rules.

An initiative title and summary dated: January 2, 2004, relating to Reapportionment. Initiative Constitutional Amendment. Amdt.#1-S was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: January 5, 2004, relating to the security of Patton State Hospital during temporary occupation of additional beds was received from the Department of Mental Health and transmitted to the Committee on Health and Human Services.

A report dated: January 5, 2004, relating to the Delta Protection Commission was received from the Resources Agency and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 5, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Department of General Services and transmitted to the Committee on Governmental Organization.

A report dated: January 5, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Fair Employment and Housing Commission and transmitted to the Committee on Governmental Organization.

A report dated: January 6, 2004, relating to race/ethnicity/gender business ownership was received from the California Health and Human Services Agency Data Services and transmitted to the Committee on Governmental Organization.

A report dated: January 6, 2004, relating to Disabled Veteran Business Enterprise participation was received from the California Health and Human Services Agency Data Services and transmitted to the Committee on Governmental Organization.

A report dated: January 6, 2004, relating to the School Renovation program use of federal funds was received from the Department of Education and transmitted to the Committee on Education.

A report dated: January 7, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Colorado River Board of California and transmitted to the Committee on Governmental Organization.

A report dated: January 7, 2004, relating to Ethnicity/Race/Gender Business Ownership was received from the Department of Finance and transmitted to the Committee on Governmental Organization.

A report dated: January 7, 2004, relating to house car collisions was received from the California Highway Patrol and transmitted to the Committee on Transportation.

A report dated: January 8, 2004, relating to Work Plan 2004 was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 8, 2004, relating to computer-based testing and candidate satisfaction was received from the State and Consumer Services Agency and transmitted to the Committee on Business and Professions.

A report dated: January 8, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Office of Environmental Health Hazard Assessment and transmitted to the Committee on Governmental Organization.

An initiative title and summary dated: January 8, 2004, relating to Funding for K–12 Education and Voluntary Universal Preschool Program. Commercial Property Taxes. Initiative Constitutional Amendment and Statute. Amdt.#1–NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: January 9, 2004, relating to the Safe at Home Confidential Address program was received from the Secretary of State and transmitted to the Committee on Public Safety.

A report dated: January 9, 2004, relating to Implementation of Proposition 227 on the Education of English Learners, K–12 Year 3 was received from the Department of Education and transmitted to the Committee on Education.

A report dated: January 9, 2004, relating to the Congestion Relief Demonstration program was received from the California Highway Patrol and transmitted to the Committee on Transportation.

A report dated: January 12, 2004, relating to the number of cases where resolution exceeding the time periods prescribed in scoping memos and the days the commissioners preside in hearings was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 12, 2004, relating to the Enforcement of Commercial Vehicle Registration Act was received from the California Highway Patrol and transmitted to the Committee on Transportation.

A revised ballot title and summary and ballot label dated: January 12, 2004, relating to SB 2 Referendum was received from the Department of Justice and transmitted to the Committee on Rules.

A revised initiative title and summary dated: January 12, 2004, relating to Funding for K–12 Education and Voluntary Universal Preschool Program. Commercial Property Taxes. Initiative Constitutional Amendment and Statute. Amdt.#1–NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: January 12, 2004, relating to Disabled Veteran Business Enterprise participation and Ethnicity/Race/Gender Business Ownership was received from the California Integrated Waste Management Board and transmitted to the Committee on Governmental Organization.

A report dated: January 12, 2004, relating to the California Teleconnect Fund was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 13, 2004, relating to the Office of Ratepayer Advocates Budget and Staffing was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 14, 2004, relating to Disabled Veteran Business Enterprise participation was received from the California Lottery and transmitted to the Committee on Governmental Organization.

A report dated: January 14, 2004, relating to local assessment procedures was received from the State Board of Equalization and transmitted to the Committee on Revenue and Taxation.

A report dated: January 15, 2004, relating to denied mandates was received from the Commission on State Mandates and transmitted to the Committee on Appropriations.

A report dated: January 15, 2004, relating to a Comprehensive Groundwater Quality Monitoring Program for California was received from the State Water Resources Control Board and transmitted to the Committee on Agriculture and Water Resources.

A report dated: January 15, 2004, relating to Pest Prevention Funding Alternatives was received from the Department of Food and Agriculture and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 15, 2004, relating to the Migrant Education Program, Supplemental Application process was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 16, 2004, relating to legislation enacted in 2002 with state-mandated local program implications was received from the Department of Finance and transmitted to the Committee on Local Government.

SENATE COMMITTEE ROLL CALLS **Committee on Appropriations**

SB 6—Do pass as amended

AYES (9)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 76—Do pass

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 102—Do pass as amended

AYES (9)—Senators Alpert, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

SB 142—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (3)—Senators Aanestad, Ashburn, and Battin.

SB 236—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Battin, Johnson, and Poochigian.

SB 246—Do pass

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 329—Do pass

AYES (7)—Senators Alpert, Ashburn, Battin, Burton, Johnson, Karnette, and Murray.

NOES (6)—Senators Aanestad, Bowen, Escutia, Machado, Poochigian, and Speier.

SB 379—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (4)—Senators Aanestad, Ashburn, Battin, and Poochigian.

SB 431—Do pass

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (0)—None.

SB 472—Do pass as amended

AYES (5)—Senators Alpert, Burton, Escutia, Karnette, and Murray.

NOES (8)—Senators Aanestad, Ashburn, Battin, Bowen, Johnson, Machado, Poochigian, and Speier.

Failed Passage

SB 493—Do pass as amended

AYES (12)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (1)—Senator Aanestad.

SB 550—Do pass as amended

AYES (8)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Machado, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

SB 595—Do pass as amended

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 628—Do pass

AYES (11)—Senators Aanestad, Alpert, Ashburn, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 650—Do pass

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 676—Do pass as amended

AYES (7)—Senators Alpert, Bowen, Burton, Escutia, Karnette, Murray, and Speier.

NOES (5)—Senators Aanestad, Ashburn, Battin, Johnson, and Poochigian.

SB 753—Do pass

AYES (9)—Senators Alpert, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, and Speier.

NOES (1)—Senator Ashburn.

SB 764—Do pass as amended

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 785—Do pass

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 840—Do pass as amended

AYES (11)—Senators Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 883—Do pass as amended

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

SB 905—Do pass as amended

AYES (8)—Senators Aanestad, Alpert, Ashburn, Battin, Johnson, Karnette, Machado, and Poochigian.

NOES (0)—None.

SB 914—Do pass

AYES (13)—Senators Aanestad, Alpert, Ashburn, Battin, Bowen, Burton, Escutia, Johnson, Karnette, Machado, Murray, Poochigian, and Speier.

NOES (0)—None.

Date of Hearing: 1/22/04

Alpert (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Brulte, Florez, and Perata.

The following Senators were granted leaves of absence for the day due to illness: Senators Margett and Sher.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Soto.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Lt. Ronald Weber, Sr., of Westminster and Grace Steiner.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Christian Najera of Bellflower and Marion Morgan of Long Beach.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, January 26, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 26, 2004

The Senate met at 1:30 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

(NOTE: Senators Bowen and Brulte will be excused this day on legislative business and Senator Margett will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

God of All Wonder, of All Beauty, of All Goodness, You who govern everything by Your wisdom and bless it with Your love, receive our prayers and transform them and us by the power of Your Spirit, that we may worthily accomplish Your purpose and bring everlasting praise to Your Name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Knight led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 22, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 157 ACR 158 AJR 57

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 for assignment:

Assembly Concurrent Resolution 157—Relative to blood donors.

Assembly Concurrent Resolution 158—Relative to Mental Wellness Month.

Assembly Joint Resolution 57—Relative to the 31st anniversary of Roe v. Wade.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, January 22, 2004

Mr. President: The Committee on Appropriations, to which were referred:

SB 6 SB 493 SB 550
SB 840 SB 905

Reports the same back with the recommendation: Do pass as amended.

ALPERT, Chair

Above measures ordered to second reading.

Senate Chamber, January 23, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 215 SB 301 SB 427 SB 924

Reports the same back with the recommendation: That the above measures be placed on second reading pursuant to Senate Rule 28.8 and amended.

ALPERT, Chair

Above measures ordered to second reading.

Committee on Judiciary

Senate Chamber, January 26, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 971

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 971—An act to amend Sections 1789.31, 1789.33, and 1789.35 of the Civil Code, and to amend Sections 22050, 23026, 23057, 23100, 23102, and 23104 of the Financial Code, relating to deferred deposit transactions, 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.

SECOND READING OF BILLS OUT OF ORDER

Without objection, all Senate measures reported by the Committee on Appropriations this week will be given their second reading upon being reported.

CONSIDERATION OF DAILY FILE

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Torlakson moved that **AB 35** be placed on the inactive file.

Motion carried.

SECOND READING OF SENATE BILLS

Senate Bill 76—An act to add Section 48911.3 to the Education Code, relating to school attendance.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 142—An act to amend Section 1357.22 of the Health and Safety Code, to amend Section 10762 of the Insurance Code, and to amend Section 2130 of the Labor Code, relating to health care coverage.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 246—An act to amend Section 19280 of the Revenue and Taxation Code, relating to courts.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 329—An act to amend, repeal, and add Section 8880.4 of the Government Code, relating to the California State Lottery.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 379—An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 431—An act relating to health, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 628—An act to amend Section 17071.76 of the Education Code, relating to school facilities.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 650—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 753—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 785—An act to add Section 14016.51 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 914—An act to add Section 13823.13 to, and to repeal Sections 13823.15, 13823.16, 13823.3, 13837, and 13838 of, the Penal Code, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 236—An act to add Section 8841 of the Fish and Game Code, relating to fishing, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 595—An act to amend Section 1033 of, and to add Section 1326.5 to, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 676—An act to add Part 5.5 (commencing with Section 105500) to Division 103 of the Health and Safety Code, relating to public health.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 764—An act to amend Section 205.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 883—An act to amend Section 296 of the Penal Code, relating to forensic identification.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 102—An act to amend Sections 22121, 22134.5, 22720, 22851, 24203.5, 24203.6, and 28001 of the Education Code, relating to state teachers' retirement, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 1021—An act to amend Section 16337 of, and to add Chapter 5 (commencing with Section 16500) to Part 4 of Division 9 of, the Probate Code, relating to trusts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 29—An act to amend Sections 14148.03 and 14148.04 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 740—An act to repeal and add Section 798.80 of the Civil Code, relating to mobilehome parks.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 97—An act to amend Section 56836.155 of, and to add and repeal Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SECOND READING OF SENATE BILLS (OUT OF ORDER)

Senate Bill 6—An act to amend Sections 33000, 41320, 41320.1, 41325, 41326, 41327, 41328, 66010.6, 66010.7, 66901, 66902, and 66941 of, to amend and repeal Sections 33302 and 33303 of, to amend, repeal, and add Sections 33030, 33111, 33112, and 33301 of, to add Sections 1242, 1261, 35161.5, 35502, 66900.3, and 66901.3 to, to add Chapter 2.5 (commencing with Section 33200) to Part 20 of, and to repeal Sections 11005, 66903, 66903.2, and 69563 of, the Education Code, relating to education governance.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 493—An act to add and repeal Chapter 6.82 (commencing with Section 25395.60) of, and to add Chapter 6.83 (commencing with Section 25395.91) to, Division 20 of the Health and Safety Code, relating to hazardous materials.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 550—An act to amend Sections 51212 and 66010.3 of, and to add Sections 8203.4, 33144, 33145, 35013, 35276, 51225.6, 52056.6, 66010.9, 66722.7, and 66722.9 to, the Education Code, and to amend Section 15037.1 of the Unemployment Insurance Code, relating to education.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 840—An act to add Section 12749.93 to the Water Code, relating to water.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 905—An act to amend Section 48800 of the Education Code, relating to educational enrichment.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 215—An act to amend Sections 2100 and 2104 of, and to add Chapter 4 (commencing with Section 2200) to Division 2.5 of, the Welfare and Institutions Code, relating to minors.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 301—An act to add Chapter 3.2 (commencing with Section 8251) to Division 1 of Title 2 of the Government Code, relating to the Commission on Latino/Latina Affairs.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 427—An act to add and repeal Chapter 3.2 (commencing with Section 8251) of Division 1 of Title 2 of the Government Code, relating to Mexican repatriation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 924—An act to add and repeal Chapter 4.8 (commencing with Section 2195) of Division 3 of the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

MOMENT OF SILENCE

At the request of Senator Ortiz, the Senate observed a moment of silence in memory of Mr. Bill Chavez of Sacramento.

At the request of Senator Burton, the Senate observed a moment of silence in memory of Robert Lewis Soto, son of Senator Nell Soto.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill 703—An act relating to public utilities.

Bill read third time and presented by Senator Florez.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (2)—Senators McClintock and Morrow.

Bill ordered transmitted to the Assembly.

Senator Romero Presiding**REQUEST FOR UNANIMOUS CONSENT (SR 31)**

Senator Soto asked for, and was granted, unanimous consent that SR 31 be withdrawn from committee and be taken up at this time, without reference to file.

Consideration of Senate Resolution 31

Senate Resolution 31—Relative to firefighters.

Resolution read and adopted.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill 74—An act to add Section 11005.4 to the Government Code, relating to state property.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 557—An act relating to forest practices.

Bill read third time and presented by Senator Kuehl.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Florez, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 1086—An act to amend Section 1091 of the Government Code, relating to conflicts of interest, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Sher.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, McClintock, and Oller.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Alarcón, Alpert, Ashburn, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Battin, Denham, Hollingsworth, Knight, McClintock, and Oller.

Bill ordered transmitted to the Assembly.

Senate Bill 58—An act to add Section 964 to the Penal Code, relating to police reports

Bill read third time and presented by Senator Johnson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,

Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 744—An act to add Section 65585.4 to the Government Code, relating to planning.

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 SENATE BILLS (RESUMED)

Senate Bill 815—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Bill ordered transmitted to the Assembly.

Senate Bill 904—An act to amend Sections 5093.52, 5093.55, 5093.56, 5093.61, and 5093.68 of the Public Resources Code, relating to wild and scenic rivers.

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 (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado,

Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senator Alpert Presiding

Senate Bill 115—An act to add Section 1947.3 to the Civil Code, relating to landlord and tenant.

Bill read third time and presented by Senator Torlakson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 391—An act to amend Section 12654 of the Government Code, relating to state actions.

Bill read third time and presented by Senator Escutia.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McPherson, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Senate Bill 449—An act to amend Section 6256 of the Family Code, relating to emergency protective orders.

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 (27)—Senators Aanestad, Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,

Hollingsworth, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vincent.

NOES (7)—Senators Ackerman, Ashburn, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 744)**

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 SB 744 was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Soto, Torlakson, and Vincent.

NOES (12)—Senators Ackerman, Battin, Chesbro, Denham, Karnette, Knight, McClintock, Morrow, Oller, Poochigian, Sher, and Speier.

Above bill ordered transmitted to the Assembly.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 466—An act to amend Section 379 of the Code of Civil Procedure, relating to permissive joinder.

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 (22)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Soto, Speier, Torlakson, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 559—An act to add Chapter 6.86 (commencing with Section 25399.10) to Division 20 of the Health and Safety Code, relating to hazardous materials.

Bill read third time and presented by Senator Ortiz.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 537—An act relating to solid waste.

Bill read third time and presented by Senator Romero.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

BILL RETURNED TO ASSEMBLY

On request of Senator Ducheny, **SB 623** was returned to the Assembly for further action.

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Sher moved that **AB 1020** be placed on the inactive file.

Motion carried.

RECESS

At 2:35 p.m., the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 2:36 p.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)**MOTION TO RE-REFER TO COMMITTEE**

Senator Burton moved that **SR 29** be re-referred to the Committee on Rules.

Motion carried.

UNFINISHED BUSINESS**Consideration of Governor's Appointments**

Senator Burton placed the following Governor's appointments before the Senate:

Michael Bustamante, Member, Agricultural Labor Relations Board.

Daniel Zingale, Member, Agricultural Labor Relations Board.

Ann M. Richardson, Member, California Unemployment Insurance Appeals 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 (27)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (6)—Senators Battin, Denham, Hollingsworth, McClintock, Morrow, and Oller.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Steven R. Maviglio, Member, California Unemployment Insurance 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 (25)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Ashburn, Battin, Denham, Hollingsworth, McClintock, Morrow, Oller, and Poochigian.

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Herschel Rosenthal, Member, Fair Employment and Housing Commission

Derek "Tony" A. West, Member, Board of Directors, Hastings College of the Law.

Richard W. Figueroa, Member, Managed Risk Medical Insurance Board.

Leslie S. Bowker, Ph.D., Member, California Regional Water Quality Control Board, Central Coast Region.

Christopher L. Cabaldon, Member, California Regional Water Quality Control Board, Central Valley Region.

John E. Brissenden, Member, California Regional Water Quality Control Board, Lahontan Region.

Amy L. Horne, Member, California Regional Water Quality Control Board, Lahontan Region.

Susan M. Cloke, Member, California Regional Water Quality Control Board, Los Angeles Region.

Bradley H. Mindlin, Member, California Regional Water Quality Control Board, Los Angeles Region.

William R. Massey, Member, California Regional Water Quality Control Board, North Coastal Region.

Jose J. Solorio, Member, California Regional Water Quality Control Board, Santa Ana Region

Clifford C. Waldeck, Member, California Regional Water Quality Control Board, San Francisco Bay Region

Mary C. Warren, Member, California Regional Water Quality Control Board, San Francisco Bay 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 (28)—Senators Ackerman, Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Denham, Hollingsworth, and McClintock.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 512—An act to amend Section 7655 of the Fish and Game Code, and to amend Section 36710 of the Public Resources Code, relating to marine resources.

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 (21)—Senators Alarcón, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 706—An act to add Section 41814 to the Health and Safety Code, relating to air pollution.

Bill read third time and presented by Senator Florez.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Ashburn, Battin, Hollingsworth, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

REQUEST TO BE ADDED TO ROLL CALL

January 26, 2004

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 391—Aye

SB 904—Aye

JOHN L BURTON, President pro Tempore

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Bowen and Brulte.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:45 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, January 27, 2004.

Motion carried.

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 Bill 1147: By Senator Hollingsworth (Principal coauthors: Senators Alpert, Battin, Ducheny, and Morrow) (Principal coauthors: Assembly Members Bates, Kehoe, La Suer, Mountjoy, Plescia, and Wyland) (Coauthors: Senators Ackerman, Ashburn, and Denham) (Coauthors: Assembly Members Benoit, Cogdill, Cox, Shirley Horton, Maddox, Maze, Pacheco, Runner, Samuelian, and Spitzer)—An act to amend Sections 218, 17207, and 24347.5 of the Revenue and Taxation Code, relating to disaster relief, to take effect immediately, tax levy.

Senate Bill 1148: By Senator McClintock—An act relating to the state budget.

Senate Bill 1149: By Senator Ortiz—An act to add Section 4001.2 to the Business and Professions Code, relating to pharmacy.

Senate Bill 1150: By Senator Burton—An act to add Article 2.5 (commencing with Section 14440) to Chapter 3 of Division 6 of the Business and Professions Code, relating to lenders.

Senate Constitutional Amendment 15: By Senator McClintock—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Article VIII thereto, relating to state contracts.

**CONSIDERATION OF DAILY FILE (RESUMED)
SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Tuesday, January 27, 2004

SB 694	SB 785	SB 764	AB 97
SB 76	SB 914	SB 1021	
SB 246	SB 595	AB 371	

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill 329—An act to amend, repeal, and add Section 8880.4 of the Government Code, relating to the California State Lottery.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 329 pursuant to Joint Rule 58.

SENATOR PERATA

Permission of Rules Committee

Senate Chamber, January 26, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 329.

BURTON, Chair

Amendments Adopted

Amendments to SB 329 proposed by Senator Perata were read and adopted and the measure ordered printed, engrossed, and to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 44)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 44 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 44

Assembly Bill 44—An act to amend Section 2625 of the Penal Code, and Sections 294 and 366.21 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 44 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 366)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 366 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 366

Assembly Bill 366—An act to amend Sections 1502 and 1522.02 of the Health and Safety Code, relating to care facilities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 366 proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

**CONSIDERATION OF DAILY FILE (RESUMED)
REQUEST FOR UNANIMOUS CONSENT (SB 218)**

Senator Sher asked for, and was granted, unanimous consent that SB 218 be taken from the inactive file and taken up at this time.

Consideration of Senate Bill 218

Senate Bill 218—An act to amend Section 2761 of the Public Resources Code, relating to surface mining.

Bill read second time.

Motion to Amend

Amendments to SB 218 proposed by Senator Sher were read and adopted and the measure ordered printed, engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT (SB 805)

Senator Escutia asked for, and was granted, unanimous consent that SB 805 be taken from the inactive file and taken up at this time.

Consideration of Senate Bill 805

Senate Bill 805—An act to amend Sections 2623, 26505, 26506, 26525, 26534, 26553, 26558, 26559, 26563, 26567, 26568, 26568.1, 26576, 26579, 26601, and 26650 of, to amend the heading of Division 17 (commencing with Section 26500) of, and to add Sections 26513, 26514, 26515, 26516, and 26580.2 to, the Public Resources Code, relating to hazardous substances.

Bill read second time.

Motion to Amend

Amendments to SB 805 proposed by Senator Escutia were read and adopted and the measure ordered printed, engrossed, and to third reading.

REQUEST FOR UNANIMOUS CONSENT (SB 766)

Senator Florez asked for, and was granted, unanimous consent that SB 766 be taken from the inactive file and taken up at this time.

Consideration of Senate Bill 766

Senate Bill 766—An act to amend Section 25500 of the Corporations Code, relating to corporations.

Bill read second time.

Motion to Amend

Amendments to SB 766 proposed by Senator Florez were read and adopted and the measure ordered printed, engrossed, and to third reading.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

On request of Senator Scott, the following communication was ordered printed in the Journal:

January 22, 2004

Honorable John Burton
President pro Tempore
California State Senate

Dear Senator Burton:

The purpose of this letter is to clarify the intent of my bill, SB620, that was passed by the Senate and signed by Governor Gray Davis in September 2003.

SB 620 makes a number of changes to the Insurance Code meant to protect senior citizens from abusive insurance sales practices. Section seven of the bill protects seniors' investments in variable annuities from

market losses during their 30 day "free look" period by amending Insurance Code section 10127.10. As part of negotiations with the insurance industry, I agreed to make the provisions in section seven effective on July 1, 2004. It was my intent that the requirements in that section be effective as of July 1, 2004.

Unfortunately, two dates in section seven were not changed to reflect the agreement about the effective date of that section. Subdivision (b) of section seven should read as follows:

"(b) This section applies to all individual policies issued or delivered to senior citizens in this state on or after July 1, 2004. All policies subject to this section which are in effect on January 1, 2004, shall be construed to be in compliance with this section, and any provision in any policy which is in conflict with this section shall be of no force or effect."

Sincerely,

JACK SCOTT
Senator, 21st District

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Harold W. Anderson of Orange.

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Jane Boggess of Oakland.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Pearl White of Venice.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Robert Lewis Soto of Claremont, son of Senator Nell Soto.

Senators Ducheny and Alpert requested that when the Senate adjourns this day it do so in memory of Betty Mae Porter of San Diego.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of John W. Pigeon of Riverside.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Robert "Bob" M. Wilson of Costa Mesa.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Jodi Curlee of Altadena.

Senators McPherson and Vasconcellos requested that when the Senate adjourns this day it do so in memory of Bruce Gideon Woolpert of Watsonville.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Mary Jane Cressy of Phoenix, Arizona and Michael DiRaimondo of Simi Valley.

Senators Ortiz and Alpert requested that when the Senate adjourns this day it do so in memory of Bill Chavez of Sacramento.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Charles Pankow of Altadena.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Patty Mendez of San Francisco and Dr. Cecelia Cota-Robles Suarez of San Dimas.

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of Dorothy Grace Johnson Lind of Boise, Idaho.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of George Hanoian, Mary Akiyo Nishikawa, Patrick Pickett and Sunny Sharafian of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9:30 a.m., Tuesday, January 27, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, January 27, 2004

The Senate met at 9:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent—37.
Quorum present.

(NOTE: Senator Soto will be excused this day on legislative business and Senators Brulte and Margett will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

God, Strengthen us to bear ourselves the heaviest weight of all, the inalienable weight of caring for others.—AMEN.

(Christina Rossetti, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Perata led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 44—An act to amend Section 2625 of the Penal Code, and Section 294 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 366—An act to amend Sections 1502 and 1522.02 of the Health and Safety Code, relating to care facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 98—An act relating to the payment of judgments and settlement claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Alpert.

The question being: Shall the Senate concur in the Assembly amendments to SB 98?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (31)—Senators Ackerman, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Scott, Sher, Speier, and Vincent.

NOES (1)—Senator Denham.

Above bill ordered enrolled.

Senator Bowen Presiding**THIRD READING OF SENATE BILLS**

Senate Joint Resolution 15—Relative to the federal poverty level.

Resolution read third time and presented by Senator Alarcón.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (27)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Knight, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (9)—Senators Ackerman, Ashburn, Battin, Hollingsworth, Johnson, McClintock, Morrow, Oller, and Poochigian.

Resolution ordered transmitted to the Assembly.

Senate Bill 142—An act to amend Section 1357.22 of the Health and Safety Code, to amend Section 10762 of the Insurance Code, and to amend Section 2130 of the Labor Code, relating to health care coverage.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 628—An act to amend Section 17071.76 of the Education Code, relating to school facilities.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 650—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read third time and presented by Senator Battin.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn,

Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 753—An act relating to state claims, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alpert.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (30)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (30)—Senators Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Bill ordered transmitted to the Assembly.

Senate Bill 236—An act to amend Section 7055 of the Fish and Game Code, relating to fishing

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 676—An act to add Part 5.5 (commencing with Section 105500) to Division 103 of the Health and Safety Code, relating to public health.

Bill read third time and presented by Senator Ortiz.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (22)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 379—An act to add Article 3 (commencing with Section 127400) to Chapter 2 of Part 2 of Division 107 of the Health and Safety Code, relating to hospitals.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 431—An act relating to health, and making an appropriation therefor.

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 (23)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (10)—Senators Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 102—An act to amend Sections 22121, 22134.5, 22720, 24203.5, and 24203.6 of the Education Code, relating to state teachers' retirement, and making an appropriation therefor.

Bill read third time and presented by Senator Burton.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (27)—Senators Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Aanestad, Ackerman, Battin, Hollingsworth, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Senate Bill 29—An act to amend Sections 14148.03 and 14148.04 of the Welfare and Institutions Code, relating to Medi-Cal.

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 (26)—Senators Aanestad, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Ackerman, Ashburn, Battin, Hollingsworth, Johnson, Knight, McClintock, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 6—An act relating to education.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (26)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, and Vincent.

NOES (1)—Senator Denham.

Bill ordered transmitted to the Assembly.

Senate Bill 905—An act to amend, repeal, and add Section 48800 of the Education Code, relating to educational enrichment.

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 (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight,

Kuehl, Machado, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 493—An act to add and repeal Chapter 6.82 (commencing with Section 25395.60) of, and to add Chapter 6.83 (commencing with Section 25395.91) to, Division 20 of the Health and Safety Code, relating to hazardous materials.

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 (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 840—An act to add Section 12749.96 to the Water Code, relating to water.

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 Ackerman, Alarcón, Alpert, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (3)—Senators Aanestad, Ashburn, and McClintock.

Bill ordered transmitted to the Assembly.

Senate Bill 550—An act relating to education.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Denham.

Bill ordered transmitted to the Assembly.

Senate Bill 218—An act to amend Section 2717 of the Public Resources Code, relating to surface mining.

Bill read third time and presented by Senator Sher.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 427—An act to add and repeal Chapter 3.2 (commencing with Section 8251) of Division 1 of Title 2 of the Government Code, relating to Mexican repatriation.

Bill read third time and presented by Senator Dunn.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (25)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Aanestad, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 883—An act to amend Section 296 of the Penal Code, relating to forensic identification.

Bill read third time and presented by Senator McPherson.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 805—An act relating to hazardous substances.

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 (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 740—An act to add Section 798.80.5 to the Civil Code, relating to mobilehome parks.

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, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Kuehl, McClintock, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Florez, Hollingsworth, Johnson, Knight, McPherson, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 215—An act to amend Sections 2100 and 2104 of, and to add Chapter 4 (commencing with Section 2200) to Division 2.5 of, the Welfare and Institutions Code, relating to minors.

Bill read third time and presented by Senator Alpert.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (23)—Senators Alarcón, Alpert, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senate Bill 301—An act to add Chapter 3.2 (commencing with Section 8251) to Division 1 of Title 2 of the Government Code, relating to the Commission on Latino/Latina Affairs.

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 Alarcón, Alpert, Ashburn, Battin, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (7)—Senators Aanestad, Ackerman, Hollingsworth, Knight, McClintock, Morrow, and Oller.

Bill ordered transmitted to the Assembly.

Senate Bill 924—An act to add and repeal Chapter 4.8 (commencing with Section 2195) of Division 3 of the Streets and Highways Code, relating to transportation.

Bill read third time and presented by Senator Karnette.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (28)—Senators Aanestad, Alarcón, Alpert, Ashburn, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (8)—Senators Ackerman, Battin, Hollingsworth, Knight, McClintock, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 52, SCR 54, SCR 55, SCR 56, ACR 141, ACR 155, ACR 157,** and **ACR 158** were withdrawn from Committee and placed on the Special Consent Calendar to be taken up January 28, 2004.

REQUEST TO BE ADDED TO ROLL CALL

January 27, 2004

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:

SJR 15—Aye	SB 142—Aye	SB 753—Aye
SB 29—Aye	SB 6—Aye	SB 905—Aye
SB 550—Aye	SB 218—Aye	SB 805—Aye
SB 740—Aye	SB 924—Aye	

JOHN L. BURTON, President pro Tempore

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Soto.

The following Senators were granted leaves of absence for the day due to illness: Senators Brulte and Margett.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 11 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Wednesday, January 28, 2004.

Motion carried.

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 Bill 1151: By Senator Kuehl—An act to amend Section 707 of the Welfare and Institutions Code, relating to juvenile crime.

Senate Bill 1152: By Senator Scott—An act to amend Sections 12071 and 12316 of, and to add Section 12326 to, the Penal Code, relating to ammunition.

Senate Bill 1153: By Senator Chesbro—An act to amend Section 4181 of the Fish and Game Code, relating to fish and game, and making an appropriation therefor.

Senate Bill 1154: By Senator Figueroa—An act to add Chapter 23.5 (commencing with Section 22730) to Division 8 of the Business and Professions Code, relating to consumer rebates.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1087)**

Unanimous consent was granted that the action be rescinded whereby AB 1087 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1087

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1087 proposed by Senator Figueroa were read and adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Charles Gilmer "Gil" Bell of Downey and Lou Ozan of Long Beach.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Tasker Edmiston of Monterey Park.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Ruth Vreeland of Monterey.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Dr. Bebe Patten of Walnut Creek.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Darlene Petersen Blue of Santa Barbara, Elmer Hartel "Tusch" Tuschhoff and Ruth Christensen Winton of Fresno.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Wednesday, January 28, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, January 28, 2004

The Senate met at 10 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

(NOTE: Senator McPherson will be excused this day on legislative business and Senators Brulte and Margett will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

You Who Are Wisdom, Uncreated and eternal, the supreme first cause, above all being, sovereign Godhead, sovereign goodness, watching unseen the God-inspired wisdom of all people, raise us, we pray, that we may totally respond to the supreme, unknown, ultimate, and splendid height of Your words, mysterious and inspired.—AMEN.

(The Cloud of Unknowing, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Dunn led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SCR 42** was withdrawn from committee and placed on the Special Consent Calendar to be taken up today.

**CONSIDERATION OF DAILY FILE (RESUMED)
SPECIAL CONSENT CALENDAR**

Senate Concurrent Resolution 42—Relative to women's health.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 492—An act to amend and repeal Section 65585.2 of the Government Code, relating to housing.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 558—An act relating to local planning.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 50—An act to amend Section 25214.10 of the Health and Safety Code, and to amend Sections 42463, 42464, 42465.2, 42465.3, 42475, 42475.2, 42476, 42476.5, 42476.6, 42477, and 42478 of, and to repeal Section 42475.1 of, the Public Resources Code, relating to solid waste.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 111—An act to amend Sections 29, 4866, 6095, and 6140.2 of, and to repeal Sections 2873.7, 6086.12, 9889.60, 9889.62, and 9889.64 of, the Business and Professions Code, to repeal Chapter 3

(commencing with Section 1812.40) of Title 2 of Part 4 of Division 3 of the Civil Code, to amend Section 529.1 of the Code of Civil Procedure, to amend Sections 62000, 71027, 71051, 89343, and 92640 of the Education Code, to amend Section 3200 of, and to repeal Sections 20025 and 20042 of, the Family Code, to amend Section 15702 of, and to repeal Sections 715, 15602, and 15603 of, the Fish and Game Code, to amend Sections 5029, 13127, and 58509 of, and to repeal Sections 13124, 13125, and 42814 of, the Food and Agricultural Code, to amend Sections 6276.12, 6276.30, 6276.46, 8293, 8588.5, 8875.1, 9121, 11011.15, 12092, 12173, 14036.6, 15814.25, 16272.5, and 51015.05 of, to repeal Sections 8593.3, 8599.1, 8870.75, 8877.7, 9116, 11011.19, 14525.6, 16272.3, 16367.9, 19995.35, 19998.5, 30605, 51015.1, 53117, 68106, 68511.4, and 68515 of, to repeal Article 6.5 (commencing with Section 53125) of Chapter 1 of Part 1 of Division 2 of Title 5 of, to repeal Chapter 5 (commencing with Section 16285) of Part 1.5 of Division 4 of Title 2 of, and to repeal Part 14 (commencing with Section 16000) of Division 3 of Title 2 of, the Government Code, to amend Sections 1179.2, 1275.3, 1522.4, 1596.955, 6982, 11756.7, 11758.10, 11772, 11798.1, 11831.5, 11998.2, 16109, 25159.19, 25503.2, 40410.5, 40452, 43013.5, 50519, 50524, 105140, 105175, 110795, 114820, 116360, 124150, 124160, 124195, 127360, 128195, and 129295 of, to repeal Sections 1205.1, 1519, 1520.65, 1522.6, 1527.9, 1529.3, 1557, 1569.545, 1597.01, 1598.3, 11756.5, 11757.62, 11758.33, 11782, 11963.5, 13143.7, 18944.34, 25159.13, 25244.3, 25299.80, 25928, 38045, 39663, 44245, 44247, 50837, 101535, 104595, 105335, 108865, 110540, 120865, 124135, 124140, 124145, 124235, and 127365 of, to repeal Article 5 (commencing with Section 25547) of Chapter 6.95 of Division 20 of, to repeal Article 5 (commencing with Section 100475) of Chapter 3 of Part 1 of Division 101 of, to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, and to repeal Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of, the Health and Safety Code, to repeal Sections 11751.51, 12693.94, and 12696.25 of the Insurance Code, to amend Section 139.43 of, and to repeal Section 6715 of, the Labor Code, to repeal Section 1012.5 of the Military and Veterans Code, to amend Sections 653.1, 1247k, 2053, 3053.2, 5010, 5066, 7514, 13508, and 14210 of, and to repeal Sections 1174.6, 3424, 4497.40, 7009, 11108.7, 11110, 13013, 13828.2, and 13871 of, the Penal Code, to amend Sections 612.5, 4562.5, 42553, and 71064 of, and to repeal Sections 2802, 2804.6, 3488, 4473, 4563.5, 6226, 18017, 25689, 29777, 42552, and 42776 of, the Public Resources Code, to amend Sections 322, 701.6, 5371.4, 5385.6, and 99620 of, to repeal Sections 5388, 8303, and 99621 of, and to repeal Article 4 (commencing with Section 442) of Chapter 2.5 of Part 1 of Division 1 of, the Public Utilities Code, to amend Sections 18405, 19264, and 23331 of, and to repeal Sections 2237.3 and 2327 of, the Revenue and Taxation Code, to repeal Section 155.8 of the Streets and Highways Code, to amend Section 11011 of, and to repeal Sections 1598 and 11005 of, the Unemployment Insurance Code, to amend Sections 4750.4, 5011.5, 14112, 40001, and 42007 of, and to repeal

Sections 2575, 4750.2, 21370.1, 32005, and 34508.5 of, the Vehicle Code, to repeal Sections 1061, 12226.1, and 12228 of the Water Code, and to amend Sections 503, 1120, 4390, 4689.1, 5719.5, 11008, 11008.19, 11213, 11215, 11469, 11476.6, 14005.6, 14026.5, 14041.5, 14087.2, 14104.6, 14105.15, 14499.5, and 16576 of, and to repeal Sections 225.05, 398, 898.5, 1756.1, 1906, 1914, 4026, 4506, 4519.5, 4637, 4681.2, 4692, 4751, 4838, 4842, 5734, 5914, 10627, 11004.5, 11406, 12312, 14090.1, 14090.2, 14090.3, 14195.8, 14492, 16501.6, 18379, 18989.3, and 19856 of, the Welfare and Institutions Code, relating to state reports.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 136—An act to amend Sections 4984.7 and 4996.3 of the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 526—An act to amend Section 33378 of the Health and Safety Code, relating to redevelopment.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 928—An act to amend Section 1635.5 of, and to add Section 1635.7 to, the Business and Professions Code, relating to dentistry.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 382—An act to amend Section 1520.5 of the Health and Safety Code, relating to community care facilities.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 806—An act to amend Section 19134 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 694—An act to amend Sections 4750.7 and 31164 of, to add Section 31012 to, and to repeal Sections 532, 2804.6, and 2813 of, the

Public Resources Code, relating to public resources, and making an appropriation therefor.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 76—An act to add Section 48911.3 to the Education Code, relating to school attendance.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 246—An act to amend Section 19280 of the Revenue and Taxation Code, relating to courts.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 785—An act to add Section 14016.51 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 914—An act to add Section 13823.13 to, and to repeal Sections 13823.15, 13823.16, 13823.3, 13837, and 13838 of, the Penal Code, relating to domestic violence, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 595—An act to amend Section 1033 of, and to add Section 1326.5 to, the Unemployment Insurance Code, relating to unemployment insurance.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 764—An act to amend Section 205.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1021—An act to amend Section 16337 of, and to add Chapter 5 (commencing with Section 16500) to Part 4 of Division 9 of, the Probate Code, relating to trusts.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 371—An act to amend Section 1246 of the Business and Professions Code, and to amend Section 23158 of the Vehicle Code, relating to blood tests, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 97—An act to amend Section 56836.155 of, and to add and repeal Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 52—Relative to Family Empowerment Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 54—Relative to World Languages and Cultures Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 55—Relative to Educational Options Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 56—Relative to the Joint Committee on Boards, Commissions, and Consumer Protection.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 141—Relative to Four Chaplains Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 155—Relative to Dr. Martin Luther King, Jr. Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 157—Relative to blood donors.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 158—Relative to Mental Wellness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Burton moved a call of the Senate.

Motion carried.

Senator Romero Presiding

THIRD READING OF SENATE BILLS

Senate Bill 1067—An act to add amend Section 25110 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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 SENATE BILLS (RESUMED)

Senate Bill 329—An act to amend, repeal, and add Section 8880.4 of the Government Code, relating to the California State Lottery, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Perata.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Perata moved a call of the Senate.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (ACR 143)

Senator Kuehl asked for, and was granted, unanimous consent that ACR 143 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 143

Assembly Concurrent Resolution 143—Relative to Spay Day USA 2004.

Resolution read.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Denham, Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Kuehl, Machado, McClintock, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

**CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (CONSENT CALENDAR)**

On motion of Senator Burton, further proceedings under the call of the Senate were dispensed with.

Consent Calendar Roll Call

The names of the absentees were called and the measures on the Consent Calendar passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 1067)**

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 SB 1067 was refused passage by the following vote:

AYES (24)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Ortiz, Perata, Romero, Scott, Sher, Soto, Speier, Vasconcellos, and Vincent.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Battin, Denham, Hollingsworth, Johnson, Knight, McClintock, Morrow, Oller, and Poochigian.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 329)**

On motion of Senator Perata, 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 329 was refused adoption by the following vote:

AYES (19)—Senators Ackerman, Alpert, Ashburn, Battin, Burton, Cedillo, Denham, Figueroa, Johnson, Karnette, Knight, Morrow, Murray, Perata, Poochigian, Romero, Soto, Vasconcellos, and Vincent.

NOES (13)—Senators Aanestad, Bowen, Dunn, Escutia, Florez, Hollingsworth, Kuehl, Machado, McClintock, Oller, Scott, Sher, and Speier.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator McPherson.

The following Senators were granted leaves of absence for the day due to illness: Senators Brulte and Margett.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 10:39 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Thursday, January 29, 2004.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 26, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 57	AB 488	AB 1272	AB 1706
AB 320	AB 649	AB 1432	AB 1707
AB 379	AB 664	AB 1643	AB 1726
AB 384	AB 775	AB 1650	AB 1784
AB 389	AB 932	AB 1655	AB 1785
AB 454	AB 1091	AB 1663	
AB 477	AB 1260	AB 1694	

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 for assignment:

Assembly Bill 57—An act to amend Section 11055 of the Health and Safety Code, relating to controlled substances.

Assembly Bill 320—An act to add Section 143.5 to the Business and Professions Code, relating to professions and vocations.

Assembly Bill 379—An act to amend Section 8208 of, and to add Article 8.5 (commencing with Section 8245) to Chapter 2 of Part 6 of, the Education Code, relating to child development.

Assembly Bill 384—An act to amend Sections 308, 2762, 3326, and 5005 of, and to add Section 5030 to, the Penal Code, and to amend Section 1752.5 of, and to add Section 1712.5 to, the Welfare and Institutions Code, relating to tobacco products.

Assembly Bill 389—An act to add Chapter 6.10.1 (commencing with Section 25403) to Division 20 of the Health and Safety Code, relating to hazardous substances.

Assembly Bill 454—An act to add and repeal Division 9 (commencing with Section 9000) of the Harbors and Navigation Code, relating to harbors and ports.

Assembly Bill 477—An act to amend Section 5060 of the Vehicle Code, relating to vehicles.

Assembly Bill 488—An act to amend Section 290.4 of, and to add and repeal Section 290.41 of, the Penal Code, relating to sex offenders.

Assembly Bill 649—An act relating to developmental disabilities.

Assembly Bill 664—An act to amend Section 10115.5 of the Public Contract Code, relating to public contracts.

Assembly Bill 775—An act to amend Sections 2331, 2333, and 2333.5 of the Streets and Highways Code, relating to transportation.

Assembly Bill 932—An act to amend Sections 2472 and 2484 of, and to repeal and add Section 2493 of, the Business and Professions Code, relating to podiatric medicine.

Assembly Bill 1091—An act to amend Section 120130 of the Health and Safety Code, relating to disease prevention.

Assembly Bill 1260—An act to amend Sections 19720 and 19721 of the Revenue and Taxation Code, relating to taxation.

Assembly Bill 1272—An act to add Section 11713.17 to the Vehicle Code, relating to vehicles.

Assembly Bill 1432—An act to amend Sections 656 and 793 of, and to add Sections 656.5 and 793.5 to, the Penal Code, relating to former jeopardy.

Assembly Bill 1643—An act to add Section 2750.7 to the Labor Code, relating to employment.

Assembly Bill 1650—An act to amend Sections 406, 44279.2, 44305, 44308, 44383, 44386, 44393, 44395, 44396, 44401, 44402, 44403, 44404, 44503, 44507, 44579.1, 44731, 52272, 99200, 99220, 99221, 99222, 99223, 99224, 99225, 99226, 99232, 99234, 99236, and 99237 of, to add Chapter 3.8 (commencing with Section 44790) to Part 25 of, and to repeal Sections 44279.7, 44384, 44505, 44506, 44579.2, 44579.4, 44579.5, 44730, 99203, 99227, 99234.5, and 99235 of, the Education Code, relating to teacher development.

Assembly Bill 1655—An act to add Sections 1798.210, 1798.211, and 1799.112 to the Health and Safety Code, relating to emergency medical services.

Assembly Bill 1663—An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Assembly Bill 1694—An act to add Section 160 to the Penal Code, relating to bail services.

Assembly Bill 1706—An act to amend Section 1162 of the Code of Civil Procedure, relating to unlawful detainer.

Assembly Bill 1707—An act to amend Section 54.3 of the Civil Code, relating to civil rights.

Assembly Bill 1726—An act to amend Section 47021 of the Food and Agricultural Code, relating to agriculture.

Assembly Bill 1784—An act to amend Section 86205 of, and to add Sections 86119 and 89518.5 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1785—An act to amend Section 86205 of, and to add Section 86119 to, the Government Code, relating to the Political Reform Act of 1974

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, January 28, 2004

The Committee on Rules has referred the following measures to committee:

Agriculture and Water Resources—SB 1136.

Education—SB 1138.

Elections and Reapportionment—AB 1623.

Housing and Community Development—AB 224.

Insurance—AB 254.

Judiciary—AB 1264.

Labor and Industrial Relations—SB 1134, SB 1141.

Local Government—AB 955.

Public Employment and Retirement— SB 1137.

Public Safety—SB 1140; AB 1667.

Transportation—SB 1135, SB 1139; AB 517.

The Committee on Rules has referred the following measures to two committees:

Health and Human Services and Rules—AB 1335.

Public Safety and Health and Human Services—AB 493, AB 1285.

Revenue and Taxation and Health and Human Services—AB 1239.

The Committee on Rules has re-referred the following measures to committee:

Education—AB 610.

Elections and Reapportionment—AB 890.

Health and Human Services—AB 61.

Judiciary—AB 920.

Public Employment and Retirement—AB 459.

Revenue and Taxation—AB 658, AB 990.

Transportation—AB 1096, AB1507.

Senate Chamber, January 28, 2004

Madam President: The Committee on Rules has examined:

SB 98

And reports that the same has been correctly enrolled, and presented to the Governor on the 28th day of January, 2004, at 10 a.m.

BURTON, Chair

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 Bill 1155: By Senator Machado—An act to add Section 79442 to the Water Code, relating to water.

Senate Bill 1156: By Senator Alarcón—An act to add Part 4 (commencing with Section 18000) to Division 7 of the Business and Professions Code, relating to business.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1498)**

Unanimous consent was granted that the action be rescinded whereby AB 1498 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1498

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1498 proposed by Senator Chesbro were read and adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Craig Richard Jones of Palm Springs.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Pfc. James David Parker of Fallbrook.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Michael J. White of Santa Monica.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, January 29, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 29, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Ackerman, Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Denham,
Ducheny, Dunn, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl,
Machado, McClintock, Morrow, Oller, Ortiz, Perata, Poochigian, Romero,
Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—30.

Quorum present.

(NOTE: Senators Aanestad, Ashburn, Battin, Escutia, Hollingsworth, McPherson, Murray, and Speier will be excused this day on legislative business and Senators Brulte and Margett will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 29, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 539

AB 1740

Assembly Bill 252—An act to amend Section 7634 of, to add Section 7635.5 to, and to add Article 1.5 (commencing with Section 7645) to Chapter 4 of Part 3 of Division 12 of, the Family Code, relating to paternity.

Assembly Bill 269—An act to add Section 33334.2.2 to the Health and Safety Code, relating to redevelopment.

Assembly Bill 321—An act to add Section 1366.2 to the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 338—An act to add Section 42703 to the Public Resources Code, relating to recycling.

Assembly Bill 392—An act to add Section 164.60 to the Streets and Highways Code, relating to transportation.

Assembly Bill 406—An act to amend Sections 21089, and 21160 of and to add Section 21099 to, the Public Resources Code, relating to environmental quality.

Assembly Bill 476—An act to amend Section 31642 of the Government Code, relating to county employees retirement.

Assembly Bill 537—An act to add Section 354.8 to the Code of Civil Procedure, relating to statutes of limitation.

Assembly Bill 614—An act relating to athletic trainers.

Assembly Bill 672—An act to amend Section 51504 of the Health and Safety Code, relating to affordable housing.

Assembly Bill 750—An act to add Section 14105.485 to the Welfare and Institutions Code, relating to Medi-Cal.

Assembly Bill 854—An act to amend Section 1170 of the Penal Code, relating to crime.

Assembly Bill 858—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.

Assembly Bill 868—An act to amend Sections 50710.1 and 50712.5 of the Health and Safety Code, relating to migrant farm labor centers.

Assembly Bill 1175—An act to amend Sections 44775.1 and 44775.7 of, to add Section 44775.9 to, the Education Code, and to repeal Section 5 of Chapter 702 of the Statutes of 2002, relating to public schools.

Assembly Bill 1224—An act relating to sex offender registration, and making an appropriation therefor.

Assembly Bill 1466—An act to repeal Title 7.9 (commencing with Section 68055) of the Government Code, and to add Chapter 5.3 (commencing with Section 42250) and Chapter 20 (commencing with

Section 42970) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

Assembly Bill 1510—An act to add Sections 195.89, 195.90, and 195.91 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1520—An act to add Chapter 8.7 (commencing with Section 1370) to Division 6 of the Military and Veterans Code, relating to veterans' memorials.

Assembly Bill 1550—An act relating to public education.

Assembly Bill 1564—An act to amend Section 56000 of, to add Section 56000.6 to, and to add Article 7 (commencing with Section 79220) to Chapter 9 of Part 48 of, the Education Code, relating to special education.

Assembly Bill 1699—An act to add Article 10.4 (commencing with Section 25214.30) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste

Assembly Bill 279—An act to amend Section 5101.8 of the Vehicle Code, relating to vehicles.

Assembly Bill 340—An act to amend Sections 21464, 40000.13, and 42001 of the Vehicle Code, relating to traffic control devices.

Assembly Bill 549—An act to amend Section 243.83 of the Penal Code, relating to crime.

Assembly Bill 700—An act to amend Sections 12102 and 12114 of the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 891—An act to amend Section 44010 of the Education Code, relating to school employees.

Assembly Bill 911—An act to add Section 148.8 to the Penal Code, relating to public safety services.

Assembly Bill 979—An act to amend Sections 31520.5, 31681.8, 31683, 31704, and 31789.5 of, to add Sections 31762.5, 31763.5, 31764.5, 31764.6, and 31764.7 to, and to repeal Section 31520.3 of, the Government Code, relating to county employees' retirement.

Assembly Bill 1000—An act to amend Sections 1502, 2117, 6210, and 8210 of, and to add Sections 1502.1 and 2117.1 to, the Corporations Code, and to amend Section 12186 of the Government Code, relating to corporations, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1071—An act to amend Section 19227 of, and to amend, repeal, and add Section 15061 of the Food and Agricultural Code, relating to commercial feed, and making an appropriation therefor.

Assembly Bill 1073—An act to add Section 17136.5 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Assembly Bill 1126—An act to amend Section 17072.10 of the Education Code, relating to school facilities.

Assembly Bill 1127—An act to add Section 14001 to, and to repeal Sections 15037 and 15037.1 of, the Unemployment Insurance Code, relating to unemployment insurance.

Assembly Bill 1138—An act to amend amend Sections 5007, 22511.56, and 22511.57 of the Vehicle Code, relating to vehicles.

Assembly Bill 1240—An act to amend Sections 1522, 1568.09, 1569.17, and 1596.871 of the Health and Safety Code, relating to care facilities.

Assembly Bill 1356—An act to add Chapter 1.5 (commencing with Section 13995.150) to Part 4.7 of Division 3 of Title 2 of the Government Code, relating to tourism.

Assembly Bill 1454—An act to add and repeal Section 116183 of the Health and Safety Code, relating to the public health, and declaring the urgency thereof, to take effect immediately.

Assembly Bill 1592—An act to amend Section 14845 of the Government Code, and to amend Sections 999, 999.5, 999.7, 999.9, 999.11, and 999.12 of the Military and Veterans Code, relating to veterans.

Assembly Bill 1596—An act to amend Section 1363.07 of the Health and Safety Code, and to amend Section 10113.8 of the Insurance Code, relating to health care coverage.

Assembly Bill 1684—An act to amend Section 379.6 of the Public Utilities Code, relating to energy resources.

Assembly Bill 1704—An act to amend Section 27282 of the Government Code, relating to family law.

Assembly Bill 1709—An act to amend Sections 68085, 68502.7, and 77006.5 of the Government Code, relating to courts.

Assembly Bill 1711—An act to amend Sections 6028 and 6140.7 of the Business and Professions Code, relating to attorneys.

Assembly Bill 1714—An act to amend Section 1281 of the Code of Civil Procedure, relating to arbitration.

Assembly Concurrent Resolution 61—Relative to Financial Literacy for Youth Month.

Assembly Concurrent Resolution 153—Relative to Cervical Cancer Awareness Month.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, January 29, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

AB 1253

AB 1281

AB 1586

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1253—An act to add and repeal Section 20901.6 of the Government Code, relating to state employees' retirement, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1281—An act to add Section 21413.5 to the Government Code, relating to public employees' retirement.

Bill read second time.

Assembly Bill 1586—An act to amend Section 22115, 22455.5, 26000, 26300, and 26400 of, and to add Section 26000.2 and 26113.5 to, the Education Code, relating to state teachers' retirement, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures 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 Bill 1157: By Senator Romero—An act to repeal Section 10369.12 of the Insurance Code, relating to health insurance.

Senate Bill 1158: By Senator Scott—An act to add Section 1367.195 to the Health and Safety Code, and to add Section 10123.75 to the Insurance Code, relating to health care.

Senate Concurrent Resolution 57: By Senators Margett, Alpert, Bowen, Kuehl, Scott, Speier, and Vincent (Coauthors: Assembly Members Bates, Benoit, Chavez, Cohn, Cox, Dutton, Garcia, Houston, La Malfa, Maze, Mountjoy, Nakanishi, Pacheco, Pavley, Plescia, Runner, and Yee)—Relative to "Go Red for Women Day."

Senate Concurrent Resolution 58: By Senator McPherson—Relative to California Private School Recognition Day.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 1498—An act relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on February 5:

AB 44 AB 1087 AB 1498

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Ashburn, Battin, Escutia, Hollingsworth, McPherson, Murray, and Speier.

The following Senators were granted leaves of absence for the day due to illness: Senators Brulte and Margett.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Sarah LaVoie of Sacramento.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Janice Ross of West Sacramento.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Monday, February 2, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 2, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—34.

Quorum present.

(NOTE: Senators Aanestad, Battin, Dunn, and Speier will be excused this day on legislative business and Senators Escutia and Margett will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 29, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 164

Assembly Chamber, January 29, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SJR 23

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.

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules for assignment:

Assembly Concurrent Resolution 164—Relative to Ronald Reagan Day.

REPORTS OF STANDING COMMITTEES

Committee on Rules

January 30, 2004

Mr. President: The Committee on Rules has examined:

SB 694

And reports that the same has been correctly enrolled, and held at the Desk pursuant to Joint Rule 57.

BURTON, Chair

Committee on Labor and Industrial Relations

Senate Chamber, February 2, 2004

Mr. President: The Committee on Labor and Industrial Relations, to which were referred:

SB 264	SB 586	SB 758	SB 927
SB 365	SB 661	SB 759	SB 1010
SB 366	SB 714	SB 800	SB 1011
SB 390	SB 731	SB 867	
SB 535	SB 755	SB 893	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ALARCÓN, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Local Government

Senate Chamber, February 2, 2004

Mr. President: The Committee on Local Government, to which were referred:

SB 282	SB 634	SB 908	SB 997
SB 293	SB 768	SB 918	
SB 456	SB 864	SB 952	
SB 529	SB 865	SB 958	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

TORLAKSON, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Housing and Community Development

Senate Chamber, February 2, 2004

Mr. President: The Committee on Housing and Community Development, to which were referred:

SB 477 SB 561 SB 596 SB 1029

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

DUCHENY, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Governmental Organization

Senate Chamber, February 2, 2004

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 622 SB 751 SB 895
SB 896 SB 998 SB 1018

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

VINCENT, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Elections and Reapportionment

Senate Chamber, February 2, 2004

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

SB 152 SB 240 SB 467

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

PERATA, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Revenue and Taxation

Senate Chamber, February 2, 2004

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 4	SB 230	SB 454	SB 819
SB 47	SB 330	SB 516	SB 935
SB 121	SB 375	SB 616	SB 961
SB 137	SB 389	SB 670	SB 981
SB 172	SB 400	SB 672	SB 1012
SB 224	SB 402	SB 726	SB 1066

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

CEDILLO, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Agriculture and Water Resources

Senate Chamber, February 2, 2004

Mr. President: The Committee on Agriculture and Water Resources, to which were referred:

SB 350	SB 563	SB 794	SB 1036
SB 479	SB 564	SB 934	
SB 518	SB 658	SB 1000	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

MACHADO, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Natural Resources and Wildlife

Senate Chamber, February 2, 2004

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 8	SB 309	SB 681	SB 925
SB 184	SB 554	SB 737	
SB 235	SB 643	SB 852	
SB 281	SB 657	SB 866	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

KUEHL, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Education

Senate Chamber, February 2, 2004

Mr. President: The Committee on Education, to which were referred:

SB 16	SB 336	SB 560	SB 809
SB 124	SB 346	SB 662	SB 837
SB 192	SB 371	SB 683	SB 843
SB 198	SB 384	SB 687	SB 956
SB 241	SB 468	SB 696	SB 1017
SB 263	SB 470	SB 786	SB 1038
SB 266	SB 473	SB 789	SB 1039
SB 332	SB 484	SB 790	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

VASCONCELLOS, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Environmental Quality

Senate Chamber, February 2, 2004

Mr. President: The Committee on Environmental Quality, to which were referred:

SB 202	SB 207	SB 517	SB 702
SB 203	SB 214	SB 531	SB 747
SB 204	SB 415	SB 533	SB 807

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

SHER, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Rules

Senate Chamber, February 2, 2004

Mr. President: The Committee on Rules, to which were referred:

SB 11	SB 167	SB 313	SB 426
SB 28	SB 170	SB 319	SB 444
SB 34	SB 194	SB 320	SB 447
SB 49	SB 205	SB 343	SB 453
SB 105	SB 243	SB 347	SB 480
SB 108	SB 249	SB 368	SB 482
SB 123	SB 280	SB 386	SB 483
SB 141	SB 286	SB 387	SB 497
SB 148	SB 287	SB 388	SB 498
SB 153	SB 304	SB 397	SB 500

SB 501	SB 725	SB 861	SB 960
SB 502	SB 733	SB 862	SB 963
SB 510	SB 741	SB 863	SB 972
SB 513	SB 742	SB 869	SB 975
SB 547	SB 743	SB 886	SB 980
SB 553	SB 765	SB 887	SB 986
SB 585	SB 776	SB 891	SB 988
SB 594	SB 782	SB 894	SB 989
SB 597	SB 783	SB 897	SB 990
SB 632	SB 803	SB 910	SB 992
SB 668	SB 811	SB 913	SB 1001
SB 682	SB 822	SB 931	SB 1006
SB 688	SB 832	SB 939	SB 1020
SB 698	SB 844	SB 943	SB 1031
SB 715	SB 845	SB 949	SB 1033
SB 716	SB 846	SB 951	SB 1035
SB 721	SB 859	SB 954	
SB 723	SB 860	SB 959	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

BURTON, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Health and Human Services

Senate Chamber, February 2, 2004

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 38	SB 326	SB 522	SB 767
SB 133	SB 340	SB 528	SB 773
SB 267	SB 372	SB 536	SB 847
SB 291	SB 474	SB 652	SB 1014

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ORTIZ, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Appropriations

Senate Chamber, February 2, 2004

Mr. President: The Committee on Appropriations, to which were referred:

SB 13	SB 289	SB 532	SB 770
SB 14	SB 312	SB 569	SB 778
SB 21	SB 321	SB 573	SB 780
SB 40	SB 351	SB 576	SB 797
SB 57	SB 393	SB 579	SB 820
SB 100	SB 398	SB 593	SB 827
SB 120	SB 404	SB 601	SB 836
SB 143	SB 406	SB 603	SB 884
SB 160	SB 417	SB 629	SB 901
SB 163	SB 422	SB 655	SB 936
SB 164	SB 432	SB 664	SB 948
SB 201	SB 433	SB 669	SB 953
SB 208	SB 461	SB 689	SB 974
SB 209	SB 465	SB 701	SB 979
SB 227	SB 472	SB 729	SB 987
SB 251	SB 475	SB 746	SB 1027
SB 254	SB 486	SB 750	
SB 272	SB 511	SB 756	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ALPERT, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Energy, Utilities and Communications

Senate Chamber, February 2, 2004

Mr. President: The Committee on Energy, Utilities and Communications, to which were referred:

SB 46	SB 159	SB 520	SB 944
SB 72	SB 173	SB 697	SB 1015
SB 119	SB 310	SB 830	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

BOWEN, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Public Safety

Senate Chamber, February 2, 2004

Mr. President: The Committee on Public Safety, to which were referred:

SB 32	SB 206	SB 462	SB 878
SB 35	SB 213	SB 463	SB 880
SB 42	SB 222	SB 514	SB 881
SB 51	SB 250	SB 587	SB 882
SB 52	SB 284	SB 609	SB 885
SB 82	SB 299	SB 638	SB 900
SB 106	SB 327	SB 717	SB 941
SB 135	SB 357	SB 718	SB 977
SB 161	SB 395	SB 775	SB 982
SB 166	SB 421	SB 829	SB 991
SB 188	SB 423	SB 839	SB 1019
SB 190	SB 424	SB 848	
SB 195	SB 442	SB 876	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

McPHERSON, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Judiciary

Senate Chamber, February 2, 2004

Mr. President: The Committee on Judiciary, to which were referred:

SB 69	SB 355	SB 648	SB 890
SB 171	SB 394	SB 653	SB 912
SB 225	SB 488	SB 695	SB 917
SB 239	SB 505	SB 835	SB 946
SB 307	SB 546	SB 870	SB 1003
SB 324	SB 571	SB 872	SB 1013
SB 325	SB 583	SB 889	

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

ESCUZIA, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Insurance

Senate Chamber, February 2, 2004

Mr. President: The Committee on Insurance, to which were referred:

SB 26	SB 101	SB 154
SB 174	SB 273	SB 344
SB 396	SB 608	SB 667

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

SPEIER, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Budget and Fiscal Review

Senate Chamber, February 2, 2004

Mr. President: The Committee on Budget and Fiscal Review, to which were referred:

SB 55 SB 150 SB 985

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

CHESBRO, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Banking, Commerce and International Trade

Senate Chamber, February 2, 2004

Mr. President: The Committee on Banking, Commerce and International Trade, to which were referred:

SB 374 SB 503

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

FLOREZ, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Transportation

Senate Chamber, February 2, 2004

Mr. President: The Committee on Transportation, to which were referred:

SB 91 SB 367 SB 630 SB 788
SB 234 SB 541 SB 675 SB 825
SB 349 SB 555 SB 710

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

MURRAY, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Business and Professions

Senate Chamber, February 2, 2004

Mr. President: The Committee on Business and Professions, to which were referred:

SB 77 SB 342 SB 485 SB 542
SB 665 SB 816 SB 995

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

FIGUEROA, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Elections and Reapportionment

Senate Chamber, February 2, 2004

Mr. President: The Committee on Elections and Reapportionment, to which were referred:

SB 539 SB 1023

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

PERATA, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Public Employment and Retirement

Senate Chamber, February 2, 2004

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 147 SB 854

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

SOTO, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Veterans Affairs

Senate Chamber, February 2, 2004

Mr. President: The Committee on Veterans Affairs, to which were referred:

SB 369 SB 1028

Reports the same back to the Secretary of the Senate pursuant to the provisions of Joint Rule 56. (May not be further considered during the session.)

MORROW, Chair

Above measures ordered filed with the Secretary of the Senate.

Committee on Judiciary

Senate Chamber, February 2, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 1616

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1616—An act to add Division 10 (commencing with Section 7920) to Title 1 of the Government Code, relating to intellectual property.

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 Bill 1159: By Senator Vasconcellos (Principal coauthors: Assembly Members Berg and Nation) (Coauthors: Assembly Members Goldberg, Hancock, Jerome Horton, Laird, and Levine)—An act to amend Section 4145 of, and to repeal Section 4146 of, the Business and Professions Code, to amend Section 11364 of, and to add Chapter 13.5 (commencing with Section 121285) to Part 4 of Division 105 of, the Health and Safety Code, and to amend Sections 41770 and 41900 of, and to add Section 41803 to, the Public Resources Code, relating to hypodermic needles and syringes.

Senate Bill 1160: By Senator Cedillo—An act relating to drivers, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1161: By Senator Alpert—An act to add Chapter 12.5 (commencing with Section 20020) to Part 11 of the Education Code, relating to financing a public library construction and renovation program by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California, and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1162: By Senator Machado—An act to add and repeal Article 1.5 (commencing with Section 18705) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1163: By Senator Dunn—An act to amend Section 798.38 of the Civil Code and Section 739.5 of the Public Utilities Code, relating to utilities.

Senate Bill 1164: By Senator Romero—An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

Senate Bill 1165: By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to amend Section 17924 of the Business and Professions Code, to amend Sections 6047.70, 6047.76, 6047.77, 6047.82, 6047.97, 6253, 30801, 30803, 30805, and 30850 of, and to repeal Section 30806 of, the Food and Agricultural Code, to amend Sections 24003, 25502.3, 26806, 26835, 26859, 51238.2, 54222, 54975, 55631, 66452.6, and 66473.7 of the Government Code, to amend Sections 11534 and 11910 of the Public Utilities Code, to amend Sections 34701 and 60622 of the Water Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

Senate Bill 1166: By Senator Chesbro—An act to add Section 4217 to the Government Code, relating to public works.

Senate Concurrent Resolution 59: By Senators Machado, Alpert, Bowen, Kuehl, Romero, Scott, and Sher (Coauthors: Assembly Members Benoit, Diaz, Dymally, Hancock, Laird, Matthews, Montanez, Mullin, Pavley, and Salinas)—Relative to teen pregnancy prevention.

Senate Concurrent Resolution 60: By Senator Battin—Relative to Child Abuse Prevention Month.

Senate Concurrent Resolution 61: By Senator Battin—Relative to California Hispanic Heritage Month.

Senate Concurrent Resolution 62: By Senator Battin—Relative to California Indian Heritage Month.

DIED ON FILE

Pursuant to the Constitution and the Joint Rules the following bills died on File on January 31, 2004: **SB 97, SB 499, SB 766, and SB 793.**

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Battin, Dunn, and Speier.

The following Senators were granted leaves of absence for the day due to illness: Senators Escutia and Margett.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Ly Xuan Ngo and Officer Steven Phillips of Westminster.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Marion G. Denhardt of Stockton and Silvio M. Canepa of Linden.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 3, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 3, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock,
McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott,
Soto, Torlakson, Vasconcellos, and Vincent—35.

Quorum present.

(NOTE: Senators Florez, Ortiz, Sher, and Speier will be excused this day on legislative business and Senator Margett will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 2, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day had AB 323 returned from the Governor, and rescinded the action whereby Senate amendments to the bill were concurred in.

Pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 2, 2004

Mr. President: The Senate Rules Committee has appointed Ms. Annette Bening of Beverly Hills as a member of the California Arts Council to serve for a term ending January 1, 2008.

BURTON, Chair

Committee on Local Government

Senate Chamber, February 3, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 1195

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1195—An act to amend Section 65402 of, and to add Section 66412.4 to, the Government Code, relating to land use.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1195 pursuant to Joint Rule 58.

ASSEMBLY MEMBER COHN

Permission of Rules Committee

Senate Chamber, February 3, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1195.

BURTON, Chair

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 Bill 1167: By Senator Scott—An act to amend Section 3304 of the Government Code, relating to peace officers.

Senate Bill 1168: By Senator Ortiz—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.

Senate Bill 1169: By Senator Murray—An act to amend Section 185020 of the Public Utilities Code, relating to transportation.

Senate Bill 1170: By Senator Ortiz—An act to amend Section 14105.45 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1171: By Senator Ortiz—An act to add Article 21 (commencing with Section 114500) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to restaurants.

JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Health and Humans Services Subcommittee on California Emergency Medical Services to meet without the four days notice in the Daily File.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez, Ortiz, Sher, and Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

REQUEST TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Ella Rose Davis of Richmond, VA.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, February 4, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 4, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock,
McPherson, Morrow, Murray, Oller, Perata, Poochigian, Scott, Sher, Soto,
Speier, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

(NOTE: Senators Florez, Ortiz, and Romero will be excused this day on legislative business and Senator Margett will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES
Committee on Governmental Organization

Senate Chamber, February 4, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 79

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 79—An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, February 4, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

AB 971

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 971—An act to amend Sections 1789.31, 1789.33, and 1789.35 of, and to amend, repeal, and add Sections 1789.30 and 1789.37 of, the Civil Code, and to amend Sections 22050, 23026, 23057 23100, 23102, and 23104 of the Financial Code, relating to deferred deposit transactions, 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.

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 Bill 1172: By Senator Ackerman—An act to amend Section 17951 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1173: By Senator Ortiz—An act to amend Section 22962 of the Business and Professions Code, relating to tobacco products.

Senate Bill 1174: By Senator Johnson—An act to amend Sections 139.2, 3208.1, 3209.3, 3218, and 4604.5 of, to amend and renumber Section 3202.5 of, to repeal Sections 3202, 4062.9, 4750, and 4750.5 of, and to repeal and add Sections 4660 and 4663 of, the Labor Code, relating to workers' compensation.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez, Ortiz, and Romero.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

REQUEST TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Bernice K. Hird of La Habra and Bill Winn of Fullerton.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, February 5, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 5, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Ashburn, Battin, Bowen, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson,
Morrow, Oller, Ortiz, Poochigian, Scott, Sher, Torlakson, Vasconcellos,
and Vincent—32.

Quorum present.

*(NOTE: Senators Alpert, Hollingsworth, Murray, Perata, Romero, Soto,
and Speier will be excused this day on legislative business and Senator
Margett will be excused this day due to illness.)*

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 5, 2004

Mr. President: I am directed to inform your honorable body that the
Assembly amended, and on this day passed, as amended:

SB 311

SB 678

And respectfully requests your honorable body to concur in said
amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, February 5, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 371

Assembly Chamber, February 5, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 160

Assembly Chamber, February 5, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning SB 976 to the Senate.

Above measure ordered to unfinished business.

Assembly Chamber, February 5, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 97 and AB 356 to the Senate.

Above measures ordered held at Desk.

Assembly Chamber, February 5, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day rescinded the action whereby they refused to concur in Senate amendments to AB 1527, and whereby conferees were appointed on the bill. Pursuant to the instructions of the Assembly, I am herewith returning AB 1527 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 160—Relative to Abraham Lincoln.

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 Bill 1175: By Senator Denham—An act to add Section 81050.5 to the Education Code, relating to community colleges.

Senate Bill 1176: By Senator Dunn—An act to add Section 16720.1 to the Business and Professions Code, relating to restraints on competition.

Senate Bill 1177: By Senator Scott—An act to amend Section 35294.21 of the Education Code, relating to school safety.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: December 29, 2003, relating to Ethnicity/Race/Gender Business Ownership was received from the California Energy Commission and transmitted to the Committee on Governmental Organization.

A report dated: January 10, 2004, relating to the Public Interest Energy Research program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: January 12, 2004, relating to the Railroad Corporation Safety budget for 2004–2005 was received from the Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 12, 2004, relating to Ethnicity/Race/Gender Business Ownership was received from the Office of the Adjutant General and transmitted to the Committee on Governmental Organization.

A report dated: January 15, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Office of Real Estate Appraisers and transmitted to the Committee on Governmental Organization.

A report dated: January 16, 2004, relating to the Regional Water Quality Control Board, enforcement activities was received from the State Water Resources Control Board and transmitted to the Committee on Natural Resources and Wildlife.

An Initiative Title and Summary dated: January 20, 2004, relating to Workers' Compensation. Benefit and Eligibility Restrictions. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: January 20, 2004, relating to Right to Keep and Bear Arms. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

An Initiative Title and Summary dated: January 20, 2004, relating to Tribal Gaming Compact Renegotiation. Non-Tribal Commercial Gambling Expansion. Revenues and Tax Exemptions. Initiative

Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: January 21, 2004, relating to the Low Cost Automobile Insurance program was received from the California Automobile Assigned Risk Plan and transmitted to the Committee on Insurance.

A report dated: January 21, 2004, relating to Disabled Veteran Business Enterprise participation was received from the California Coastal Commission and transmitted to the Committee on Governmental Organization.

The annual report dated: January 23, 2004, was received from the California Law Revision Commission and transmitted to the Committee on Public Safety.

A report dated: January 23, 2004, relating to supplemental water sources was received from the San Francisco Public Utilities Commission and transmitted to the Committee on Agriculture and Water Resources.

A report dated: January 26, 2004, relating to the workers' compensation system was received from the Department of Industrial Relations, Commission on Health and Safety and Workers' Compensation and transmitted to the Committee on Labor and Industrial Relations.

A report dated: January 27, 2004, relating to Ethnicity/Race/Gender Business Ownership was received from the California Coastal Commission and transmitted to the Committee on Governmental Organization.

A report dated: January 27, 2004, relating to Ethnicity/Race/Gender Business Ownership was received from the Department of Veterans Affairs and transmitted to the Committee on Governmental Organization.

A report dated: January 27, 2004, relating to the Child Abuse and Neglect Reporting Act Task Force was received from the Department of Justice and transmitted to the Committee on Public Safety.

An audit report dated: January 27, 2004, relating to the workers' compensation insurance system medical costs and reimbursement rates was received from the State Auditor and transmitted to the Committee on Rules.

A report dated: January 27, 2004, relating to the Emergency Medical Services Fund was received from Tulare County and transmitted to the Committee on Health and Human Services.

A report dated: January 28, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Office of the Treasurer and transmitted to the Committee on Governmental Organization.

An Initiative Title and Summary report dated: January 28, 2004, relating to State Teachers' Retirement. Benefits. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: January 29, 2004, relating to the Emergency Medical Services Fund was received from Merced County and transmitted to the Committee on Health and Human Services.

A report dated: January 30, 2004, relating to alleged unethical, unauthorized or illegal activities was received from the Metropolitan Water District of Southern California and transmitted to the Committee on Agriculture and Water Resources.

A report dated: January 30, 2004 relating to county enforcement activities under the Employee Housing Act was received from the Department of Housing and Community Development and transmitted to the Committee on Housing and Community Development.

A report dated: January 30, 2004, relating to cost-effective conservation, recycling and groundwater recharge programs was received from the Metropolitan Water District of Southern California and transmitted to the Committee on Agriculture and Water Resources.

A report dated: January 30, 2004, relating to operations under the Uniform Commercial Code Section of the Business Programs Division was received from the Secretary of State and transmitted to the Committee on Business and Professions.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alpert, Hollingsworth, Murray, Perata, Romero, Soto, and Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 1:30 p.m., Monday, February 9, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 9, 2004

The Senate met at 3 p.m.
Hon. Dede Alpert, of the 39th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, Vasconcellos, and Vincent—35.

Quorum present.

(NOTE: Senators Dunn, Morrow, Murray, and Speier will be excused this day on legislative business and Senator Margett will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Your whole universe, O God, is a burning bush. It calls us to turn aside, to pay attention, to see and hear and sense—and to wonder and to praise. Grant us new eyes, new ears, and newly awakened hearts. Let us “take off our shoes,” enter into Your court and praise Your Holy Presence.—AMEN.

(Elizabeth Gray, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Ducheny led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 5, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 146

ACR 161

ACR 165

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 146—Relative to women’s heart health.

Assembly Concurrent Resolution 161—Relative to California Girls and Women in Sports Week.

Assembly Concurrent Resolution 165—Relative to Black History Month.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Senate Chamber, February 9, 2004

Madam President: The Chair of the Committee on Judiciary, to which was referred:

AB 971

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 971—An act to amend Sections 1789.31, 1789.33, and 1789.35 of, to amend, repeal, and add Sections 1789.30 and 1789.37 of, and to add and repeal Section 1789.39 of, the Civil Code, and to amend Sections 22050, 23026, 23057 23100, 23102, and 23104 of, and to add and

repeal Section 23100.1 of, the Financial Code, relating to deferred deposit transactions, 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.

Senator Romero Presiding

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 57**, **SCR 58**, **ACR 153**, **ACR 160**, and **ACR 164** were withdrawn from committee and placed on the Consent Calendar.

CONSIDERATION OF DAILY FILE

MOTION TO REFER MEASURE TO INACTIVE FILE

Senator Alpert moved that **AB 1417** be placed on the inactive file.

Motion carried.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Joint Resolution 23—Relative to military base closures.

Resolution presented by Senator Ashburn.

The question being: Shall the Senate concur in the Assembly amendments to SJR 23?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (33)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Above resolution ordered enrolled.

Senate Bill 311—An act to amend, add, and repeal Section 52124 of the Education Code, relating to class size, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Sher.

The question being: Shall the Senate concur in the Assembly amendments to SB 311?

Urgency Clause

The roll was called and the urgency clause was adopted by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Burton, Chesbro, Ducheny, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson,

Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (2)—Senators Brulte and Denham.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Burton, Chesbro, Ducheny, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (2)—Senators Brulte and Denham.

Above bill ordered enrolled.

Senate Bill 976—An act relating to the support of state government, making an appropriation therefor, 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 976?

Urgency

The roll was called on the urgency clause was adopted by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

Above bill ordered enrolled.

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 57—Relative to “Go Red for Women Day.”

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 58—Relative to California Private School Recognition Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 153—Relative to Cervical Cancer Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 160—Relative to Abraham Lincoln.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 164—Relative to Ronald Reagan Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 44—An act to amend Section 2625 of the Penal Code, and Section 294 of the Welfare and Institutions Code, relating to dependent children, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1087—An act to amend Section 1246 of the Business and Professions Code, relating to venipuncture, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1498—An act to amend Sections 32207, 32320, 32321, 32324, 32325, 32352.5, 32423, 32721, 32722, 32932, 32942, and 32952 of, and to repeal Sections 32213, 32214, 32700, 32701, 32702, 32703, 32710, 32711, 32909, and 32928 of, the Financial Code, and to amend Section 20057 of the Government Code, relating to financial institutions, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn, Morrow, Murray, and Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 3:34 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand adjourned.

Motion carried.

UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (AB 97)

Unanimous consent was granted that the action be rescinded whereby AB 97 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 97

Assembly Bill 97—An act to amend Section 56836.155 of, and to add and repeal Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 97 proposed by Senator Denham were read and adopted and the measure ordered printed and to second reading.

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 Bill 1178: By Senator Kuehl—An act relating to dependent children.

Senate Bill 1179: By Senator Ducheny (Principal coauthor: Assembly Member Correa)—An act to amend Section 7073 of the Government Code, relating to enterprise zones.

Senate Bill 1180: By Senator Figueroa—An act to add Article 10.9.1 (commencing with Section 25219.3) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Senate Bill 1181: By Senator Margett—An act to add Section 1463 to the Government Code, relating to public officials.

Senate Bill 1182: By Senator Margett—An act to amend Section 66010.1 of the Education Code, relating to postsecondary education.

Senate Bill 1183: By Senator Margett—An act to amend Section 19596 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Senate Bill 1184: By Senator Oller—An act to amend Section 4456 of the Labor Code, relating to workers' compensation.

Senate Bill 1185: By Senator Oller—An act to amend Section 3207 of the Labor Code, relating to workers' compensation.

Senate Bill 1186: By Senator Oller—An act to amend Section 3208 of the Labor Code, relating to workers' compensation.

Senate Bill 1187: By Senator Chesbro—An act to amend Section 14132.100 of, and to add Sections 14132.101, and 14132.102 to, the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1188: By Senator Chesbro—An act to amend Section 50550.1 of the Health and Safety Code, relating to farmworker housing.

Senate Bill 1189: By Senator Chesbro—An act to amend Section 94 of the Streets and Highways Code, relating to transportation.

Senate Bill 1190: By Senator Chesbro—An act to amend Section 8265.7 of, and to add Sections 8273, 8274, and 8471 to, the Education Code, relating to child care.

Senate Bill 1191: By Senator Alarcón—An act relating to unemployment insurance.

Senate Bill 1192: By Senator Chesbro—An act to amend Section 1367.2 of the Health and Safety Code, and to amend Section 10123.6 of the Insurance Code, relating to health care coverage.

Senate Bill 1193: By Senator Soto—An act to add Chapter 3.5 (commencing with Section 850) to Division 4 of the Military and Veterans Code, relating to veterans.

Senate Bill 1194: By Senator Denham—An act to amend Section 21084 of the Public Resources Code, relating to environmental quality.

Senate Bill 1195: By Senator Denham—An act to amend Section 40507 of the Public Resources Code, relating to solid waste.

Senate Bill 1196: By Senator Cedillo—An act to amend Section 49557.2 of the Education Code, to amend Section 12693.75 of the Insurance Code, and to amend Section 14005.41 of the Welfare and Institutions Code, relating to health care coverage.

Senate Bill 1197: By Senator Denham—An act relating to water, and making an appropriation therefor.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn, Morrow, Murray, and Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of Milan Caratan of Delano.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Barry Williams of Corte Madera.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Frank Taubitz of Ferndale.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Maida Torres-Stanovik of San Diego.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Cmdr. Lloyd "Pete" Bucher (Ret.) of Poway.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Philip Bloudoff of Manteca and Dale Lott of Davis.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Brittany Romero of Santa Cruz.

Senator Morrow requested that when the Senate adjourns this day it do so in memory of Councilman John S. Gelff of San Juan Capistrano.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Jeffery Brown of Elk Grove and George Lehman Burnsed, Sr. of Pleasant Grove.

Feb. 9, 2004

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ADJOURNMENT

At 3:34 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 10, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 10, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Torlakson, Vasconcellos, and Vincent—33.

Quorum present.

(NOTE: Senators Ashburn, Dunn, Florez, Murray, and Speier will be excused this day on legislative business and Senators Margett and Sher will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, February 10, 2004

Mr. President: The Senate Rules Committee has appointed Senator Perata as a member of the Senate Committee on Banking, Commerce and International Trade to replace Senator Ortiz.

The Senate Rules Committee has appointed Senator Ortiz as a member of the Senate Committee on Insurance to replace Senator Perata.

BURTON, Chair

Committee on Judiciary

Date of Hearing, February 10, 2004

Mr. President: The Committee on Judiciary, to which was referred:

AB 971

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Appropriations

Senate Chamber, February 10, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 971

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8.

ALPERT, Chair

Above measure ordered to second reading.

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 Bill 1198: By Senator Oller—An act to amend Section 30512 of the Public Resources Code, relating to the California Coastal Commission.

Senate Bill 1199: By Senator Oller—An act to amend Section 30417 of the Public Resources Code, relating to coastal resources.

Senate Bill 1200: By Senator Oller—An act to amend Section 2077 of the Fish and Game Code, relating to fish and game.

Senate Bill 1201: By Senator Torlakson—An act to amend Section 701.8 of the Public Utilities Code, relating to electrical restructuring.

Senate Bill 1202: By Senator Hollingsworth—An act to amend Section 12001 of the Penal Code, relating to deadly weapons.

Senate Bill 1203: By Senator Margett—An act to amend Section 666 of the Penal Code, relating to crime.

Senate Bill 1204: By Senator Margett—An act to repeal Section 1771.7 of the Labor Code, relating to public works.

Senate Bill 1205: By Senator Margett—An act to add Section 148.45 to the Penal Code, relating to crimes.

Senate Bill 1206: By Senator Soto—An act to add Section 31539 to the Government Code, relating to county employees' retirement.

Senate Bill 1207: By Senator Hollingsworth—An act to amend Section 6530 of the Penal Code, relating to protected animals.

Senate Bill 1208: By Senator Vincent—An act to amend Section 44830 of the Education Code, relating to teachers.

Senate Bill 1209: By Senator Scott—An act to add Section 14903 to the Vehicle Code, relating to vehicles.

Senate Bill 1210: By Senator Torlakson—An act to amend Sections 217, 217.2, 217.4, and 217.6 of the Streets and Highways Code, relating to highways.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 97—An act to amend Section 56836.155 of, and to add and repeal Article 7 (commencing with Section 48300) of Chapter 2 of Part 27 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**SENATE COMMITTEE ROLL CALLS
Committee on Judiciary**

AB 971—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Morrow.

NOES (0)—None.

Date of Hearing: 2/10/04

Escutia (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ashburn, Dunn, Florez, Murray, and Speier.

The following Senators were granted leaves of absence for the day due to illness: Senators Margett and Sher.

REQUEST TO ADJOURN IN MEMORIAM

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Sandy Elster of Venice.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, February 11, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 11, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock,
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,
Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

*(NOTE: Senator Florez will be excused this day on legislative business,
Senator Ashburn will be excused this day on personal business, and
Senator Margett will be excused this day due to illness.)*

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 11, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SJR 21

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Joint Resolution 21—Relative to persons of Mexican descent. Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1211: By Senator Ortiz—An act to repeal Section 42400.7 of the Health and Safety Code, relating to air pollution.

Senate Bill 1212: By Senator Ducheny—An act to amend Sections 16265.2 and 29100.6 of the Government Code, to amend Section 10754 of, to amend and repeal Section 11000 of, and to add Article 3.5 (commencing with Section 97.7) to Part 0.5 of Division 1 of, the Revenue and Taxation Code, and to add Section 2129 to the Streets and Highways Code, relating to local government finance, and making an appropriation therefor.

Senate Bill 1213: By Senator Scott—An act to amend Section 5074 of the Vehicle Code, relating to vehicles.

Senate Bill 1214: By Senator Kuehl—An act to amend Section 2081.7 of the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

Senate Bill 1215: By Senator Morrow—An act to add Section 712.5 to the Fish and Game Code, relating to wildlife resources.

Senate Bill 1216: By Senator Margett—An act to amend Section 7900 of the Government Code, relating to expenditure limitations.

Senate Bill 1217: By Senator Margett—An act to amend Section 7200 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1218: By Senator Margett—An act to amend Section 66000 of the Government Code, relating to local planning.

Senate Bill 1219: By Senator Margett—An act to amend Section 17500 of the Government Code, relating to state mandates.

Senate Bill 1220: By Senator Margett—An act to amend Section 11120 of the Government Code, relating to open meetings.

Senate Bill 1221: By Senator Morrow—An act to amend Section 46010.1 of the Education Code, relating to pupils.

Senate Bill 1222: By Senator Denham—An act to add Section 4453.1 to the Labor Code, relating to workers' compensation.

Senate Bill 1223: By Senator Kuehl—An act to add Section 1170.195 to the Penal Code, relating to juvenile crime.

Senate Bill 1224: By Senator Ortiz—An act to amend Section 25180.5 of the Health and Safety Code, relating to hazardous waste.

Senate Bill 1225: By Senator Morrow—An act to amend 71601 of the Government Code, relating to court employment.

Senate Bill 1226: By Senator Machado—An act to add Section 425.10 to the Government Code, relating to state grass.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 971—An act to amend Sections 1789.31, 1789.33, and 1789.35 of, to amend, repeal, and add Sections 1789.30 and 1789.37 of, and to add and repeal Section 1789.39 of, the Civil Code, and to amend Sections 22050, 23026, 23057 23100, 23102, and 23104 of, and to add and repeal Section 23100.1 of, the Financial Code, relating to deferred deposit transactions, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 356)**

Unanimous consent was granted that the action be rescinded whereby AB 356 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 356

Assembly Bill 356—An act to amend Sections 44650, 44651, 44652, 52055.655, 52057, 60851, and 60856 of, to amend, repeal, and add Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60642, 60642.5, 60643, and 60643.1 of, and to repeal Sections 44653, 44654, and 60859 of, the Education Code, relating to education testing.

Bill read.

Motion to Amend

Amendments to AB 356 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Florez.

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

REQUEST TO ADJOURN IN MEMORIAM

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Rudolf Papilion Los Angeles.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, February 12, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 12, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Ackerman, Alarcón, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—32.

Quorum present.

(NOTE: Senators Aanestad, Alpert, Battin, and Murray will be excused this day on legislative business, Senators Ashburn, Oller, and Ortiz will be excused this day on personal business, and Senator Margett will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 12, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 44

AB 1153

Assembly Chamber, February 12, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 1760 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 11, 2004

Mr. President: The Committee on Rules has examined:

SB 311

SB 976

And reports that the same have been correctly enrolled, and presented to the Governor on the 11th day of February, 2004, at 3:30 p.m.

BURTON, Chair

Senate Chamber, February 11, 2004

Mr. President: The Committee on Rules has examined:

SJR 23

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 11th day of February, 2004, at 4:30 p.m.

BURTON, Chair

Committee on Local Government

Senate Chamber, February 12, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 1195

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1195—An act to add Section 5563.6 to the Public Resources Code, relating to park and open-space districts, 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.

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 Bill 1227: By Senator Soto—An act to add Sections 19531.1 and 19614.6 to the Business and Professions Code, relating to horse racing.

Senate Bill 1228: By Senator Perata—An act to add Section 50662.8 to the Health and Safety Code, relating to housing assistance.

Senate Bill 1229: By Senator Morrow—An act to add Section 710 to the Public Utilities Code, relating to public utilities.

Senate Bill 1230: By Senator Morrow—An act to add Chapter 1 (commencing with Section 2500) to Part 2 of Division 1 of the Public Utilities Code, relating to specific public utilities.

Senate Bill 1231: By Senator Morrow—An act to add Section 3305 to the Public Utilities Code, relating to the California Consumer Power and Conservation Financing Authority.

Senate Bill 1232: By Senator Morrow—An act to amend Section 2897 of the Public Utilities Code, relating to telecommunications.

Senate Bill 1233: By Senators Murray, Florez, Karnette, Perata, Scott, Soto, and Torlakson—An act to amend Section 2985.8 of the Civil Code, relating to vehicle contracts.

Senate Bill 1234: By Senator Kuehl—An act to amend Section 422.6 of the Penal Code, relating to crimes.

Senate Bill 1235: By Senator Murray—An act to amend Section 1655 of the Vehicle Code, relating to vehicles.

Senate Bill 1236: By Senator Murray—An act to amend Section 163 of the Streets and Highways Code, relating to transportation.

Senate Bill 1237: By Senator Hollingsworth—An act to amend Section 76 of Chapter 35 of the Statutes of 2002, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1238: By Senator Aanestad—An act to amend Section 6000 of the Business and Professions Code, relating to attorneys.

Senate Bill 1239: By Senator Aanestad—An act to amend Section 1601.1 of the Business and Professions Code, relating to dentistry.

Senate Bill 1240: By Senator Aanestad—An act to amend Section 8022 of the Business and Professions Code, relating to shorthand reporters.

Senate Bill 1241: By Senator Aanestad—An act to amend Section 11265.2 of the Welfare and Institutions Code, relating to human services.

Senate Bill 1242: By Senator Aanestad—An act to amend Section 12301.05 of the Welfare and Institutions Code, relating to human services.

Senate Bill 1243: By Senator Aanestad—An act to amend Section 1250 of the Health and Safety Code, relating to health facilities.

Senate Bill 1244: By Senator Aanestad—An act to amend Section 1050 of the Business and Professions Code, relating to chiropractors.

Senate Bill 1245: By Senator Kuehl—An act to add Article 8 (commencing with Section 89270) to Chapter 2 of Part 55 of the Education Code, relating to the California State University.

Senate Bill 1246: By Senator Burton—An act to add Section 6077.2 to the Business and Professions Code, relating to attorneys.

Senate Bill 1247: By Senator Soto—An act relating to air pollution.

Senate Bill 1248: By Senator Bowen—An act to amend Sections 2850, 2851, and 2854 of the Probate Code, relating to trustees.

Senate Bill 1249: By Senator Morrow—An act to amend Section 17 of the Code of Civil Procedure, relating to hearings.

Senate Bill 1250: By Senator Perata—An act to amend Section 2053.1 of the Penal Code, relating to inmate literacy.

Senate Bill 1251: By Senator Morrow—An act relating to water.

Senate Bill 1252: By Senator Alarcón—An act to amend Section 40117 of the Public Resources Code, relating to solid waste.

Senate Bill 1253: By Senator Karnette—An act to amend Section 52517 of the Education Code, relating to adult education.

Senate Bill 1254: By Senator Soto—An act to amend Sections 51871, 51872, 51873, and 51874 of, and to repeal Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of, the Education Code, relating to education technology.

Senate Bill 1255: By Senator Hollingsworth—An act to add Section 4117.5 to the Public Resources Code, relating to fire protection.

Senate Bill 1256: By Senator McClintock—An act to repeal Sections 1, 2, 3, and 4 of Chapter 697 of the Statutes of 2002, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1257: By Senator McClintock—An act to amend Section 21655.5 of the Vehicle Code, relating to vehicles.

Senate Bill 1258: By Senator McClintock—An act to amend Section 14030 of the Government Code, relating to transportation.

Senate Bill 1259: By Senator Murray—An act relating to public resources.

Senate Bill 1260: By Senator Murray—An act to amend Sections 31492 and 31492.1 of, and to add Section 31760.5 to, the Government Code, relating to county employees' retirement.

Senate Concurrent Resolution 63: By Senator Morrow—Relative to POW Recognition Day.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill 356—An act to amend Sections 44650, 44651, 44652, 52055.655, 52057, 60851, and 60856 of, to amend, repeal, and add Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60642.5, 60643, and 60643.1 of, and to repeal Sections 44653, 44654, and 60859 of, the Education Code, relating to education testing.

Bill read second time and ordered to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Alpert, Battin, and Murray.

The following Senators were granted leaves of absence for the day due to personal business: Senators Ashburn, Oller, and Ortiz.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Army Specialist Adam Kinser of Rio Vista.

Senator Margett requested that when the Senate adjourns this day it do so in memory of James Shepherdson of Arcadia.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, February 13, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, February 13, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Alpert, Ashburn, Bowen, Brulte, Burton, Chesbro, Denham,
Ducheny, Dunn, Florez, Hollingsworth, Johnson, Knight, Machado,
McClintock, McPherson, Morrow, Oller, Poochigian, Scott, Soto, and
Torlakson—23.

Quorum present.

(NOTE: Senators Ackerman, Alarcón, Battin, Cedillo, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Speier, Vasconcellos, and Vincent will be excused this day on legislative business, and Senator Margett will be excused this day due to illness.)

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 Bill 1261: By Senator Vasconcellos—An act to add Title 17.8 (commencing with Section 99600) to the Government Code, relating to international relations.

Senate Bill 1262: By Senator Sher—An act to amend Section 17510.3 of the Business and Professions Code, and to amend Sections 12581, 12582, 12584, 12585, 12586, 12599, and 12599.1 of, and to add Sections 12598.1, 12599.3, 12599.6, 12599.7, and 12599.8 to, the Government Code, relating to charitable organizations.

Senate Bill 1263: By Senator Torlakson—An act to add Article 7 (commencing with Section 65965) to Chapter 4.5 of Division 1 of Title 7 of the Government Code, relating to development.

Senate Bill 1264: By the Committee on Natural Resources and Wildlife (Senators Kuehl (Chair), Alpert, Bowen, Denham, Hollingsworth, Oller, Ortiz, Sher, and Torlakson)—An act to repeal Section 64.5 of the Harbors and Navigation Code, and to amend Sections 6331.5 and 29777 of, and to repeal Sections 6226, 22054, 25689, and 30237 of, the Public Resources Code, relating to natural resources.

Senate Bill 1265: By the Committee on Natural Resources and Wildlife (Senators Kuehl (Chair), Alpert, Bowen, Denham, Hollingsworth, Oller, Ortiz, Sher, and Torlakson)—An act to amend Sections 2854 and 15702 of, and to repeal Section 15603 of, the Fish and Game Code, relating to fish and game.

Senate Bill 1266: By Senator Torlakson—An act to amend Section 56375 of the Government Code, relating to annexation.

Senate Bill 1267: By Senator Morrow—An act to add Section 21080.34 to the Public Resources Code, relating to environmental quality.

Senate Bill 1268: By Senator Morrow—An act to add Chapter 13.5 (commencing with Section 7130) to Division 7 of Title 1 of the Government Code, relating to public contracts.

Senate Bill 1269: By Senator Morrow—An act to amend Section 11205 of the Vehicle Code, relating to vehicles.

Senate Bill 1270: By Senator Ortiz—An act to add Chapter 10 (commencing with Section 11850) to Part 1 of Division 3 of Title 2 of the Government Code, relating to the state budget.

Senate Bill 1271: By Senator Ortiz—An act to amend Section 35160.5 of the Education Code, relating to school districts.

Senate Bill 1272: By Senator Ortiz—An act to amend Section 26909 of the Government Code, relating to special districts.

Senate Bill 1273: By Senator Scott—An act to add Section 785 to the Insurance Code, relating to insurance.

Senate Bill 1274: By Senator Margett—An act to amend Section 4216.4 of the Government Code, relating to public contracts.

Senate Bill 1275: By Senator Ortiz—An act to add Sections 1264 and 1264.5 to the Health and Safety Code, relating to health facilities.

Senate Bill 1276: By Senator Bowen—An act to amend Section 874 of the Public Utilities Code, relating to telecommunications.

Senate Bill 1277: By Senator Ackerman—An act to amend Sections 2924b, 2924h, 2924j, 2924(1), 2934a, 2945, 2945.1, 2945.3, and 2945.4

of the Civil Code, and to amend Section 18662 of the Revenue and Taxation Code, relating to mortgages.

Senate Bill 1278: By the Committee on Natural Resources and Wildlife (Senators Kuehl (Chair), Alpert, Bowen, Denham, Hollingsworth, Oller, Ortiz, Sher, and Torlakson)—An act to amend Section 4663 of, and to repeal Sections 4205, 4562.9, and 4563.5 of, the Public Resources Code, relating to natural resources.

Senate Bill 1279: By Senator Bowen—An act to add Sections 1785.11.25 and 1785.15.5 to, to add Title 1.81.21 (commencing with Section 1798.91) to Part 4 of Division 3 of, and to repeal and amend Sections 1798.29 and 1798.82 of, the Civil Code, relating to identity theft.

Senate Bill 1280: By Senator Ortiz (Principal coauthors: Assembly Members Cox and Steinberg)—An act to add Section 12670.10 to the Water Code, relating to water.

Senate Bill 1281: By Senator Bowen—An act to amend Section 25506.5 of the Public Resources Code, relating to energy resources.

Senate Bill 1282: By Senator Morrow—An act to add Section 14218.3 to the Elections Code, relating to elections.

Senate Bill 1283: By Senator Morrow—An act to amend Section 44252 of the Education Code, relating to credentials.

Senate Bill 1284: By Senator Morrow—An act to add Sections 2103.5 and 3025.5 to the Family Code, relating to family law.

Senate Bill 1285: By Senator Margett—An act to amend Section 13010.5 of the Penal Code, relating to criminal history reporting.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: January 26, 2004, relating to CSU Lottery Revenue Receipts and Expenditures was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: January 29, 2004, relating to waste and used tires was received from the Department of Transportation and transmitted to the Committee on Environmental Quality.

A report dated: January 29, 2004, relating to subcontractor written complaints of late payment was received from the Department of Transportation and transmitted to the Committee on Governmental Organization.

The 2003 fourth quarter report dated: January 30, 2004, relating to the Renewable Energy program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

A report dated: January 30, 2004, relating to employee housing was received from the Department of Housing and Community Development and transmitted to the Committee on Housing and Community Development.

A report dated: February 2, 2004, relating to Freshmen reading, writing and mathematical proficiency was received from the California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 3, 2004, relating to protection of a public safety official's home information was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: February 3, 2004, relating to "State Monitored" Title 1 Schools School Assistance and Intervention Team and Corrective Actions was received from the Department of Education and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 3, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Department of Industrial Relations and transmitted to the Committee on Governmental Organization.

A report dated: February 3, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Commission on Teacher Credentialing and transmitted to the Committee on Governmental Organization.

An Initiative Title and Summary dated: February 3, 2004, relating to DNA Samples. Collection. Database. Funding. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: February 3, 2004, relating to federal income tax changes for 2003 was received from the Franchise Tax Board and transmitted to the Committee on Labor and Industrial Relations.

An Initiative Title and Summary dated: February 3, 2004, relating to Local Governments Funds and Revenues. State Mandates. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: February 4, 2004, relating to the Motor Vehicle Theft Prevention Act was received from California Highway Patrol and transmitted to the Committee on Transportation.

A report dated: February 4, 2004, relating to the Emergency Medical Services Fund was received from Yolo County and transmitted to the Committee on Health and Human Services.

An Initiative Title and Summary dated: February 3, 2004, relating to Automobile Dealers. Buyers' Right to Cancel Purchase. Seller Disclosures. Initiative Statute was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: February 4, 2004, relating to the Emergency Medical Services Fund was received from Tehama County and transmitted to the Committee on Health and Human Services.

A report dated: February 4, 2004, relating to the Rural Telecommunication Infrastructure Grants program was received from Public Utilities Commission and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 4, 2004, relating to the Community and Economic Development Fund was received from the California Industrial Development and Financial Advisory Commission and transmitted to the Committee on Labor and Industrial Relations.

The Comprehensive Annual Financial report dated: February 5, 2004, was received from the California State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

A notification dated: February 5, 2004, relating to retrofitting URM's in Paso Robles, report delayed was received from the Seismic Safety Commission and transmitted to the Committee on Governmental Organization.

An Initiative Title and Summary dated: February 5, 2004, relating to State Electoral Districts. San Francisco Bay Regional Authority Board. Initiative Constitutional Amendment. Amdt.#-NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: February 5, 2004, relating to Disabled Veteran Business Enterprise participation was received from the Department of Fair Employment and Housing and transmitted to the Committee on Governmental Organization.

A report dated: February 5, 2004, relating to internal control certification was received from the Employment Development Department and transmitted to the Committee on Labor and Industrial Relations.

A report dated: February 5, 2004, relating to the Emergency Medical Services fund was received from Sacramento County and transmitted to the Committee on Health and Human Services.

The annual report dated: February 6, 2004, was received from the Joint Committee on Preparing California for the 21st Century and transmitted to the Committee on Rules.

A report dated: February 13, 2004, relating to higher education access was received from the Legislative Analyst's Office and transmitted to the Committee on Education.

A report relating to the Emergency Medical Services Fund was received from Santa Barbara County and transmitted to the Committee on Governmental Organization.

A report relating to the Emergency Medical Services Fund was received from Imperial County and transmitted to the Committee on Governmental Organization.

A report relating to the Emergency Medical Services Fund was received from Calaveras County and transmitted to the Committee on Governmental Organization.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ackerman, Alarcón, Battin, Cedillo, Escutia, Figueroa, Karnette, Kuehl, Murray, Ortiz, Perata, Romero, Sher, Speier, Vasconcellos, and Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Army Specialist Jason Chappel of La Habra.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Melanie Smith of Sacramento.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Tuesday, February 17, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 17, 2004

The Senate met at 1:30 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.

Quorum present.

(NOTE: Senators Figueroa, Margett, and Perata will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Dear God, We acknowledge our love for You because we know You. You know us, yet You choose to love us unconditionally despite who we are, and for that we give You thanks.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Knight led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 17, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 1086

Above measure ordered enrolled.

Assembly Chamber, February 17, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1786

Assembly Chamber, February 17, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1087

AB 1108

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURE

The following measure was read the first time and referred to the Committee on Rules for assignment:

Assembly Bill 1786—An act to add Section 1228.6 to the Government Code, relating to public officers, and declaring the urgency thereof, to take effect immediately.

REPORTS OF STANDING COMMITTEES**Committee on Transportation**

Senate Chamber, February 17, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

AB 1507

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 1507—An act to add Chapter 28.5 (commencing with Section 22928) to Division 8 of the Business and Professions Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

REQUEST UNANIMOUS CONSENT

Senator Battin asked for and was granted unanimous consent that Senate Rule 55(c) be suspended.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 146**, **ACR 161**, and **ACR 165** were withdrawn from committee and placed on the Consent Calendar to be taken up today.

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill 971—An act to amend Sections 1789.31, 1789.33, and 1789.35 of, to amend, repeal, and add Sections 1789.30 and 1789.37 of, and to add and repeal Section 1789.39 of, the Civil Code, and to amend Sections 22050, 23026, 23057 23100, 23102, and 23104 of, and to add and repeal Section 23100.1 of, the Financial Code, relating to deferred deposit transactions, 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 (33)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (33)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 97—An act to amend Section 56836.155 of, and to add and repeal Article 7 (commencing with Section 48300) of Chapter 2 of Part

27 of, the Education Code, relating to public schools, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Denham.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Assembly Concurrent Resolution 161—Relative to California Girls and Women in Sports Week.

Resolution read.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution 146—Relative to women's heart health.

Resolution read.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution 165—Relative to Black History Month.

Resolution read.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

Coauthors Added

Without objection, Senators Murray and Vincent were added as coauthors to ACR 165.

Resolution ordered transmitted to the Assembly.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 678** was referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 17, 2004

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 5–0, has re-referred SB 678 (Ortiz) to the Senate Committee on Health and Human Services.

BURTON, Chair

REQUEST TO BE ADDED TO ROLL CALL

February 17, 2004

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

AB 971—Aye

JOHN L. BURTON, President pro Tempore

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to illness: Senators Figueroa, Margett, and Perata.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:01 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Wednesday, February 18, 2004.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 17, 2004

The Committee on Rules has referred the following measures to committee:

Agriculture and Water Resources—SB 1155; AB 1071, AB 1726.

Business and Professions—SB 1149, SB 1154; AB 614, AB 932.

Education—SB 1142, SB 1161; AB 124, AB 152, AB 858, AB 1126, AB 1175, AB 1564, AB 1650; ACR 116.

Elections and Reapportionment—AB 1784, AB 1785.

Energy, Utilities and Communications—AB 1684.

Environmental Quality—AB 389, AB 406, AB 1466, AB 1699.

Governmental Organization—AB 664, AB 1356.

Health and Human Services—SB 1144, SB 1170, SB 1171; AB 750, AB 1091, AB 1454, AB 1655; ACR 139.

Housing and Community Development—SB 1146; AB 269, AB 672, AB 868.

Insurance—SB 1157, SB 1158; AB 321, AB 700, AB 1596.

Judiciary—SB 1145, SB 1150, SB 1173; AB 252, AB 537, AB 1000, AB 1704, AB 1706, AB 1707, AB 1714.

Labor and Industrial Relations—SB 1174; AB 1127, AB 1643.

Local Government—SB 1165, SB 1166; AB 1187, AB 1320.

Natural Resources and Wildlife—SB 1153; AB 454.

Public Employment and Retirement—AB 476, AB 979.

Public Safety—SB 1151, SB 1152, SB 1164; AB 57, AB 384, AB 488, AB 549, AB 854, AB 891, AB 911, AB 1240, AB 1260, AB 1432, AB 1694.

Revenue and Taxation—SB 1147, SB 1162, SB 1172; AB 1073, AB 1510.

Rules—SB 1148, SB 1156, SB 1160, SB 1167, SB 1169; AB 56, AB 162, AB 242, AB 649, AB 1224, AB 1550, AB 1709, AB 1711.

Transportation—SCR 50, SCR 53; AB 340, AB 392, AB 775, AB 1138, AB 1272, AB 1663; ACR 115, ACR 131, ACR 133, ACR 135.

Veterans Affairs—SB 1143; AB 1520.

The Committee on Rules has referred the following measures to two committees:

Business and Professions and Judiciary—AB 320.

Education and Health and Human Services—AB 379.

Governmental Organization and Constitutional Amendments—SCA 15.

Health and Human Services and Environmental Quality—SB 1159.

Health and Human Services and Judiciary—AB 129.

Health and Human Services and Rules—SB 1168.

Housing and Community Development and Energy, Utilities and Communications—SB 1163.

Natural Resources and Wildlife and Transportation—AB 204.

Transportation and Environmental Quality—AB 338; AJR 50.

Veterans Affairs and Rules—AB 1592.

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 Bill 1286: By Senator Scott—An act to amend Section 762 of the Insurance Code, relating to insurance agents and brokers.

Senate Bill 1287: By Senator Kuehl—An act to amend Sections 2081.5 and 13012 of, and to add Sections 1016.7, 2057, 2057.5, 2058, and 2058.5 to, the Penal Code, relating to prisoners.

Senate Bill 1288: By Senator Karnette—An act to amend Section 19606 of the Business and Professions Code, relating to horse racing.

Senate Bill 1289: By Senator Machado—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Senate Bill 1290: By Senator Bowen—An act to add Section 713 to the Public Utilities Code, relating to electricity.

Senate Bill 1291: By Senator Burton—An act to amend Section 1067.10 of the Insurance Code, relating to life and health insurance.

Senate Bill 1292: By Senator Dunn—An act to add Section 14411 to the Financial Code, relating to credit unions.

Senate Bill 1293: By Senator Alarcón—An act to add Sections 49069.6 and 66019.3 to the Education Code, and to amend Section 16001.9 of the Welfare and Institutions Code, relating to foster children.

Senate Bill 1294: By Senator Morrow—An act to add Section 5016.2 to the Public Resources Code, relating to parks.

Senate Bill 1295: By Senator Morrow—An act to add Sections 6377, 17053.49, and 23649 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1296: By Senator Soto—An act to add and repeal Section 379.7 to the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1297: By Senator Brulte—An act to amend Section 40910 of the Public Resources Code, relating to solid waste.

Senate Bill 1298: By Senator Brulte—An act relating to education finance.

Senate Bill 1299: By Senator Alarcón—An act to amend Sections 48431.6 and 48431.7 of the Education Code, relating to pupils.

Senate Bill 1300: By Senator Vincent—An act to amend Section 51204.5 of the Education Code, relating to instruction.

Senate Bill 1301: By Senator Vincent—An act to amend Sections 30504, 30804.7, 31751, and 31751.7 of, to amend and repeal Sections 30503 and 31751.3 of, and to repeal Sections 30526 and 31766 of the Food and Agricultural Code, relating to animals.

Senate Bill 1302: By Senator Alarcón—An act to amend Sections 111105 and 111140 of the Health and Safety Code, relating to drinking water.

Senate Bill 1303: By Senator Torlakson—An act to amend Section 1150 of the Harbors and Navigation Code, relating to harbors.

Senate Bill 1304: By Senator Machado—An act to amend Section 12102 of the Public Contract Code, relating to public contracts.

Senate Bill 1305: By Senator Vasconcellos—An act relating to elder abuse.

Senate Bill 1306: By Senator Ackerman—An act to amend Sections 8, 195, 307, 314, 600, 601, 603, 1500, 1501, 5079, 5211, 5215, 5510, 5511, 5513, 6320, 6321, 6322, 7211, 7215, 7510, 7511, 7513, 8320, 8321, 8322, 9211, 9215, 9411, 9413, 9510, 12254, 12351, 12355, 12460, 12461, 12463, 12590, 12591, 12592, 16101, 16403, 17001, 17058, 17104, and 17106 of, and to add Sections 20 and 21 to, the Corporations Code, relating to business organizations.

Senate Bill 1307: By Senator Figueroa—An act to amend Sections 4160, 4163, 4164, 4165, and 4166 of, to repeal Section 4162 of, and to repeal and add Section 4161 of, the Business and Professions Code, relating to drugs.

Senate Bill 1308: By Senator Denham—An act to amend Sections 11165 and 11173 of the Health and Safety Code, relating to controlled substances.

Senate Bill 1309: By Senator Karnette—An act to amend Sections 52616.17 and 52616.19 of, to repeal Section 52616.23 of, and to add Section 52616.26 to, the Education Code, relating to adult education.

Senate Bill 1310: By Senator Johnson—An act to amend Section 127 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to the Metropolitan Water District of Southern California.

Senate Bill 1311: By Senator Johnson—An act to amend Section 3201.5 of the Labor Code, relating to workers' compensation.

Senate Bill 1312: By Senator Hollingsworth—An act relating to public resources, and making an appropriation therefor.

Senate Bill 1313: By Senator Kuehl—An act to amend Sections 11165.3, 11165.5, and 11165.6 of the Penal Code, relating to child abuse reporting.

Senate Bill 1314: By Senator Ortiz—An act to amend Sections 11105 and 14203 of the Penal Code, to amend Section 5164 of the Public Resources Code, and to amend Sections 2432.3 and 13377 of the Vehicle Code, relating to criminal history information, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1315: By Senator Ortiz—An act to amend Section 2070 of the Insurance Code, relating to insurance policies.

Senate Bill 1316: By Senator Alpert—An act to amend Sections 52052, 52054, 56157, 56366, 56366.1, and 56366.5 of, and to add Sections 49085 and 56157.5 to, the Education Code, relating to foster children.

Senate Bill 1317: By Senator Perata—An act to repeal Section 11382 of the Elections Code, relating to elections.

Senate Bill 1318: By Senators Burton and Alpert (Coauthors: Assembly Members Kehoe and Pavley)—An act to add Sections 79574 and 79574.5 to the Water Code, relating to natural resources.

Senate Bill 1319: By Senators Burton and Alpert (Coauthors: Assembly Members Kehoe and Pavley)—An act to add Division 26.5 (commencing with Section 35500) to the Public Resources Code, relating to natural resources.

Senate Bill 1320: By Senator Alarcón—An act to add Section 23125 to the Vehicle Code, relating to vehicles.

Senate Bill 1321: By Senator Ortiz—An act to amend Section 1861.05 of the Insurance Code, relating to approval of insurance rates.

Senate Bill 1322: By Senator Denham—An act to amend Sections 66025.6, 69433.4, 69750, 69750.3, 69750.5, 69750.7, 69751, 69751.3, and 69751.5 of, and to add Section 69751.4 to, the Education Code, and to amend Section 981.8 of the Military and Veterans Code, relating to veterans.

Senate Bill 1323: By Senator Ortiz—An act to add Chapter 11.2 (commencing with Section 679.8) to Part 1 of Division 1 of the Insurance Code, relating to homeowners' insurance.

Senate Bill 1324: By Senator Vincent—An act to add Section 5442.14 to the Business and Professions Code, relating to outdoor advertising.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Burton requested that when the Senate adjourns this day it do so in memory of Nondas Avdalas and Judith Cushner of San Francisco.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Msgt. Jude Mariano.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of John Reed Mansell of Long Beach and Lamar and Ernestine Matthews of Cerritos.

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of August "Gene" Devers of Turlock.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Elliott Alexander of San Joaquin County, Jerry Kirsten of Lodi, and Blaine Runnels of Stockton.

Senator Morrow requested that when the Senate adjourns this day it do so in memory of Sgt. Patrick S. Tainsh of Oceanside.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Joseph A Reich, Sr. and Edith A. Swadley of Fresno and Rebekah Marie Swanson of Visalia.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Donald Brewster, II of Northridge.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Frank Joseph Casligione of Antioch and Ed Prewett of Brentwood.

Senators Vasconcellos, Sher, Figueroa, McPherson, Ducheny, and Cedillo requested that when the Senate adjourns this day it do so in memory of Jeanie Honda of San Jose.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, February 18, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 18, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Escutia, Figueroa, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock,
McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero,
Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

(NOTE: Senators Ducheny and Dunn will be excused this day on legislative business and Senators Margett and Sher will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES Committee on Business and Professions

Senate Chamber, February 18, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 1130

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1130—An act to add Section 4830.6 to the Business and Professions Code, relating to veterinary medicine.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Elections and Reapportionment

Senate Chamber, February 18, 2004

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which were referred:

AB 1784

AB 1785

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

PERATA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1784—An act to amend Section 86205 of, and to add Sections 86119 and 89518.5 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1785—An act to amend Section 86205 of, and to add Section 86119 to, the Government Code, relating to the Political Reform Act of 1974

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Date of Hearing, February 18, 2004

Mr. President: The Committee on Local Government, to which was referred:

AB 1195

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bill ordered to second reading.

Date of Hearing, February 18, 2004

Mr. President: The Committee on Local Government, to which were referred:

SB 1091

SB 1092

SB 1093

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measures ordered to second reading.

Committee on Governmental Organization

Senate Chamber, February 18, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 664

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 664—An act to amend Section 10115.5 of the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

February 18, 2004

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 678

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

ORTIZ, Chair

Above measure ordered to unfinished business.

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 Bill 1325: By Senator Kuehl—An act to amend Section 2282 of the Business and Professions Code, relating to medicine.

Senate Bill 1326: By Senator Perata—An act to amend Sections 11007, 11047, and 11102 of the Elections Code, relating to elections.

Senate Bill 1327: By Senator Kuehl—An act to add Section 5013.5 to the Public Resources Code, relating to state parks.

Senate Bill 1328: By Senator Torlakson—An act to amend Sections 65863.10 and 65863.11 of the Government Code, relating to housing.

Senate Bill 1329: By Senator Denham—An act to add Section 66024.4 to the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1330: By Senator Murray—An act to amend Sections 629.51, 629.88, 632.5, 632.6, and 632.7 of, and to add Section 629.905 to, the Penal Code, relating to invasions of privacy.

Senate Bill 1331: By Senators Alpert and Scott (Principal coauthors: Senators Alarcón, McPherson, and Vasconcellos) (Principal coauthors: Assembly Members Daucher, Liu, and Steinberg)—An act to add Chapter 12.5 (commencing with Section 67100) to Part 40 of, and to repeal Chapter 4.5 (commencing with Section 99180) of Part 65 of, the Education Code, relating to postsecondary education accountability.

Senate Bill 1332: By Senator Dunn—An act to amend Section 15600 of the Welfare and Institutions Code, relating to elder and dependent adult abuse.

Senate Bill 1333: By Senator Perata—An act to add Section 14105.32 to the Health and Safety Code, relating to Medi-Cal.

Senate Bill 1334: By Senator Kuehl—An act to add Article 4 (commencing with Section 51260) to Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code, and to add Section 21083.4 to the Public Resources Code, relating to environmental quality.

Senate Bill 1335: By Senator Morrow—An act relating to public postsecondary education.

Senate Bill 1336: By Senator Burton—An act to amend Section 1638 of the Business and Professions Code, relating to oral and maxillofacial surgery.

Senate Bill 1337: By Senator Morrow—An act to amend Sections 45103.1, 45103.5, 88003.1, and 88004.5 of the Education Code, relating to school employees.

Senate Bill 1338: By Senator Morrow—An act to add and repeal Section 5012.3 of the Public Resources Code, relating to parks.

Senate Bill 1339: By Senator Morrow—An act to amend Section 13159.9 of the Health and Safety Code, relating to firefighters.

Senate Bill 1340: By Senator Perata—An act to amend Sections 84203, 84203.5, and 84204 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1341: By Senator Kuehl—An act to amend Section 2290.5 of the Business and Professions Code, relating to healing arts.

Senate Bill 1342: By Senators Speier and Romero—An act to amend Sections 6125, 6126, and 6126.4 of, and to add Section 6127 to, the Penal Code, relating to the Inspector General.

Senate Bill 1343: By Senator Escutia (Principal coauthor: Assembly Member Wolk)—An act to repeal and add Section 8206.1 of the Education Code, relating to child care and development programs.

Senate Bill 1344: By Senator Margett—An act to amend Section 1877.1 of the Insurance Code, and to amend Section 1543 of the Penal Code, relating to insurance fraud.

Senate Bill 1345: By Senator Margett—An act to add Section 2270 to the Vehicle Code, relating to vehicles.

Senate Bill 1346: By Senator Ducheny—An act to add Section 4114.3 to the Public Resources Code, relating to natural resources.

Senate Bill 1347: By Senator Ducheny—An act to amend Sections 1351.2 and 1367.01 of the Health and Safety Code, relating to health care.

Senate Bill 1348: By Senator Machado—An act to add Section 56509 to the Education Code, relating to special education.

Senate Bill 1349: By Senator Ortiz—An act to add Section 1375 to the Health and Safety Code, and to add Chapter 7.5 (commencing with Section 10610) to Part 2 of Division 2 of, the Insurance Code, relating to health care coverage.

Senate Bill 1350: By Senator Morrow—An act to repeal Section 21084.2 of the Public Resources Code, relating to environmental quality.

Senate Bill 1351: By Senator Soto—An act to add Section 87406.3 to the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1352: By Senator Romero—An act to amend Section 6126 of the Penal Code, relating to the Inspector General.

Senate Bill 1353: By Senator Perata—An act to amend Sections 82027.5, 82030, 84106, and 84202.5 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1354: By Senator Escutia—An act to add Sections 17039.2 and 23036.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1355: By Senator Aanestad—An act to amend Section 1271 of the Business and Professions Code, relating to cytotechnologists.

Senate Bill 1356: By Senator Vasconcellos (Principal coauthor: Assembly Member Leno)—An act to add Section 120485 to the Health and Safety Code, relating to communicable diseases.

Senate Bill 1357: By Senator Scott—An act to amend Section 7810 of, and to add Section 7660.5 to, the Family Code, and to amend Sections 293, 827, and 18965 of, and to add Sections 300.3 and 16003.5 to, the Welfare and Institutions Code, relating to minors.

Senate Bill 1358: By Senators Escutia and Brulte—An act to add Section 12528.1 to the Government Code, relating to Medi-Cal.

Senate Bill 1359: By Senators Brulte and Escutia—An act to add Section 14107.13 to the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1360: By Senators Brulte and Escutia—An act to add Section 14107.12 to the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1361: By Senators Brulte and Escutia—An act to add Section 14107.6 to the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1362: By Senator Figueroa—An act to add Section 25218.13 to the Health and Safety Code, and to add Sections 40190.5, 41502, and 41512 to the Public Resources Code, relating to solid waste.

Senate Bill 1363: By Senator Ducheny—An act to add Article 3.5 (commencing with Section 17568.5) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to advertising.

Senate Bill 1364: By Senator Chesbro—An act to amend Sections 4521 and 4547 of the Welfare and Institutions Code, relating to developmental services.

Senate Bill 1365: By Senator Chesbro—An act to add Division 14 (commencing with Section 23000) to the Welfare and Institutions Code, relating to individuals with disabilities.

Senate Bill 1366: By Senator Denham—An act to amend Sections 6608 and 6609.1 of, and to add Section 6609.4 to, the Welfare and Institutions Code, relating to sexually violent predators.

Senate Bill 1367: By Senator Burton—An act relating to child custody.

Senate Bill 1368: By Senator Ortiz—An act to add Section 415.35 to the Code of Civil Procedure, relating to service of process.

Senate Bill 1369: By Senator Kuehl—An act to amend Section 51182 of the Government Code, relating to fire protection.

Senate Bill 1370: By Senator Oller—An act to add Section 14216.3 to the Elections Code, relating to elections.

Senate Bill 1371: By Senator Oller—An act to add Section 3017.5 to the Elections Code, relating to absentee voting.

Senate Bill 1372: By Senator Oller—An act relating to public works.

Senate Bill 1373: By Senator Oller—An act to add Section 727.01 to the Welfare and Institutions Code, relating to wards.

Senate Bill 1374: By Senator Machado—An act to amend Section 1736 of, and to add Sections 1738, 1738.5, and 1739 to, the Water Code, relating to water.

Senate Bill 1375: By Senator Scott (Principal coauthor: Assembly Member Liu)—An act to amend Section 464 of the Streets and Highways Code, relating to transportation.

Senate Bill 1376: By Senator Perata—An act to amend Section 18564 of, and to add Sections 18564.5, 19214, and 19214.5 to, the Elections Code, relating to elections.

Senate Bill 1377: By Senator McPherson—An act relating to education finance.

Senate Bill 1378: By Senator McPherson—An act to repeal Section 42238.7 of the Education Code, relating to education finance.

Senate Bill 1379: By Senator McPherson—An act to amend Section 47610 of the Education Code, relating to charter schools.

Senate Bill 1380: By Senator Escutia—An act to amend Section 60242 of the Education Code, relating to instruction.

Senate Bill 1381: By Senator Kuehl—An act to add Section 885.4 to the Streets and Highways Code, relating to transportation.

Senate Bill 1382: By Senator Murray—An act to amend Sections 33328.5 and 33344.5 of the Health and Safety Code, relating to redevelopment.

Senate Bill 1383: By Senator Soto—An act to amend Section 60010 of the Education Code, relating to instructional materials.

Senate Bill 1384: By Senator Scott—An act to amend Section 44274.2 of the Education Code, relating to teacher credentialing.

Senate Bill 1385: By Senator Burton—An act to amend Section 1107 of the Evidence Code, and to amend Section 1473.5 of the Penal Code, relating to battering.

Senate Bill 1386: By Senator Vasconcellos (Coauthor: Assembly Member Goldberg)—An act to add Article 9 (commencing with Section 49052) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

Senate Bill 1387: By Senator Romero—An act to add Section 5471.5 to the Health and Safety Code, relating to sanitation and sewers.

Senate Bill 1388: By Senator Ortiz—An act to amend Section 11105 of the Penal Code, and to amend Section 215.5 of the Public Utilities Code, relating to criminal history information.

Senate Bill 1389: By Senator McPherson—An act to amend Section 39620 of the Health and Safety Code, relating to air pollution.

Senate Bill 1390: By Senator Speier—An act relating to tourism, and making an appropriation therefor.

Senate Bill 1391: By Senator Romero—An act to amend Sections 6240 and 6389 of the Family Code, and to amend Section 13700 of the Penal Code, relating to domestic violence.

Senate Bill 1392: By Senator McPherson—An act amend Section 6600 of the Welfare and Institutions Code, relating to sex offenders.

Senate Bill 1393: By Senator McPherson—An act to amend Section 11377 of the Health and Safety Code, relating to controlled substances.

Senate Bill 1394: By Senator McPherson—An act to amend Section 1170 of the Penal Code, relating to sentencing.

Senate Bill 1395: By Senator McPherson—An act to amend Section 667 of the Penal Code, relating to habitual offenders.

Senate Bill 1396: By Senator McPherson—An act to amend Section 12020 of the Penal Code, relating to prohibited weapons.

Senate Bill 1397: By Senator Escutia—An act relating to air pollution.

Senate Bill 1398: By Senator Morrow—An act to add Section 41514.11 to the Health and Safety Code, and to amend Sections 216, 218.5, 353.1, 353.2., 353.3, 353.5, 353.7, 353.13, and 379.6 of, and to add Sections 353.4, 353.10, 353.14, and 2775.8 to, the Public Utilities Code, relating to energy.

Senate Bill 1399: By Senator Vasconcellos—An act to add Chapter 9 (commencing with Section 3090) to Title 1 of Part 3 of the Penal Code, and to add Section 1768.5 to the Welfare and Institutions Code, relating to prisoners.

Senate Bill 1400: By Senators Romero and Speier—An act to add Section 5058.8 to the Penal Code, relating to corrections.

Senate Bill 1401: By Senator Perata—An act to amend Section 21381 of the Government Code, relating to public employees' retirement.

Senate Bill 1402: By Senator Vasconcellos—An act relating to criminal procedure.

Senate Bill 1403: By Senator Dunn—An act to add Section 411.25 to the Code of Civil Procedure, relating to civil filings.

Senate Bill 1404: By Senator Soto—An act to add Part 2 (commencing with Section 35000) to Division 2 of Title 4 of the Government Code, relating to multifamily improvement districts.

Senate Bill 1405: By Senator Karnette—An act to amend Section 60001 of the Education Code, relating to instructional materials.

Senate Bill 1406: By Senator Ackerman—An act to amend Section 25118 of the Corporations Code, relating to usury.

Senate Concurrent Resolution 64: By Senator Ducheny—Relative to the Chief F.S. “Pete” Pedroza Memorial Highway.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1507** was withdrawn from the Committee on Transportation and re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

Assembly Bill 356—An act to amend Sections 44650, 44651, 44652, 52055.655, 52057, 60851, and 60856 of, to amend, repeal, and add Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60642.5, 60643, and 60643.1 of, and to repeal Sections 44653, 44654, and 60859 of, the Education Code, relating to education testing.

Bill read third time.

Amendments Adopted

Amendments to AB 356 proposed by Senator Kuehl were read and adopted and the measure ordered printed and to second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ducheny and Dunn.

The following Senators were granted leaves of absence for the day due to illness: Senators Margett and Sher.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9:30 a.m., Thursday, February 19, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 19, 2004

The Senate met at 9:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Sher, Speier, Torlakson, Vasconcellos, and Vincent—35.

Quorum present.

(NOTE: Senators Alpert, Hollingsworth, Scott, and Soto will be excused this day on legislative business and Senator Margett will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

In the Book of Proverbs it is written: "The generous prosper and are satisfied; those who refresh others will themselves be refreshed." As we gather this morning and ponder these words, we are called to remember the many souls past and present who assume and carry out the myriad tasks needed to keep these hallowed halls and her inhabitants functioning. As we remember those for whom care of the Capitol and staff is not just a job but a vocation we remember Brian Wahle, Capitol catering coordinator for many years, whose loss we feel in the depths of our own beings. We ask You, Lord, to receive Brian at Your holy table knowing that he will honor You as he honored us with his presence, his passion, his humility, and his sense of humor. May his spirit and the spirits of all those who have served this great institution rest in Your eternal peace.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Poochigian led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 1091—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1092—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1093—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

Bill read second time, ordered engrossed, and to Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1195—An act to amend Section 5563.5 of, and to add Section 5540.1 to, the Public Resources Code, relating to park and open-space districts, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 356—An act to amend Sections 44650, 44651, 44652, 52055.655, 52057, 60851, and 60856 of, to amend, repeal, and add Sections 60603, 60604, 60605, 60605.6, 60606, 60640, 60642.5, 60643,

and 60643.1 of, and to repeal Sections 44653, 44654, and 60859 of, the Education Code, relating to education testing.

Bill read second time and ordered to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alpert, Hollingsworth, Scott, and Soto.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:52 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Friday, February 20, 2004.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 19, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 1041

SB 1057

And respectfully requests your honorable body to concur in said amendments.

Above measures ordered to unfinished business file.

Assembly Chamber, February 19, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 971

AB 1498

ACR 165

Assembly Chamber, February 19, 2004

The Honorable Greg Schmidt

Secretary of the Senate

Dear Greg: The Assembly on this day rescinded the action whereby they refused to concur in Senate amendments to AB 1324, and whereby conferees were appointed on the bill. The Assembly then ordered the bill returned to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1130** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules.

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 Bill 1407: By Senator Kuehl—An act to amend Section 2640 of the Family Code, relating to property.

Senate Bill 1408: By Senator Poochigian—An act to amend Section 3439.04 of the Civil Code, relating to fraudulent transfers.

Senate Bill 1409: By Senator Poochigian—An act to amend Section 1252.5 of the Water Code, relating to water.

Senate Bill 1410: By Senators Poochigian and Alpert—An act to amend Section 1253 of the Unemployment Insurance Code, relating to unemployment.

Senate Bill 1411: By Senator Poochigian—An act to amend Section 5345 of the Food and Agricultural Code, relating to agricultural inspection.

Senate Bill 1412: By Senator Poochigian—An act relating to unemployment insurance.

Senate Bill 1413: By Senators Brulte and Scott—An act to amend Section 1255.7 of the Health and Safety Code, relating to abandoned newborns.

Senate Bill 1414: By Senator Brulte—An act relating to water.

Senate Bill 1415: By Senator Brulte—An act to add Article 1.5 (commencing with Section 66725) to Chapter 9.2 of Part 40 of the Education Code, relating to postsecondary education.

Senate Bill 1416: By Senator Vasconcellos—An act to add Article 1 (commencing with Section 42200) to Chapter 7 of Part 24 of the Education Code, relating to education finance.

Senate Bill 1417: By Senator Vasconcellos—An act to amend Sections 42238 and 47660 of the Education Code, relating to charter schools.

Senate Bill 1418: By Senator Vasconcellos—An act to add Article 4 (commencing with Section 40) to Chapter 1 of Part 1 of, and to repeal Section 33080 of, the Education Code, relating to education.

Senate Bill 1419: By Senator Vasconcellos—An act to amend Section 52051 of, and to add Section 52052.1 to, the Education Code, relating to school accountability.

Senate Bill 1420: By Senator Vasconcellos—An act to add Section 14008 to the Education Code, relating to public school funding.

Senate Bill 1421: By Senator Vasconcellos—An act to add Section 51224.7 to the Education Code, relating to instruction.

Senate Bill 1422: By Senator Kuehl—An act to amend Section 12804.9 of the Vehicle Code, relating to vehicles.

Senate Bill 1423: By Senator Brulte—An act to amend Section 47605.5 of the Education Code, relating to charter schools.

Senate Bill 1424: By Senator Burton—An act to add Section 15627 to, and to repeal Part 10 (commencing with Section 15700) of Division 3 of Title 2 of, the Government Code, and to add Section 20.5 to the Revenue and Taxation Code, relating to governmental organization.

Senate Bill 1425: By Senator Machado—An act to amend Section 111890 of the Health and Safety Code, relating to food.

Senate Bill 1426: By Senator Ducheny—An act to add Section 5024.5 to the Penal Code, relating to correctional facilities.

Senate Bill 1427: By Senator Ackerman—An act to add Section 111827 to the Health and Safety Code, relating to counterfeit drugs.

Senate Bill 1428: By Senator Torlakson—An act to amend Section 33334.2 of the Health and Safety Code, relating to redevelopment.

Senate Bill 1429: By Senator Denham—An act to amend Sections 13380 and 23612 of the Vehicle Code, relating to vehicles.

Senate Bill 1430: By Senator Speier—An act to amend Section 14105.19 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1431: By Senators Speier and Romero—An act to add Section 5058.4 to the Penal Code, and to add Section 1752.5 to the Welfare and Institutions Code, relating to corrections.

Senate Bill 1432: By Senator Burton—An act to add Section 87483.3 to the Education Code, relating to community colleges.

Senate Bill 1433: By Senator Romero—An act to add a heading as Article 1 (commencing with Section 1797.198) of Chapter 3.75 of Division 2.5 of, and to add Article 2 (commencing with Section 1797.199.50) to Chapter 3.75 of Division 2.5 of, the Health and Safety Code, to add and repeal Article 17 (commencing with Section 18875) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to add Section 5076 to the Vehicle Code, relating to trauma care.

Senate Bill 1434: By Senator Ackerman—An act to amend Section 4186 of the Fish and Game Code, relating to rabbits.

Senate Bill 1435: By Senator Perata—An act relating to the Oakland Army Base.

Senate Bill 1436: By Senator Murray—An act to add Chapter 32 (commencing with Section 22947) to Division 8 of the Business and Professions Code, relating to business.

Senate Bill 1437: By Senator Speier—An act to amend Section 18652 of the Government Code, relating to state employment.

Senate Bill 1438: By Senators Johnson and Perata—An act to add Article 4 (commencing with Section 19250) to Chapter 3 of Division 19 of the Elections Code, relating to elections.

Senate Bill 1439: By Senators Speier and Soto—An act to add Section 632.5 to the Unemployment Insurance Code, relating to unemployment compensation.

Senate Bill 1440: By Senator Burton—An act to add Section 2024.6 to the Family Code, relating to court files.

Senate Bill 1441: By Senator Kuehl—An act to add Section 679.05 to the Penal Code, relating to domestic violence.

Senate Bill 1442: By Senator Ducheny—An act to amend Section 84757 of the Education Code, relating to community colleges.

Senate Bill 1443: By Senator Murray—An act to amend Sections 183 and 2101 of, and to amend the heading of Chapter 3 (commencing with Section 2100) of Division 3 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

Senate Bill 1444: By Senator Speier—An act to amend Section 110422 of the Health and Safety Code, relating to dietary supplements.

Senate Bill 1445: By Senator Dunn—An act to amend Section 89560 of, and to add Sections 89565, 89566, and 89567 to, the Education Code, relating to campus safety.

Senate Bill 1446: By Senator Escutia—An act to add Section 104324.27 to the Health and Safety Code, relating to environmental health.

Senate Bill 1447: By Senator Kuehl—An act to add Section 13141.5 of the Water Code, relating to water quality.

Senate Bill 1448: By Senator Alpert—An act to amend Sections 60601 and 60644 of the Education Code, relating to pupil assessment.

Senate Bill 1449: By Senator Johnson—An act to amend Section 85307 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1450: By Senator Speier—An act to amend Section 56342.1 of the Education Code, relating to special education.

Senate Bill 1451: By Senator Figueroa—An act relating to privacy.

Senate Bill 1452: By Senator Figueroa—An act to add Section 10285.6 to the Public Contract Code, relating to public contracts.

Senate Bill 1453: By Senator Figueroa—An act to amend Sections 1400, 1402, and 1403 of, and to add Section 1401.5 to the Labor Code, relating to employment.

Senate Bill 1454: By Senator Hollingsworth—An act to add Section 42238.10 to the Education Code, and to add Sections 195.89, 195.90, and 195.91 to the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1455: By Senator Figueroa—An act to add Sections 14005.42 and 14005.43 to the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1456: By Senator Kuehl—An act to add Section 114716 to the Health and Safety Code, relating to radiation.

Senate Bill 1457: By Senator Murray—An act to amend Sections 17529.1, 17529.5, and 17529.8 of the Business and Professions Code, relating to business.

Senate Bill 1458: By Senator Johnson—An act to amend Section 85300 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1459: By Senator Alpert—An act to add Section 8841 to, and to repeal Sections 8495 and 8836 of, the Fish and Game Code, relating to fishing, and making an appropriation therefor.

Senate Bill 1460: By Senator Oller—An act to amend Section 4125 of, and to repeal Article 3.5 (commencing with Section 4138) of Chapter 1 of Part 2 of Division 4 of, the Public Resources Code, as added by Section 74 of Chapter 741 of the Statutes of 2003, relating to natural resources, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1461: By Senator Machado—An act to amend Section 42011 of, and to add Sections 23572.1 and 42011.1 to, the Vehicle Code, relating to vehicles.

Senate Bill 1462: By Senator Kuehl—An act to add Title 7.15 (commencing with Section 66550) to the Government Code, relating to regional planning.

Senate Bill 1463: By Senator Scott—An act to amend Section 41203.1 of, and to add Sections 84750.5 and 84755.5 to, the Education Code, relating to school finance.

Senate Bill 1464: By Senator Karnette—An act to amend Section 38083 of the Education Code, relating to public schools.

Senate Bill 1465: By Senator Kuehl—An act to amend Section 1985.6 of the Code of Civil Procedure, relating to the production of evidence.

Senate Bill 1466: By Senator Ortiz—An act to repeal and add Article 2 (commencing with Section 11730) and Article 3 (commencing with Section 11750) of Chapter 3 of Part 3 of Division 2 of the Insurance Code, relating to workers' compensation.

Senate Bill 1467: By Senator Knight—An act to amend Section 52720 of the Education Code, relating to patriotic exercises.

Senate Bill 1468: By Senator Speier—An act to amend Section 6250 of the Penal Code, relating to corrections.

Senate Bill 1469: By Senator Cedillo—An act to amend Section 150 of the Health and Safety Code, relating to multicultural health.

Senate Bill 1470: By Senator Cedillo—An act to amend Section 5060 of the Vehicle Code, relating to vehicles.

Senate Bill 1471: By Senator Cedillo—An act to amend Section 12804.9 of the Vehicle Code, relating to vehicles.

Senate Bill 1472: By Senator Cedillo—An act to amend Sections 416 and 416.5 of the Health and Safety Code, relating to developmental services.

Senate Bill 1473: By Senator Soto—An act to amend Section 912 of the Evidence Code, relating to privilege.

Senate Bill 1474: By Senator Escutia—An act to add Chapter 11.3 (commencing with Section 679.8) to Part 1 of Division 1 of the Insurance Code, relating to homeowners' insurance.

Senate Bill 1475: By Senator Vasconcellos—An act to add Chapter 13.5 (commencing with Section 15775) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to adult protective services.

Senate Bill 1476: By Senator Ashburn—An act to add Section 5003.9 to the Public Resources Code, relating to parks and recreation.

Senate Bill 1477: By Senator Sher—An act to amend Sections 13050 and 13260 of, to add Section 13275 to, and to add Chapter 18 (commencing with Section 14150) to Division 7 of, the Water Code, relating to water.

Senate Bill 1478: By Senator Sher—An act to amend Sections 25740, 25743, 25744, and 25748 of, and to repeal Sections 25745 and 25749 of, the Public Resources Code, and to amend Sections 399.11, 399.13, 399.14, and 399.15 of, the Public Utilities Code, relating to energy.

Senate Bill 1479: By Senator Sher—An act to amend Section 13201 of the Water Code, relating to water quality.

Senate Bill 1480: By Senator Sher—An act to amend Section 8670.17.2 of the Government Code, relating to harbors and navigation.

Senate Bill 1481: By Senator Chesbro—An act relating to tidelands and submerged lands of the City of Vallejo.

Senate Bill 1482: By Senator Sher—An act to amend Section 5093.68 of the Public Resources Code, relating to wild and scenic rivers.

Senate Bill 1483: By Senator Perata—An act to amend Sections 2704.13 and 2704.16 of the Streets and Highways Code, and to amend Sections 1, 3, and 4 of Chapter 697 of the Statutes of 2002, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1484: By Senator Ackerman—An act to amend Sections 290, 647, and 647.7 of the Penal Code, relating to disorderly conduct.

Senate Bill 1485: By Senator Burton—An act to amend Section 2622 of, to add Section 2623 to, and to repeal and add Section 2620 of, the Business and Professions Code, relating to physical therapy.

Senate Bill 1486: By Senator Hollingsworth—An act to add Section 21080.20 to the Public Resources Code, relating to environmental quality.

Senate Bill 1487: By Senator Speier—An act to add Sections 1279.1, 128757.1, 128757.2, and 128757.3 to the Health and Safety Code, relating to health facilities.

Senate Bill 1488: By Senator Bowen—An act to amend Section 583 of the Public Utilities Code, relating to the Public Utilities Commission.

Senate Bill 1489: By Senator Ducheny—An act to amend Section 33080.2 of the Health and Safety Code, relating to redevelopment.

Senate Bill 1490: By the Committee on Judiciary (Senators Escutia (Chair), Cedillo, Ducheny, Kuehl, and Sher)—An act to amend Section 6140 of the Business and Professions Code, relating to attorneys.

Senate Bill 1491: By Senator McPherson—An act to amend Section 54999.3 of the Government Code, relating to capital facilities fees.

Senate Bill 1492: By Senator Dunn—An act relating to homeland security.

Senate Bill 1493: By Senator Vasconcellos—An act to amend Section 115921 of the Health and Safety Code, relating to swimming pools.

Senate Bill 1494: By Senator Vasconcellos (Principal coauthor: Assembly Member Leno)—An act to amend Section 11362.77 of the Health and Safety Code, relating to medical marijuana.

Senate Bill 1495: By Senators Machado and Karnette—An act to add Section 758.7 to the Insurance Code, relating to insurance fees.

Senate Bill 1496: By Senator Romero—An act to amend Sections 1502 and 2117 of the Corporations Code, and to amend Section 12186 of the Government Code, relating to corporations.

Senate Bill 1497: By Senator Poochigian (Coauthor: Assembly Member Cogdill)—An act to amend Section 96.1 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1498: By Senator Poochigian—An act to amend Section 4139 of the Public Resources Code, relating to natural resources.

Senate Bill 1499: By Senator Murray—An act to amend Section 200 of, and to add Section 221.5 to, the Labor Code, relating to employment.

Senate Bill 1500: By Senator Speier—An act to amend Section 4000.37 of, to amend, repeal, and add Section 4000.38 of, to add Section 16058 to, and to repeal Sections 16020.1 and 16020.2 of, the Vehicle Code, relating to vehicles.

Senate Bill 1501: By Senator Escutia—An act to amend Section 17071.75 of the Education Code, relating to school facilities.

Senate Bill 1502: By Senator McClintock (Coauthor: Assembly Member Maddox)—An act to amend Sections 68074 and 68075 of the Education Code, relating to public postsecondary education.

Senate Bill 1503: By Senator McClintock (Coauthor: Assembly Member Maddox)—An act to amend Section 68130.5 of the Education Code, relating to public postsecondary education.

Senate Bill 1504: By Senator McClintock—An act to add Chapter 9.1 (commencing with Section 19730) to Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1505: By Senator McClintock—An act to amend Sections 11340, 11340.85, 11342.610, 11346.2, 11346.3, 11346.4, 11346.45, 11346.5, 11347.6, 11349.7, 11350, and 11350.3 of the Government Code, relating to administrative rulemaking.

Senate Bill 1506: By Senator Murray—An act to amend Section 653v of, and to add Section 653aa to the Penal Code, relating to Internet piracy.

Senate Bill 1507: By Senator Burton—An act to amend Section 14556.3 and 14556.5 of the Government Code, relating to transportation.

Senate Bill 1508: By Senator Ducheny—An act to add Chapter 7.6 (commencing with Section 1922) to Title 4 of Part 4 of Division 3 of the Civil Code, relating to real property loans.

Senate Bill 1509: By Senator Alpert—An act to amend Section 1339.56 of the Health and Safety Code, relating to health facilities.

Senate Bill 1510: By Senator Alpert—An act to amend Section 44238 of the Education Code, relating to education finance.

Senate Bill 1511: By Senator Alpert—An act to add Section 352 to the Labor Code, relating to employment.

Senate Bill 1512: By Senator Aanestad—An act to add Section 2081.2 to the Fish and Game Code, relating to fish.

Senate Bill 1513: By Senator Poochigian—An act to amend Section 51224.5 of the Education Code, relating to instruction.

Senate Bill 1514: By Senator Poochigian—An act to add Article 8.5 (commencing with Section 53880) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to assessments.

Senate Bill 1515: By Senator Denham—An act to amend Section 55530 of the Food and Agricultural Code, relating to agriculture.

Senate Bill 1516: By Senator Machado (Principal coauthor: Assembly Member Matthews)—An act to amend Sections 3043, 3043.2, and 3043.25 of the Penal Code, relating to parole.

Senate Bill 1517: By Senator Ashburn—An act to amend Sections 51430, 51440, and 51442 of, to amend the heading of Article 3.5 (commencing with Section 51430) of, and to repeal the heading of Article 4 of, Chapter 3 of Part 28 of, the Education Code, relating to public schools.

Senate Bill 1518: By Senator Poochigian—An act to amend Section 802 of the Food and Agricultural Code, relating to agricultural policy.

Senate Bill 1519: By Senator Poochigian—An act to amend Section 17076.10 of the Education Code, relating to school facilities.

Senate Bill 1520: By Senator Burton—An act to add Chapter 13.4 (commencing with Section 25980) to Division 20 of the Health and Safety Code, relating to force fed birds.

Senate Bill 1521: By Senator Alarcón—An act to amend Section 1061 of the Labor Code, relating to employment.

Senate Bill 1522: By Senator Vasconcellos—An act to amend Section 3041 of the Penal Code, relating to parole.

Senate Bill 1523: By Senator Ashburn—An act to add and repeal Sections 17053.87 and 23687 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1524: By Senator Vincent—An act to repeal Section 19858 of the Business and Professions Code, relating to gambling.

Senate Bill 1525: By Senator Speier—An act relating to health care.

Senate Bill 1526: By Senator Hollingsworth—An act to add Section 8588.12 to the Government Code, relating to emergency services.

Senate Bill 1527: By Senator Oller—An act relating to common interest developments.

Senate Bill 1528: By Senator Alarcón—An act to amend Section 1802 of, and to add Sections 1801.5 and 1805 to the Public Utilities Code, relating to the Public Utilities Commission.

Senate Bill 1529: By Senator McPherson—An act to add Section 2.5 to the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

Senate Bill 1530: By Senator Murray—An act relating to business.

Senate Bill 1531: By Senator Knight—An act to amend Section 47602 of the Education Code, relating to charter schools.

Senate Bill 1532: By Senator Aanestad—An act to add Section 242 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1533: By Senator Bowen—An act to add Sections 13823.14 and 13823.18 to the Penal Code, relating to the Office of Victim Services.

Senate Bill 1534: By Senator Johnson—An act to add Section 19582.5 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1535: By Senator Karnette—An act to add Section 66025.2 to the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1536: By Senator McPherson—An act to amend Sections 33126, 44258.9, and 49600 of the Education Code, relating to school personnel.

Senate Bill 1537: By Senator Soto—An act to add Section 16419.5 to the Government Code, and to add Sections 6051.5 and 6201.5 to the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Senate Bill 1538: By Senator Alarcón—An act to amend Section 226.7 of the Labor Code, relating to compensation.

Senate Bill 1539: By Senator Ortiz—An act to add Section 1418.05 to the Health and Safety Code, relating to long-term health care facilities.

Senate Bill 1540: By Senator Margett—An act to amend Section 1250.8 of the Health and Safety Code, relating to health facilities.

Senate Bill 1541: By Senator Margett—An act to amend Sections 13352 and 23109 of the Vehicle Code, relating to vehicles.

Senate Bill 1542: By Senator Figueroa—An act to amend Section 9882 of the Business and Professions Code, relating to automotive repair.

Senate Bill 1543: By Senator Figueroa—An act to amend Sections 5000 and 5015.6 of the Business and Professions Code, relating to accountancy.

Senate Bill 1544: By Senator Figueroa—An act to amend Section 94999 of the Education Code, relating to private postsecondary education, and making an appropriation therefor.

Senate Bill 1545: By Senator Figueroa—An act to amend Sections 18602 and 18613 of the Business and Professions Code, relating to the State Athletic Commission.

Senate Bill 1546: By Senator Figueroa—An act to amend Sections 1601.1, 1616.5, and 1742 of the Business and Professions Code, relating to dentistry.

Senate Bill 1547: By Senator Figueroa—An act to amend Sections 6710 and 6714 of the Business and Professions Code, relating to engineers.

Senate Bill 1548: By Senator Figueroa—An act to amend Sections 4800 and 4804.5 of the Business and Professions Code, relating to veterinary medicine.

Senate Bill 1549: By Senator Figueroa—An act to amend Sections 5510, 5517, 5620, 5621, and 5622 of the Business and Professions Code, relating to architects.

Senate Bill 1550: By Senator Battin—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Senate Bill 1551: By Senator Murray—An act to amend Section 2131 of the Elections Code, relating to elections.

Senate Bill 1552: By Senator Machado—An act to add Section 13286.10 to the Water Code, relating to water.

Senate Bill 1553: By Senator Perata—An act to amend Section 3000 of the Penal Code, relating to parole.

Senate Bill 1554: By Senator Karnette—An act to add Section 6377 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1555: By Senator Speier—An act to add Section 10123.865 to the Insurance Code, relating to health care benefits.

Senate Bill 1556: By Senator Ashburn—An act to amend Section 12419.10 of the Government Code, relating to the Controller.

Senate Bill 1557: By Senator Knight—An act to amend Section 47634 of the Education Code, relating to charter schools.

Senate Bill 1558: By Senator McPherson—An act to amend Sections 14010, 14025, 14030, 14036, 14037, 14037.5, 14037.6, 14038, 14070, 14075, 14076, 14085, and 14086 of the Corporations Code, relating to small business financial development corporations, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1559: By Senator Bowen—An act to amend Section 6027 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1560: By Senator Battin—An act relating to state militia.

Senate Bill 1561: By Senator Battin—An act to add and repeal Section 17060 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1562: By Senator Murray—An act to amend Section 35292.5 of the Education Code, and to amend Section 118505 of the Health and Safety Code, relating to schools.

Senate Bill 1563: By the Committee on Judiciary (Senators Escutia (Chair), Cedillo, Ducheny, Kuehl, and Sher)—An act to amend and renumber Section 17655 of the Corporations Code, relating to limited liability companies.

Senate Bill 1564: By the Committee on Judiciary (Senators Escutia (Chair), Cedillo, Ducheny, Kuehl, and Sher)—An act to amend Section 3440.1 of the Civil Code, relating to fraudulent transfers.

Senate Bill 1565: By Senator Bowen—An act to add Section 25324 to the Public Resources Code, relating to energy conservation and development.

Senate Bill 1566: By Senators Escutia and Alarcón—An act to amend Sections 49430, 49431, 49431.5, and 49433.7 of, and to add Section 49431.7 to, the Education Code, relating to schools.

Senate Bill 1567: By Senator Sher—An act to amend Section 2825 of the Fish and Game Code, relating to endangered species, and making an appropriation therefore.

Senate Bill 1568: By Senator Sher—An act to amend Sections 66604, 66639, 66640, and 66641.5 of, and to add Sections 66612 and 66638.5 to, the Government Code, relating to the San Francisco Bay Conservation and Development Commission.

Senate Bill 1569: By Senator Dunn—An act to amend Section 1387 of the Health and Safety Code, relating to health care.

Senate Bill 1570: By Senator Bowen—An act to amend Section 25354.5 of the Health and Safety Code, relating to controlled substances.

Senate Bill 1571: By Senator Alpert—An act to amend Section 25110 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1572: By Senators Alpert and Morrow (Coauthor: Senator Machado)—An act to add Sections 23605, 23671, 24416.8, and 25128.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1573: By Senator Battin—An act to amend Sections 17514, 17557, and 17561 of the Government Code, relating to state mandates.

Senate Bill 1574: By Senator Battin—An act to repeal Section 51210.1 of the Education Code, relating to physical education.

Senate Bill 1575: By Senator Soto—An act to amend Sections 218, 366, and 366.2 of the Public Utilities Code, relating to public utilities.

Senate Bill 1576: By Senator Perata—An act to add Section 89721.3 to the Education Code, relating to the California State University.

Senate Bill 1577: By the Committee on Elections and Reapportionment (Senators Perata (Chair), Escutia, and Murray)—An act to amend Sections 17 and 2124 of the Elections Code, relating to voting.

Senate Bill 1578: By Senator Romero (Coauthor: Assembly Member Chavez)—An act to amend Section 339 of the Streets and Highways Code, relating to highways.

Senate Bill 1579: By Senator Karnette—An act relating to small businesses.

Senate Bill 1580: By Senator Bowen—An act to add Article 9 (commencing with Section 17600) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to advertising.

Senate Bill 1581: By Senator Battin—An act relating to common interest developments.

Senate Bill 1582: By Senator Bowen—An act to amend Section 42001 of, and to add Section 23126 to, the Vehicle Code, relating to vehicles.

Senate Bill 1583: By Senator Scott—An act to amend Section 84752 of the Education Code, relating to community colleges.

Senate Bill 1584: By Senator Chesbro—An act to amend Section 23009 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 1585: By Senator Speier—An act to amend Section 110430 of the Health and Safety Code, relating to food safety.

Senate Constitutional Amendment 16: By Senator McClintock—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by repealing and adding Article XIII B

thereof, and by amending Section 8 of, and repealing Section 8.5 of, Article XVI thereof, relating to expenditure limits.

SENATE COMMITTEE ROLL CALLS

Committee on Health and Human Services

SB 678—That the Assembly amendments be concurred in

AYES (9)—Senators Aanestad, Alarcón, Chesbro, Escutia, Figueroa, Ortiz, Romero, Vasconcellos, and Vincent.

NOES (0)—None.

Date of Hearing: 2/18/04

Ortiz (Chair)

Committee on Local Government

SB 1091—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Hollingsworth, Machado, Soto, and Torlakson.

NOES (0)—None.

SB 1092—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Hollingsworth, Machado, Soto, and Torlakson.

NOES (0)—None.

SB 1093—Do pass, to Consent Calendar

AYES (5)—Senators Ackerman, Hollingsworth, Machado, Soto, and Torlakson.

NOES (0)—None.

AB 1195—Do pass

AYES (5)—Senators Ackerman, Hollingsworth, Machado, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 2/18/04

Torlakson (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Brian E. Wahle, Jr. of Sacramento.

Senator Ortiz requested that when the Senate adjourns this day it do so in memory of Adolph A. Markstein of Sacramento.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Rene Maurice Errotabere of Clovis, Jeanne Louise Struve Chandler and Ronald Harry Khachigian of Visalia.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Marjorie Bolton of Hillsborough and Charlie Fox of San Mateo.

Feb. 19, 2004

SENATE JOURNAL

2967

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, February 20, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, February 20, 2004

The Senate met at 9 a.m.
Hon. Byron Sher, of the 11th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Ackerman, Alarcón, Battin, Bowen, Cedillo, Chesbro, Denham,
Ducheny, Escutia, Figueroa, Johnson, Kuehl, Machado, McClintock,
McPherson, Murray, Oller, Ortiz, Romero, Sher, and Torlakson—21.

Quorum present.

(NOTE: Senators Aanestad, Alpert, Ashburn, Brulte, Burton, Dunn, Florez, Hollingsworth, Karnette, Knight, Morrow, Perata, Poochigian, Scott, Soto, Speier, Vasconcellos, and Vincent will be excused this day on legislative business and Senator Margett will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 19, 2004

*The Honorable Byron Sher
California State Senate*

Dear Senator Sher: On behalf of the Administration, I am requesting that you return SB 311 back to the Senate. We appreciate your efforts in attempting to provide school districts some fiscal flexibility in your bill, and would like the opportunity to work with you on crafting a proposal that

ultimately provides districts with flexibility on categorical programs, without harming educational benefits to our school children.

I would ask that you hold your bill in the Senate, so that we may use it as a vehicle to move a proposal that we can all agree upon.

Again, we look forward to working with you on this issue. Since both you and the Governor are committed to the education of California's school kids, we are optimistic that we can find an acceptable solution.

Sincerely,

RICHARD COSTIGAN, III
Legislative Affairs Secretary

UNANIMOUS CONSENT TO RETURN BILL TO SENATE

Without objection, the Secretary of the Senate was requested to ask the Governor to return SB 311 to the Senate for further action.

COMMUNICATION

The following communication was ordered printed in the Journal:

February 20, 2004

John Burton

Senate President pro Tempore

Dear John: At the request of the Governor, I am withdrawing SB 311, which deals with the subject of class size reduction flexibility for local school districts, from the Governor's desk. I have included for submittal to the Senate Journal the letter from the Governor's staff formalizing this request.

My withdrawal of this measure does not represent a retreat in my view of the importance of enacting this measure as soon as possible. Indeed, I strongly support the enactment of this measure and the Administration has assured me that it will work with my office to address this issue later this year.

I will continue to work both here in the Legislature, and with the Administration, to ensure that SB 311 becomes law before the end of this year.

Sincerely,

BYRON D. SHER
Senator, 11th District

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 20, 2004

To the Members of the Senate:

Dear Senator Burton: Pursuant to your request, I am returning Senate Bill 311 on behalf of the Governor, for further action by the Senate.

Sincerely,

PAMELA K. OTO
Private Secretary of the Governor

Above bill ordered held at the Desk.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 19, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 172

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 172—Relative to a Day of Remembrance.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 19, 2004

Mr. President: The Committee on Rules has examined:

SB 1086

And reports that the same has been correctly enrolled, and presented to the Governor on the 19th day of February, 2004, at 2 p.m.

BURTON, Chair

Senate Chamber, February 20, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SCR 51

SR 29

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 51—Relative to the Joint Rules.

Resolution read second time.

Senate Resolution 29—Relative to the Senate Rules.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, February 20, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 858

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 858—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 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 Bill 1586: By Senator Murray—An act to amend Section 12012.85 of the Government Code, relating to gaming.

Senate Bill 1587: By Senator Ashburn—An act to add Section 336 to the Unemployment Insurance Code, relating to business.

Senate Bill 1588: By Senator Poochigian—An act to amend Sections 76395, 78021, 84000, 87000, 89303, 89522, 89600, and 89701.5 of the Education Code, relating to public postsecondary education.

Senate Bill 1589: By Senator Denham—An act to amend Section 111080 of the Health and Safety Code, relating to drinking water.

Senate Bill 1590: By Senator Dunn—An act to add Section 6254.18 to the Government Code, relating to public records.

Senate Bill 1591: By Senator Machado—An act to amend Section 52314 of the Education Code, relating to regional occupational programs.

Senate Bill 1592: By Senator Torlakson—An act to add Section 65458 to the Government Code, relating to local planning.

Senate Bill 1593: By Senator Hollingsworth—An act to add Section 14016.85 to the Welfare and Institutions Code, relating to abortion.

Senate Bill 1594: By Senator Knight—An act to amend Section 21051 of the Government Code, relating to public employees' retirement.

Senate Bill 1595: By Senator Ducheny—An act to add Part 12 (commencing with Section 53550) to Division 31 of the Health and Safety Code, relating to financing housing, and by providing the funds necessary therefor through the issuance and sale of bonds of the State of California and by providing for the handling and disposition of those funds.

Senate Bill 1596: By Senator Ducheny—An act to add Section 3695.6 to the Revenue and Taxation Code, relating to taxation.

Senate Bill 1597: By Senator Karnette—An act relating to state audits.

Senate Bill 1598: By Senator Vasconcellos—An act to amend Section 11357 of the Health and Safety Code, relating to marijuana.

Senate Bill 1599: By Senator Hollingsworth—An act to add and repeal Section 17462.6 of the Education Code, relating to public schools.

Senate Bill 1600: By Senator Hollingsworth—An act to amend Section 49423 of the Education Code, relating to pupil health.

Senate Bill 1601: By the Committee on Public Employment and Retirement (Senators Soto (Chair), Escutia, and Karnette)—An act to amend Sections 31641.4 and 31664.65 of, and to add Section 31764.8 to, the Government Code, relating to county employees' retirement.

Senate Bill 1602: By the Committee on Public Employment and Retirement (Senators Soto (Chair), Escutia, and Karnette)—An act to amend Section 21548 of the Government Code, relating to public employees' retirement.

Senate Bill 1603: By the Committee on Public Employment and Retirement (Senators Soto (Chair), Escutia, and Karnette)—An act to amend Sections 20063, 21157, 21251.15, 21408, 21409, 21410, 21424, 22013.7, 22821.2, 75077, 75079, 75091, and 75104.4 of, to amend and renumber Section 20035.5 of, to add Sections 75031.5, 75109.1, 75506.6, and 75611.5 to, and to repeal Sections 21417, 75034.1, and 75094 of, the Government Code, relating to the Public Employees' Retirement System, and making an appropriation therefor.

Senate Bill 1604: By Senator Ashburn—An act to amend Section 6047.63 of the Food and Agricultural Code, relating to pest control, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1605: By Senator Murray—An act relating to genetic information.

Senate Bill 1606: By Senator Vasconcellos—An act to amend Section 2101 of the Elections Code, relating to voting.

Senate Bill 1607: By Senator Machado—An act to add Section 56426.1 to the Government Code, relating to local agency formation.

Senate Bill 1608: By Senator Karnette—An act to amend Section 5028 of the Penal Code, relating to corrections.

Senate Bill 1609: By Senator Ducheny—An act to amend Section 50650 of the Health and Safety Code, relating to housing.

Senate Bill 1610: By Senator Ducheny—An act to amend Section 50781 of the Health and Safety Code, relating to mobilehome parks, and making an appropriation therefor.

Senate Bill 1611: By Senator Ducheny—An act to amend Section 17021.6 of the Health and Safety Code, relating to housing.

Senate Bill 1612: By Senator Speier—An act to amend Section 16000 of the Welfare and Institutions Code, relating to youth services.

Senate Bill 1613: By Senator Battin—An act to amend Section 679.02 of, and to add Section 679.1 to, the Penal Code, relating to victim notification.

Senate Bill 1614: By Senator Torlakson—An act to add Division 19 (commencing with Section 40000) to the Streets and Highways Code, relating to motor vehicle fuel.

Senate Bill 1615: By Senator Denham—An act to amend Sections 43843 and 44004 of the Health and Safety Code, to amend Section 4000.1 of, and to repeal Section 4000.2 of, of the Vehicle Code, relating to air pollution.

Senate Bill 1616: By Senator Knight—An act to add Section 4320.5 to the Family Code, relating to spousal support.

Senate Bill 1617: By Senator Ducheny—An act relating to charter schools.

Senate Bill 1618: By Senator Battin—An act to amend Section 226 of the Labor Code, relating to employee compensation.

Senate Bill 1619: By Senator Ashburn—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Senate Bill 1620: By Senator Aanestad—An act to amend Section 20 of, and to add Section 50.5 to, the Sacramento Area Flood Control Agency Act (Chapter 510 of the Statutes of 1990), relating to the Sacramento Area Flood Control Agency.

Senate Bill 1621: By Senator Machado—An act to amend Sections 44325, 44326, 44328, 44329, and 44830.3 of the Education Code, relating to credentialing.

Senate Bill 1622: By Senator Perata—An act relating to the Oakland Estuary.

Senate Bill 1623: By Senator Johnson—An act to amend Sections 100700, 100710, 100715, 100720, 100735, 100745, and 100750 of, and to add Sections 100701, 100702, and 100703 to, the Health and Safety Code, relating to laboratories.

Senate Bill 1624: By Senator Bowen—An act to amend Section 309.5 of the Public Utilities Code, relating to the Public Utilities Commission.

Senate Bill 1625: By Senator Hollingsworth—An act to amend Section 65891.8 of the Government Code, relating to housing.

Senate Bill 1626: By Senator Poochigian—An act to amend Section 129785 of the Health and Safety Code, relating to health facility construction, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1627: By Senator Ackerman—An act to amend Section 5 of the Code of Civil Procedure, relating to procedure.

Senate Bill 1628: By Senator Ackerman—An act to amend Section 68111 of the Government Code, relating to judges.

Senate Bill 1629: By Senator Ackerman—An act to amend Section 11557 of the Insurance Code, relating to liability and workers' compensation insurance.

Senate Bill 1630: By Senator Speier—An act to amend Section 1366.35 of the Health and Safety Code, and to amend Section 10785 of the Insurance Code, relating to health care.

Senate Bill 1631: By Senator Figueroa—An act to add Part 6.25 (commencing with Section 12694) to Division 2 of the Insurance Code, and to amend Section 14005.30 of the Welfare and Institutions Code, relating to health care coverage.

Senate Bill 1632: By Senator Figueroa—An act to add Section 12334 to the Government Code, relating to the Treasurer.

Senate Bill 1633: By Senator Figueroa—An act to add Title 1.81.25 (commencing with Section 1798.91) to Part 4 of Division 3 of the Civil Code, relating to privacy.

Senate Bill 1634: By Senator Alarcón—An act to amend Section 17980.6 of, and to add Sections 17965.1 and 17967.1 to, the Health and Safety Code, relating to building standards.

Senate Bill 1635: By Senator Chesbro—An act to amend Section 811.2 of the Government Code, relating to liability.

Senate Bill 1636: By Senator Battin—An act to amend Section 25179.6 of the Health and Safety Code, relating to hazardous waste.

Senate Bill 1637: By the Committee on Banking, Commerce, and International Trade (Senators Florez (Chair), Ducheny, Karnette, Murray, and Perata)—An act to amend Sections 253, 261, and 10000 of, to add Article 2 (commencing with Section 1520) to Chapter 12 of Division 1 of, and to repeal Section 1239 of, the Financial Code, relating to financial institutions.

Senate Bill 1638: By Senators Romero and Chesbro (Coauthor: Assembly Member Reyes)—An act to add Section 9518 to the Government Code, relating to the state budget.

Senate Bill 1639: By Senator Alarcón—An act to amend Sections 79202 and 79203 of, and to add Section 69519 to, the Education Code, and to amend Sections 11320.1, 11325.2, 11325.22, 11325.4, and 11454 of, and to add Sections 11325.41 and 11329.5 to, the Welfare and Institutions Code, relating to CalWORKs, and making an appropriation therefor.

Senate Bill 1640: By Senator Romero—An act relating to parole.

Senate Bill 1641: By Senator Alarcón—An act to add Sections 53084.5 and 53084.7 to the Government Code, relating to local government.

Senate Bill 1642: By Senator Romero—An act relating to the Department of the Youth Authority.

Senate Bill 1643: By Senators Murray and Vincent (Coauthors: Assembly Members Dymally, Jerome Horton, Longville, Ridley-Thomas, and Wesson)—An act to add Section 6718 to the Government Code, relating to state observances.

Senate Bill 1644: By Senators Romero and Escutia (Coauthor: Assembly Member Laird)—An act to add Section 1418.92 to the Health and Safety Code, and to amend Sections 15630 and 15631 of the Welfare and Institutions Code, relating to long-term health care.

Senate Bill 1645: By the Committee on Judiciary (Senators Escutia (Chair), Ducheny, Kuehl, and Sher)—An act to amend Section 2982 of the Civil Code, relating to conditional sale contracts.

Senate Bill 1646: By Senator Aanestad—An act to amend Section 6303 of the Labor Code, relating to occupational safety and health.

Senate Bill 1647: By Senator Perata—An act to amend Section 25503.6 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 1648: By Senator Chesbro—An act to amend Sections 4631, 4631.5, 4637, 4638, 4639, 4640, 4651, and 4653 of, to add Sections 4638.5 and 4639.5 to, to add Article 5 (commencing with Section 4665) to Chapter 9 of Part 2 of Division 4 of, and to repeal Section 4636 of, the Public Resources Code, relating to forest resources.

Senate Bill 1649: By Senators Denham and Brulte—An act to amend Section 2085.5 of the Penal Code, relating to restitution, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

Senate Bill 1650: By Senator Chesbro—An act to amend Section 12798.1 of the Food and Agricultural Code, relating to pest control.

Senate Bill 1651: By Senator Morrow—An act to repeal Chapter 6 (commencing with Section 1320) of Division 6 of the Military and Veterans Code, relating to veterans.

Senate Bill 1652: By Senator Murray—An act relating to solar energy.

Senate Bill 1653: By Senator Johnson—An act to amend Section 87100 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1654: By Senator McPherson—An act to amend Section 8592.1 of, and to add Section 8592.6 to, the Government Code, relating to public safety.

Senate Bill 1655: By Senator Kuehl—An act to add Section 68906 to the Government Code, relating to judicial opinions.

Senate Bill 1656: By Senator Karnette—An act relating to local planning.

Senate Bill 1657: By Senator Scott—An act to add Section 8358.3 to the Education Code, relating to child care.

Senate Bill 1658: By Senator Karnette—An act to add Section 60654 to the Education Code, relating to testing.

Senate Bill 1659: By Senator Poochigian—An act to amend Section 1263.310 of, and to add Section 1263.315 to, the Code of Civil Procedure, and to amend Section 7262 of the Government Code, relating to eminent domain.

Senate Bill 1660: By Senator Poochigian—An act to amend Section 2933 of the Penal Code, relating to prisons.

Senate Bill 1661: By Senator Battin—An act relating to registered sex offenders.

Senate Bill 1662: By Senator Soto—An act to add Sections 1569.656 and 1569.657 to the Health and Safety Code, relating to residential care facilities for the elderly.

Senate Bill 1663: By Senator Machado (Principal coauthor: Assembly Member Steinberg)—An act to amend Section 4730.3 of the Health and Safety Code, relating to sanitation districts.

Senate Bill 1664: By Senator Karnette—An act to amend Section 1798.80 of the Civil Code, relating to customer records.

Senate Bill 1665: By Senator Hollingsworth—An act to amend Section 360 of the Financial Code, relating to banks.

Senate Bill 1666: By Senator Ashburn—An act to amend Section 22407 of the Public Utilities Code, relating to airports.

Senate Bill 1667: By Senator Aanestad—An act to add Section 9501.7 to the Government Code, relating to governmental charges.

Senate Bill 1668: By Senator Romero—An act to amend Section 1758 of the Welfare and Institutions Code, relating to minors.

Senate Bill 1669: By Senator Karnette—An act to amend Sections 12022.3 and 12022.8 of the Penal Code, relating to sentencing enhancements.

Senate Bill 1670: By Senator Romero—An act to amend Section 12309.5 of the Elections Code, relating to elections.

Senate Bill 1671: By Senator Vasconcellos—An act relating to health.

Senate Bill 1672: By Senator Vasconcellos—An act to amend Section 11902 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1673: By Senator Romero—An act to amend Sections 896, 903.1, and 909 of, and to repeal Sections 903.2, 903.3, and 903.4 of, the Penal Code, relating to grand juries.

Senate Bill 1674: By Senator Johnson—An act to amend Section 10199.44 of the Insurance Code, relating to health insurance.

Senate Bill 1675: By Senator Johnson—An act to amend Section 676.2 of the Insurance Code, relating to property insurance.

Senate Bill 1676: By Senator Romero—An act to amend Section 13730 of the Penal Code, relating to domestic violence.

Senate Bill 1677: By Senator Knight—An act to amend Section 13 3/4 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

Senate Bill 1678: By Senator Dunn—An act to add Section 340.35 to the Code of Civil Procedure, relating to statutes of limitation.

Senate Bill 1679: By Senator Perata—An act to amend Section 1371.4 of the Health and Safety Code, relating to health care service plans.

Senate Bill 1680: By Senator Chesbro—An act to amend Sections 10136, 10138, 10139, 10139.1, and 10139.5 of the Insurance Code, relating to insurance.

Senate Bill 1681: By Senator McPherson—An act to amend Sections 11775 and 11814 of the Health and Safety Code, relating to alcohol and drug programs.

Senate Bill 1682: By Senators Ducheny and Speier (Coauthors: Senators Dunn and Sher) (Coauthor: Assembly Member Kehoe)—An act to add Section 1367.4 to the Civil Code, relating to common interest developments.

Senate Bill 1683: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2003.

Senate Bill 1684: By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2003.

Senate Bill 1685: By the Committee on Budget and Fiscal Review—An act relating to the state budget.

Senate Bill 1686: By the Committee on Budget and Fiscal Review—An act relating to the state budget.

Senate Bill 1687: By Senator Murray—An act to amend Section 1701 of the Labor Code, relating to employment.

Senate Bill 1688: By Senator Ashburn—An act to add Section 2917 to the Business and Professions Code, relating to healing arts.

Senate Bill 1689: By Senator Poochigian—An act to amend Section 17029 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1690: By Senator Poochigian—An act to amend Sections 25548.1 and 25548.2 of the Health and Safety Code, relating to hazardous materials.

Senate Bill 1691: By Senator Vasconcellos—An act to add Section 2234.1 to the Business and Professions Code, relating to healing arts.

Senate Bill 1692: By Senator Vasconcellos—An act relating to pupils.

Senate Bill 1693: By Senator Vasconcellos—An act to amend Section 2000 of the Elections Code, relating to voting.

Senate Bill 1694: By Senators Torlakson and Speier—An act to amend Sections 23540, 23546, 23550, 23560, 23566, 23622, and 23646 of the Vehicle Code, relating to vehicles.

Senate Bill 1695: By Senators Torlakson and Speier (Coauthor: Assembly Member Levine)—An act to amend Section 23646 of the Vehicle Code, relating to vehicles.

Senate Bill 1696: By Senators Torlakson and Speier (Coauthor: Assembly Member Levine)—An act to amend Sections 13352, 13352.4,

13352.5, 13352.6, 23538, and 23542 of the Vehicle Code, relating to vehicles.

Senate Bill 1697: By Senators Torlakson and Speier (Coauthor: Assembly Member Levine)—An act to amend Section 11837 of the Health and Safety Code, and to amend Sections 1803, 13352, 13352.5, 13353, 13353.3, 13353.5, 13353.7, 13954, 14601.2, 23109, 23109.5, 23521, 23536, 23538, 23540, 23542, 23548, 23552, 23556, 23562, 23568, 23660, and 23665 of, and to repeal and add Sections 13352.4 and 13354 of, the Vehicle Code, relating to vehicles.

Senate Bill 1698: By Senator Torlakson (Coauthor: Assembly Member Levine)—An act to amend Section 53156 of the Government Code, relating to emergency response liability.

Senate Bill 1699: By Senator Hollingsworth—An act to amend Section 8703 of the Government Code, relating to California-Mexico affairs.

Senate Bill 1700: By Senator Hollingsworth—An act to amend Section 52122.5 of the Education Code, relating to class size reduction.

Senate Bill 1701: By Senator Karnette—An act relating to transportation.

Senate Bill 1702: By Senator Battin—An act to add Section 50199.19 to the Health and Safety Code, relating to housing.

Senate Bill 1703: By Senator Alarcón—An act to amend Section 11093 of the Government Code, relating to statistical districts.

Senate Bill 1704: By Senator Chesbro—An act to amend Sections 5500 and 5501 of the Public Utilities Code, relating to commercial common carriers.

Senate Bill 1705: By Senator Denham—An act to amend Section 21151 of the Public Resources Code, relating to environmental quality.

Senate Bill 1706: By Senator Murray—An act relating to solar energy.

Senate Bill 1707: By Senator Aanestad—An act to add Section 53159 to the Government Code, relating to emergency response costs.

Senate Bill 1708: By Senator Margett—An act to repeal Section 7555 of the Penal Code, relating to medical testing of prisoners.

Senate Bill 1709: By Senator Margett—An act to amend Section 5307.1 of the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1710: By Senator Knight—An act to amend Section 2800.3 of the Vehicle Code, relating to vehicles.

Senate Bill 1711: By Senator Bowen—An act to amend Section 472.5 of the Business and Professions Code, to amend Section 1795.92 of the Civil Code, to amend Section 26509 of the Government Code, and to amend Sections 415 and 426 of, to repeal Section 232 of, and to repeal Chapter 6 (commencing with Section 3000) of Division 2 of, the Vehicle Code, relating to vehicles.

Senate Bill 1712: By Senator Alpert—An act to amend Section 84602 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1713: By Senator Machado—An act to amend Sections 17072, 17132.5, 17152, 17731, 18571, 23701w, and 23712 of, to add Sections 17160.5, 17202.5, and 23703.5 to, and to repeal and amend Section 17144.5 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 1714: By Senator Dunn (Principal coauthors: Senators Cedillo and Escutia) (Principal coauthor: Assembly Member Montanez) (Coauthor: Senator Romero)—An act to add Section 354.9 to the Code of Civil Procedure, relating to civil actions.

Senate Bill 1715: By Senator Poochigian—An act to amend Section 5058 of the Penal Code, relating to corrections.

Senate Bill 1716: By Senator Ducheny—An act to amend Section 25534 of the Public Resources Code, and to repeal Division 1.5 (commencing with Section 3300) of the Public Utilities Code, relating to energy.

Senate Bill 1717: By Senator Hollingsworth—An act to amend Section 11331.7 of the Welfare and Institutions Code, relating to CalWORKs.

Senate Bill 1718: By Senator Karnette—An act to add Section 8572.5 to the Government Code, relating to maritime security.

Senate Bill 1719: By Senator Perata—An act to amend Section 10295 of the Public Contract Code, relating to public contracts.

Senate Bill 1720: By Senator Alarcón—An act to amend Section 71 of the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to water.

Senate Bill 1721: By Senator Bowen—An act to add Section 1799.208 to the Civil Code, relating to consumer contracts.

Senate Bill 1722: By Senator Ducheny—An act to add Section 25249.7.3 to the Health and Safety Code, relating to toxic substances.

Senate Bill 1723: By Senator Johnson—An act to amend Section 9082.5 of the Elections Code, relating to elections.

Senate Bill 1724: By Senator Johnson—An act to amend Section 6320 of the Elections Code, relating to presidential primaries.

Senate Bill 1725: By Senator Knight—An act to amend Sections 415, 462, 467, 545, 2418.5, 5007, 9410, 22507.5, 22511.5, 22511.55, 22511.57, 22511.59, 22511.8, 22652, 22658.2, and 25276 of, and to add Section 5007.5 to, the Vehicle Code, relating to vehicles.

Senate Bill 1726: By Senator Ashburn—An act to amend Section 47614.5 of the Education Code, relating to charter schools.

Senate Bill 1727: By Senator Scott—An act to amend Section 17281 of, to add Section 81050.3 to, to repeal Section 81051 of, and to repeal Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the Education Code, relating to community colleges.

Senate Bill 1728: By Senator Aanestad—An act to add Sections 818.3 and 11014.5 to the Government Code, relating to property.

Senate Bill 1729: By Senator Chesbro—An act to amend Section 42301 of, and to repeal Sections 42310.3 and 42342 of, the Public Resources Code, relating to solid waste.

Senate Bill 1730: By Senator Johnson—An act to amend Sections 316, 340, 1000, 1001, 1201, 1202, 6180, and 6952 of the Elections Code, and to amend Section 84200.4 of the Government Code, relating to primary elections.

Senate Bill 1731: By Senator Romero—An act to amend Section 5055 of the Penal Code, relating to corrections.

Senate Bill 1732: By Senator Hollingsworth—An act to add Article 3.5 (commencing with Section 33540) to Chapter 5 of Part 1 of Division 15 of the Food and Agricultural Code, relating to dairy.

Senate Bill 1733: By Senator Speier—An act to add Section 12071.2 to the Penal Code, relating to firearm sales at the Cow Palace.

Senate Bill 1734: By Senator Battin—An act to amend Section 6108 of the Public Contract Code, relating to public contracts.

Senate Bill 1735: By Senators Figueroa and Aanestad (Coauthor: Assembly Member Correa)—An act to add Sections 12439.5 and 16321 to the Government Code, relating to state offices.

Senate Bill 1736: By Senator Bowen—An act to repeal and add Chapter 3 (commencing with Section 18701) of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1737: By Senator Speier—An act to amend Section 296 of the Penal Code, relating to crimes.

Senate Bill 1738: By Senator Margett—An act to amend Section 130051 of the Public Utilities Code, relating to transportation.

Senate Bill 1739: By Senator Margett—An act to amend Section 10500 of the Water Code, relating to water.

Senate Bill 1740: By Senator Margett—An act to amend Section 290 of the Penal Code, relating to sex offenders.

Senate Bill 1741: By Senator Hollingsworth—An act to amend Section 51933 of the Education Code, relating to instruction.

Senate Bill 1742: By Senator McPherson—An act to amend Sections 8574.1, 8574.7, 8574.8, 8574.10, 8670.3, 8670.5, 8670.7, 8670.8, 8670.8.5, 8670.9, 8670.10, 8670.13, 8670.13.2, 8670.14, 8670.18, 8670.19, 8670.21, 8670.23, 8670.23.1, 8670.24, 8670.25.5, 8670.26, 8670.27, 8670.28, 8670.29, 8670.31, 8670.35, 8670.36.1, 8670.37.5, 8670.41, 8670.48, 8670.50, 8670.56.6, 8670.56.5, 8670.61.5, and 8670.70 of, to add Section 8670.73 to, and to repeal Sections 8670.36.5 and 8670.52 of, the Government Code, to amend Sections 449.3 and 449.5 of the Harbors and Navigation Code, to amend Section 8750 of the Public Resources Code, to amend Sections 46016 and 46027 of the Revenue and Taxation Code, and to amend Section 13272 of the Water Code, relating to oil spills.

Senate Bill 1743: By Senator Cedillo—An act relating to Medi-Cal.

Senate Bill 1744: By Senator Dunn—An act to amend Section 14020 of the Penal Code, relating to witness protection.

Senate Bill 1745: By Senator Perata—An act to amend Section 11106 of the Penal Code, relating to firearms.

Senate Bill 1746: By Senator Ackerman—An act to amend Section 17912 of the Business and Professions Code, to amend Sections 395.2 and 416.40 of the Code of Civil Procedure, to amend Sections 174.5, 5063.5, 12242.5, and 15800 of, to add Sections 16309 and 16310 to, to add Part 1 (commencing with Section 18000) to Title 3 of, and to add Chapter 1 (commencing with Section 18605) to Part 2 of Title 3 of, and to repeal Part 1 (commencing with Section 20000) of, and Chapter 1 (commencing with Section 21000) and Chapter 2 (commencing with Section 21100) of Part 2 of, Title 3 of, the Corporations Code, and to amend Section 50089 of the Government Code, relating to unincorporated associations.

Senate Bill 1747: By Senator Ackerman—An act to amend Section 47 of the Civil Code, relating to privileged communications.

Senate Bill 1748: By Senator Ducheny—An act to amend Section 24002.5 of the Government Code, relating to local government.

Senate Bill 1749: By Senator Karnette—An act relating to plastics.

Senate Bill 1750: By Senators Battin and Denham—An act to add Title 15.7 (commencing with Section 97500) to the Government Code, relating to state property.

Senate Bill 1751: By Senators Denham and Battin—An act to amend Section 11011.15 of the Government Code, relating to state property.

Senate Bill 1752: By Senators Battin and Denham—An act relating to state property.

Senate Bill 1753: By Senators Denham and Battin—An act to amend Sections 11011 and 11011.1 of the Government Code, relating to state property.

Senate Bill 1754: By Senators Battin and Denham—An act to add Section 14682 to the Government Code, relating to state property.

Senate Bill 1755: By Senators Denham and Battin—An act to add Section 11011.27 to the Government Code, relating to state property.

Senate Bill 1756: By Senators Battin and Denham—An act to amend Section 8169 of the Government Code, relating to state property.

Senate Bill 1757: By Senators Denham and Battin—An act to amend Section 13332.09 of the Government Code, relating to state contracts.

Senate Bill 1758: By Senators Battin and Denham—An act to add Section 11011.23 to the Government Code, relating to state property.

Senate Bill 1759: By Senators Denham and Battin—An act to amend Section 183.1 of the Streets and Highways Code, relating to transportation.

Senate Bill 1760: By Senators Perata, Burton, and Chesbro—An act to add Section 128 to the Government Code, relating to sovereign immunity.

Senate Bill 1761: By Senator Knight—An act to amend Section 1636 of the Military and Veterans Code, relating to the military.

Senate Bill 1762: By Senator Knight—An act to amend Section 701 of the Military and Veterans Code, relating to veterans.

Senate Bill 1763: By Senator Knight—An act to amend Section 1012.5 of the Military and Veterans Code, relating to veterans.

Senate Bill 1764: By Senator Speier—An act to amend Section 120440 of the Health and Safety Code, relating to immunization.

Senate Bill 1765: By Senator Sher—An act to add Chapter 8 (commencing with Section 119400) to Part 15 of Division 104 of the Health and Safety Code, relating to pharmaceutical marketing.

Senate Bill 1766: By Senator McPherson—An act to add Section 47605.2 to the Education Code, relating to charter schools.

Senate Bill 1767: By Senator Ducheny—An act relating to taxation.

Senate Bill 1768: By Senator Romero—An act amend Section 2601 of the Penal Code, relating to inmates.

Senate Bill 1769: By Senator Aanestad—An act to amend Section 317.5 of the Welfare and Institutions Code, relating to dependent children.

Senate Bill 1770: By the Committee on Local Government (Senators Torlakson (Chair), Machado, Margett, Perata, and Soto)—An act to add Article 7.4 (commencing with Section 53835) to Chapter 4 of Part 1 of Division 2 of the Government Code, relating to special district indebtedness.

Senate Bill 1771: By Senator Scott—An act to amend Section 54954 of the Government Code, relating to school districts.

Senate Bill 1772: By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Perata, and Soto)—An act to amend Section 33031 of the Health and Safety Code, relating to redevelopment.

Senate Bill 1773: By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Perata, and Soto)—An act to amend Section 65303.4 of the Government Code, relating to general plans.

Senate Bill 1774: By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Perata, and Soto)—An act to add Section 56425.1 to the Government Code, relating to local agency reorganization.

Senate Bill 1775: By Senator Ortiz—An act to amend Sections 4450 and 4454 of the Government Code, relating to disability access, and making an appropriation therefor.

Senate Bill 1776: By Senator Bowen—An act to add and repeal Sections 25550 and 25550.5 of the Public Resources Code, relating to energy resources.

Senate Bill 1777: By Senator Ducheny—An act to amend Sections 50451, 50452, and 50453 of, and to repeal Section 50524 of, the Health and Safety Code, relating to the statewide housing plan.

Senate Bill 1778: By Senator Ducheny—An act to amend Section 18021.7 of the Health and Safety Code, relating to mobilehomes.

Senate Bill 1779: By Senator Speier—An act to amend Section 23055 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1780: By Senator Hollingsworth—An act to amend Sections 121055 and 121065 of the Health and Safety Code, to amend Sections 209, 220, 290.3, 311.11, 667.51, 667.61, 667.71, 3000, and 3001 of, and to add Sections 288.3, and 3000.07 to, and to add Chapter 5.5 (commencing with Section 294.1) to Title 9 of Part 1 of, the Penal Code, to amend Section 12816 of the Vehicle Code, and to amend Section 6600 of the Welfare and Institutions Code, relating to sex offenders.

Senate Bill 1781: By Senator Knight—An act to amend Section 12302 of the Penal Code, relating to destructive devices.

Senate Bill 1782: By Senator Aanestad—An act to add Section 11152.5 to the Health and Safety Code, and to add Section 1538.1 to the Penal Code, relating to medical crime.

Senate Bill 1783: By Senator Dunn—An act to amend Section 14094.3 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1784: By Senator Karnette—An act to amend Sections 5050 and 5051 of the Vehicle Code, relating to vehicles.

Senate Bill 1785: By Senators Scott and Alpert (Coauthor: Senator McPherson) (Coauthor: Assembly Member Liu)—An act to add Section 66739.5 to the Education Code, relating to public postsecondary education.

Senate Bill 1786: By Senator Johnson—An act to amend Section 19605 of the Business and Professions Code, relating to horse racing.

Senate Bill 1787: By Senator Johnson—An act to amend Section 11011.15 of the Government Code, relating to state property.

Senate Bill 1788: By Senator Johnson—An act to amend Section 10295 of the Public Contract Code, relating to public contracts.

Senate Bill 1789: By Senator Poochigian—An act to amend Section 33327 of the Education Code, relating to education finance.

Senate Bill 1790: By Senator Poochigian—An act to amend Section 6051.45 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1791: By Senator Poochigian—An act to amend Section 12463 of the Government Code, relating to the Controller.

Senate Bill 1792: By Senator Ashburn—An act to add Section 14105.16 to the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1793: By Senator McPherson—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Senate Bill 1794: By Senator Perata—An act to amend Sections 1369, 1370, and 1370.01 of the Penal Code, relating to competency.

Senate Bill 1795: By Senator Alarcón—An act to amend Section 52336 of the Education Code, relating to career preparation.

Senate Bill 1796: By the Committee on Public Safety (Senators McPherson (Chair), Burton, Margett, Romero, Sher, and Vasconcellos)—An act to amend Section 912 of the Evidence Code, to amend Section 3304 of the Government Code, to amend Sections 266h,

266i, 629.61, 1203.4a and 1405 of the Penal Code, and to amend Section 15763 of the Welfare and Institutions Code, relating to public safety.

Senate Bill 1797: By the Committee on Public Safety (Senators McPherson (Chair), Burton, Margett, Romero, Sher, and Vasconcellos)—An act to amend Sections 832.15, 832.16, 11108.3, 12010, 12011, 12021, and 12082 of, and to repeal Section 12076.5 of, the Penal Code, relating to firearms.

Senate Bill 1798: By Senators Torlakson, Escutia, and Ortiz (Coauthor: Assembly Member Jackson)—An act to amend Sections 44277 and 51222 of, and to add Sections 33031.5, 54760.2, and 60422.2 to, the Education Code, relating to physical education.

Senate Bill 1799: By Senator Murray—An act to amend Section 1685 of the Vehicle Code, relating to the Department of Motor Vehicles.

Senate Bill 1800: By Senator Murray—An act to add Section 23123 to the Vehicle Code, relating to vehicles.

Senate Bill 1801: By Senator Bowen—An act to amend Section 6140 of the Business and Professions Code, to amend Section 1010.5 of the Code of Civil Procedure, to amend Section 31255 of, and to repeal Section 11518 of, the Food and Agricultural Code, to amend Section 1050.5 of the Fish and Game Code, to amend Section 6159 of, and to add Section 6167 to, the Government Code, and to amend Section 2511.1 of the Revenue and Taxation Code, relating to credit cards.

Senate Bill 1802: By Senator McPherson—An act to add Section 48071 to the Education Code, relating to pupils.

Senate Bill 1803: By Senator Battin—An act to amend Sections 285, 288.1, 667.61, 1000.12, and 1203.066 of, and to repeal Section 1000.13 of, the Penal Code, relating to sexual abuse.

Senate Bill 1804: By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Hollingsworth, Machado, Margett, Perata, and Soto)—An act to add Section 97.43 to the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1805: By Senator Murray—An act relating to solar energy.

Senate Bill 1806: By Senator Johnson—An act to add Section 290.47 to the Penal Code, relating to sex offenders.

Senate Bill 1807: By Senator Knight—An act to amend Section 3033 of the Fish and Game Code, relating to hunting licenses, and making an appropriation therefor.

Senate Bill 1808: By the Committee on Local Government (Senators Torlakson (Chair), Ackerman, Machado, Perata, and Soto)—An act to

amend and repeal Section 29550.4 of the Government Code, relating to booking fees, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1809: By Senator Dunn—An act to amend Section 1194.2 of the Labor Code, relating to employees.

Senate Bill 1810: By Senator Johnson—An act to add Section 780.5 to the Civil Code, relating to property.

Senate Bill 1811: By Senator McPherson—An act to add Section 6149.3 to the Business and Professions Code, and to amend Section 6602 of the Family Code, relating to attorney's fees.

Senate Bill 1812: By Senator Vincent—An act to amend Section 19930 of the Business and Professions Code, relating to gambling.

Senate Bill 1813: By Senator Perata—An act to amend Section 221 of the Vehicle Code, relating to vehicles.

Senate Bill 1814: By Senator Aanestad—An act to amend Section 12302.21 of the Welfare and Institutions Code, relating to in-home supportive services.

Senate Bill 1815: By Senator Johnson—An act to amend Section 65587 of the Government Code, relating to local planning.

Senate Bill 1816: By Senator Vincent—An act to amend Section 49069.5 of the Education Code, relating to pupil records.

Senate Bill 1817: By Senators Scott and Alpert (Coauthors: Assembly Members Daucher and Liu)—An act to amend Sections 70901, 70902, 71090, and 71092 of, to amend, repeal, and add Section 70901.5 of, and to repeal Section 71090.5 of, the Education Code, relating to higher education governance.

Senate Bill 1818: By Senator Battin—An act to add Section 50199.19 to the Health and Safety Code, relating to housing.

Senate Bill 1819: By Senator Ashburn—An act to amend Sections 4514 and 5328 of the Welfare and Institutions Code, relating to confidential information.

Senate Bill 1820: By Senator Machado—An act to amend Sections 51203, 51243.6, 56738, and 56754 of, and to amend, repeal, and add Section 51243.5 of, the Government Code, relating to land conservation.

Senate Bill 1821: By Senator Dunn (Principal coauthor: Assembly Member Koretz)—An act to amend Sections 17537.3, 22952, 22956, 22958, and 22963 of, and to add Section 22964 to, the Business and Professions Code, and to amend Section 308 of the Penal Code, relating to tobacco.

Senate Bill 1822: By Senator Figueroa—An act to add Section 1798.87 to the Civil Code, relating to privacy.

Senate Bill 1823: By Senator Hollingsworth—An act to amend Section 7073 of the Government Code, relating to economic development.

Senate Bill 1824: By Senator Ducheny—An act to amend Sections 1205 and 1218.1 of the Health and Safety Code, relating to clinics.

Senate Bill 1825: By Senator Alarcón—An act to add Chapter 1.2 (commencing with Section 16025) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care.

Senate Bill 1826: By Senator Poochigian—An act to amend Section 19348 of the Food and Agricultural Code, relating to animals.

Senate Bill 1827: By Senator Torlakson—An act relating to building codes.

Senate Bill 1828: By Senator Alarcón—An act relating to business.

Senate Bill 1829: By Senator Knight—An act to amend Sections 4903 and 4904 of the Labor Code, and to amend Sections 140.5, 984, 1143, 2116, 2601, 2613, 2656, 2676, 2679, 2708, 2708.1, 2709, 2714, and 3254 of, and to repeal Chapter 7 (commencing with Section 3300) of Part 2 of Division 1 of, the Unemployment Insurance Code, relating to disability compensation.

Senate Bill 1830: By Senator Aanestad—An act to add Section 53159.5 to the Government Code, relating to emergency response costs.

Senate Bill 1831: By Senator Cedillo—An act to amend Sections 1623.1, 1624, 1624.05, and 1624.1 of the Revenue and Taxation Code, relating to property taxation.

Senate Bill 1832: By Senator Cedillo—An act to amend Sections 72 and 327.1 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1833: By Senator Dunn—An act to add Chapter 7 (commencing with Section 945.26) to Title 7 of Part 2 of Division 2 of the Civil Code, relating to construction defects.

Senate Bill 1834: By Senator Bowen—An act to add Chapter 22.7 (commencing with Section 22650) to Division 8 of the Business and Professions Code, relating to business.

Senate Bill 1835: By Senator Knight—An act to amend Section 212 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1836: By Senator Ashburn—An act to amend Section 61601.10 of the Government Code, relating to community services districts.

Senate Bill 1837: By Senator Karnette—An act to add Article 10 (commencing with Section 12094) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, relating to trade.

Senate Bill 1838: By Senator Chesbro—An act to amend Sections 11750, 11751.4, 11754, 11755, 11755.2, 11756, 11757.51, 11757.57, 11757.59, 11757.61, 11758.12, 11758.13, 11758.20, 11758.23, 11758.25, 11758.29, 11758.40, 11758.43, 11758.46, 11759.1, 11759.2, 11759.4, 11760, 11760.1, 11760.2, 11760.3, 11760.4, 11772, 11775, 11776, 11778.9, 11781, 11781.5, 11785, 11786, 11795, 11796, 11796.1, 11797, 11798, 11798.1, 11800, 11801, 11802, 11805, 11810, 11811, 11811.1, 11811.3, 11811.5, 11811.6, 11811.7, 11812, 11812.6, 11813, 11814, 11817.1, 11817.3, 11817.4, 11818, 11818.5, 11820, 11820.1, 11825, 11826, 11827, 11828, 11830.5, 11831.5, 11835, 11836, 11837.2, 11837.3, 11837.4, 11837.6, 11837.7, 11837.8, 11837.9, 11838.1, 11840, 11840.1, 11841, and 11860 of, to amend the heading of Article 1 (commencing with Section 11760) of Chapter 1 of Part 2 of Division 10.5 of, to amend the heading of Article 4 (commencing with Section 11810) of Chapter 4 of Part 2 of Division 10.5 of, to amend the heading of Chapter 3 (commencing with Section 11758.10) of Part 1 of Division 10.5 of to amend the heading of Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of, to amend the heading of Chapter 2 (commencing with Section 11960) of Part 3 of 10.5 of, to amend the headings of Part 2 (commencing with Section 11760) and Part 3 (commencing with Section 11860) of Division 10.5 of, to amend and renumber Sections 11830 and 11831 of, to amend and renumber the headings of Article 3 (commencing with Section 11970), Article 4 (commencing with Section 11970.1), and Article 5 (commencing with Section 11970.45) of Chapter 2 of Part 3 of Division 10.5 of, to amend and renumber the heading of Chapter 10 (commencing with Section 11840) of Part 2 of Division 10.5 of, to add Section 11752.1 to, to add Article 2 (commencing with Section 11760.5) to Chapter 1 of Part 2 of Division 10.5 of, to add Chapter 3.5 (commencing with Section 11788), Chapter 10 (commencing with Section 11839), Chapter 12 (commencing with Section 11842), and Chapter 13 (commencing with Section 11847) to Part 2 of Division 10.5 of, to repeal Sections 11755.4, 11755.5, 11757, 11757.55, 11757.62, 11757.63, 11757.65, 11757.66, 11758.27, 11758.33, 11758.41, 11759.5, 11765, 11782, 11814.5, and 11864 of, to repeal Article 2 (commencing with Section 11865), Article 3 (commencing with Section 11875), and Article 4 (commencing with Section 11885) of Chapter 1 of Part 3 of Division 10.5 of, to repeal Article 1 (commencing with Section 11960) and Article 2 (commencing with Section 11965) of Chapter 2 of Part 3 of Division 10.5, to repeal the heading of Chapter 3.3 (commencing with Section 11758.20) of Part 1 of Division 10.5 of, to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, to repeal Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of, to repeal Chapter 3 (commencing with Section 11970.5) and Chapter 4 (commencing with Section 11980) of Part 3 of Division 10.5 of, and to repeal and add Sections 11758.10 and 11817.8 of, the Health and Safety Code, relating to alcohol and other drug programs.

Senate Bill 1839: By Senator Figueroa—An act to repeal and add Section 2782 of the Civil Code, relating to construction contracts.

Senate Bill 1840: By Senator Denham—An act to amend Sections 9904, 9910, 9912, 9932, 9941, 9942, 9943, 9944, 9971, 9972, 9973, 9974, 9975, 9976, 9977, 9978, 9979, 9980, 9981, 9982, 10003, 10006, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10103, and 10151 of, to amend the headings of Article 3 (commencing with Section 9941) and Article 4 (commencing with Section 9971) of Chapter 2 of Part 2 of Division 5 of, to add Sections 9914, 9933, and 10100 to, to repeal Sections 9905, 9906, 9911, 10002, 10004, 10005, 10008, 10009, 10071, 10104, and 10105 of, to repeal Article 6 (commencing with Section 10031), Article 8 (commencing with Section 10081), and Article 10 (commencing with Section 10131) of Chapter 2 of Part 2 of Division 5 of, and to repeal and add Sections 9907, 10004, 10007, 10101, and 10102 of, the Food and Agricultural Code, relating to diseased animals.

Senate Bill 1841: By Senator Bowen—An act to add Section 436 to the Labor Code, relating to electronic monitoring of employees.

Senate Bill 1842: By Senator Chesbro—An act to make an appropriation in augmentation of the Budget Act of 2003, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Senate Bill 1843: By Senator Karnette—An act to amend Section 1367.62 of the Health and Safety Code, relating to health care.

Senate Bill 1844: By Senator Aanestad—An act to amend Section 22234 of the Water Code, relating to water.

Senate Bill 1845: By Senators Perata, Alpert, and Romero (Coauthors: Assembly Members Bates, Koretz, and Lieber)—An act to amend Sections 1575.5 and 100445 of, and to repeal and add Section 1575.9 of, the Health and Safety Code, and to amend Sections 14526, 14552, 14573, 14574, and 14574.1 of, and to add Sections 14552.1, 14552.2, and 14572.1 to, the Welfare and Institutions Code, relating to adult day health care.

Senate Bill 1846: By Senator Knight—An act to amend Section 25658 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 1847: By Senator Perata—An act to amend Section 121360.5 of the Health and Safety Code, relating to communicable diseases.

Senate Bill 1848: By Senator Ashburn (Principal coauthor: Senator Romero) (Coauthor: Assembly Member Correa)—An act to add and repeal Section 14601.9 of the Vehicle Code, relating to vehicles.

Senate Bill 1849: By Senator Karnette—An act to amend Sections 85204 and 86117 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 1850: By Senator Machado—An act to amend Sections 13010, 13014, and 13022 of the Penal Code, and amend Section 285 of the Welfare and Institutions Code, relating to criminal justice information reporting.

Senate Bill 1851: By Senator Bowen—An act to amend Sections 15814.31 and 15814.34 of, to amend and repeal Section 15814.30 of, and to add Sections 15814.30.2, 15814.30.5, and 15814.31.5 to, the Government Code, relating to state property.

Senate Bill 1852: By Senator Vincent—An act to amend Section 25988 of the Health and Safety Code, relating to horses.

Senate Bill 1853: By Senator Perata—An act to amend Section 4996.9 of the Business and Professions Code, relating to clinical social work.

Senate Bill 1854: By Senator Ducheny—An act to amend Section 582 of the Public Utilities Code, relating to public utilities.

Senate Bill 1855: By Senator Alpert—An act to amend Sections 10102 and 10103 of, and to add Chapter 12 (commencing with Section 10109) to Part 1 of Division 2 of, the Insurance Code, relating to homeowners' insurance.

Senate Bill 1856: By Senator Bowen—An act to amend Section 5003 of the Public Resources Code, relating to parks and recreation.

Senate Bill 1857: By Senator Hollingsworth—An act relating to trade.

Senate Bill 1858: By Senator Dunn—An act relating to the statewide emergency telephone system.

Senate Bill 1859: By Senator Bowen—An act to amend Sections 12802.5 and 12805 of, and to add Section 12812.4 to, the Government Code, to amend Sections 800, 25200, 25202, 25204, and 25206 of, and to repeal Section 801 of, the Public Resources Code, relating to energy.

Senate Bill 1860: By Senator Bowen—An act to add Chapter 1.5 (commencing with Section 16050) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care.

Senate Bill 1861: By Senator Ashburn (Principal coauthors: Assembly Members Bates and Plescia)—An act to amend Section 2699 of the Labor Code, relating to employment.

Senate Bill 1862: By Senator Knight—An act to amend Section 14001 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 1863: By Senator Knight—An act to amend Section 65300.5 of the Government Code, relating to land use.

Senate Bill 1864: By Senator Knight—An act to amend Section 609 of the Public Resources Code, relating to conservation.

Senate Bill 1865: By Senator Aanestad—An act to amend Sections 1631 and 1632 of, to amend and renumber Section 1632.5 of, and to repeal Sections 1633 and 1633.5 of, the Business and Professions Code, relating to dentistry.

Senate Bill 1866: By Senator Aanestad—An act to amend Sections 17004 and 17004.7 of, to add Section 1666.1 to, and to add Article 2 (commencing with Section 2830) to Chapter 4 of Division 2 of, the Vehicle Code, relating to vehicles.

Senate Bill 1867: By Senator Ashburn—An act to amend Section 21073.1 of the Government Code, relating to public employees' retirement.

Senate Bill 1868: By Senator Ashburn—An act to amend Section 21073.7 of the Government Code, relating to public employees' retirement.

Senate Bill 1869: By Senator Ashburn—An act to amend and renumber Section 20035.5 of the Government Code, relating to public employees' retirement.

Senate Bill 1870: By Senator Ashburn—An act to amend Section 21765 of the Government Code, relating to public employees' retirement.

Senate Bill 1871: By Senator Ashburn—An act to amend Section 17029 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1872: By Senator Denham—An act to amend Section 770.3 of the Insurance Code, relating to life and disability insurance.

Senate Constitutional Amendment 17: By Senator Murray—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 12 to Article IX thereof, relating to postsecondary education.

Senate Constitutional Amendment 18: By Senator Johnson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XXI thereof, relating to elections.

Senate Concurrent Resolution 65: By Senator Speier—Relative to the Officer Eugene and Marine Lance Corporal Patrick Doran Memorial Bridge.

Senate Concurrent Resolution 66: By Senator McPherson—Relative to California Western Monarch Day.

Senate Concurrent Resolution 67: By Senator McPherson—Relative to Officer John Pedro Memorial Highway.

Senate Concurrent Resolution 68: By Senator Chesbro—Relative to John Castro Memorial Interchange.

Senate Concurrent Resolution 69: By Senator Chesbro—Relative to the Everett and Louella Thomas Memorial Highway.

Senate Resolution 32: By Senator McPherson—Relative to Senate Rule 28.8 of the Standing Rules of the Senate for the 2003–04 Regular Session.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, AB 664 was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Aanestad, Alpert, Ashburn, Brulte, Burton, Dunn, Florez, Hollingsworth, Karnette, Knight, Morrow, Perata, Poochigian, Scott, Soto, Speier, Vasconcellos, and Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

ADJOURNMENT

At 5 p.m., the Senate adjourned until 1:30 p.m., Tuesday, February 24, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 24, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alpert, Ashburn, Battin, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and Vincent—36.

Quorum present.

(NOTE: Senators Alarcón, Bowen, and Cedillo will be excused this day on legislative business and Senator Margett will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 24, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 604

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, February 24, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 56

Above resolution ordered enrolled.

Assembly Chamber, February 24, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 97

AB 1618

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 24, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

AB 987

ACR 61

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 987—An act to add Section 5071.2 to the Vehicle Code, relating to vehicles.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 987 pursuant to Joint Rule 58.

ASSEMBLY MEMBER KEENE

Permission of Rules Committee

Senate Chamber, February 24, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 987.

BURTON, Chair

Assembly Concurrent Resolution 61—Relative to Financial Literacy for Youth Month.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Bowen, and Cedillo.

The following Senator was granted leave of absence for the day due to illness: Senator Margett.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of Joe Viterelli of West Los Angeles.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Sharon K. Swalley of Sacramento.

Senator Speier requested that when the Senate adjourns this day it do so in memory of Beulah Adams of San Francisco.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, February 25, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, February 25, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Poochigian,
Romero, Scott, Sher, Soto, Speier, Torlakson, Vasconcellos, and
Vincent—38.

Quorum present.

(NOTE: Senators Margett and Perata will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 25, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SJR 16

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments**Senate Joint Resolution 16**—Relative to military airfares.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Senate Chamber, February 25, 2004

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

AB 1726

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 1726—An act to amend Section 47021 of the Food and Agricultural Code, relating to agriculture.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

REQUESTS TO INTRODUCE BILLS AFTER THE DEADLINE

Senate Chamber, February 25, 2004

The following request was presented by Senator Alpert:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce bills (Legislative Counsel Request: 0404268 SB 1875, 0405339 SB 1874 and 0404752 SB 1876) after the February 20, 2004 deadline.

SENATOR ALPERT

Permission of Rules Committee

The Committee on Rules grants permission to introduce bills as requested.

BURTON, Chair

Senate Chamber, February 25, 2004

The following request was presented by Senator Burton:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce a bill (Legislative Counsel Request: 0402505 SB 1873) after the February 20, 2004 deadline.

SENATOR BURTON

Permission of Rules Committee

The Committee on Rules grants permission to introduce a bill as requested.

BURTON, Chair

REQUESTS TO INTRODUCE BILLS WHICH EXCEED BILL INTRODUCTION LIMITATION

Senate Chamber, February 25, 2004

The following request was presented by Senator Burton:

To the Committee on Rules: In accordance with the provisions of Senate Rule 22.5(b), I request permission to introduce a bill which exceeds the bill introduction limitation (Legislative Counsel Request 0402505): SB 1873.

SENATOR BURTON

Permission of Rules Committee

The Committee on Rules grants permission to introduce a bill as requested.

BURTON, Chair

Senate Chamber, February 25, 2004

The following request was presented by Senator Alpert:

To the Committee on Rules: In accordance with the provisions of Senate Rule 22.5(b), I request permission to introduce bills which exceed the bill introduction limitation (Legislative Counsel Request 0405339), SB 1874; (Legislative Counsel Request 0404268), SB 1875; and (Legislative Counsel Request 0404752), SB 1876.

SENATOR ALPERT

Permission of Rules Committee

The Committee on Rules grants permission to introduce bills as requested.

BURTON, Chair

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1873: By Senator Burton—An act relating to Treasure Island.

Senate Bill 1874: By Senator Alpert (Coauthor: Assembly Member Plescia)—An act to amend Section 170054 of the Public Utilities Code, relating to airports.

Senate Bill 1875: By Senator Alpert (Principal coauthors: Assembly Members Shirley Horton and Pacheco)—An act to add Section 84760 to, and to add Article 3 (commencing with Section 84830) to Chapter 5 of Part 50 of, the Education Code, relating to to community colleges, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1876: By Senator Alpert—An act to amend Sections 17039, 23036, and 25128 of, to add Section 25117 to, to add and repeal Sections 17053.77 and 23622.77 of, to repeal Sections 17053.34, 17053.46, 17053.47, 17053.74, 17053.75, 23622.7, 23622.8, 23634, and 23646 of, and to repeal Article 1.5 (commencing with Section 25110) of Chapter 17 of Part 10 of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Joint Resolution 24: By Senator Ortiz—Relative to pharmaceutical advertising.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to illness: Senators Margett and Perata.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Pasquale “Pat” Scarpelli of North Hollywood and Frank del Olmo of Los Angeles.

Senator Sher requested that when the Senate adjourns this day it do so in memory of Mary Anntoinette Petersen Senter of Monte Sereno.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators’ requests until 8:30 a.m., Thursday, February 26, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 26, 2004

The Senate met at 8:30 a.m.
Hon. Dede Alpert, of the 39th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent—37.
Quorum present.

(NOTE: Senators Burton, Margett, and Sher will be excused this day due to illness.)

PRAYER

Upon invitation of Senator Ortiz, the blessing was offered by a group of Tibetan monks from the Gaden Shartse Monastery in India.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Kuehl led the Senate in the pledge of allegiance to the Flag.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 26, 2004

Madam President: The Senate Rules Committee has made the following appointments to boards and commissions:

Reappointed Senator Nell Soto as a member of the Commission of the Californias to serve at the pleasure of the Rules Committee.

Appointed Senators Debra Bowen and Roy Ashburn as members of the Streamlined Sales Tax Project, Board of Governance to serve at the pleasure of the Rules Committee.

Appointed Mr. Pius Lee of San Francisco as a member of the Economic Strategy Panel to serve for a term ending January 1, 2008.

Appointed Mr. Andre Quintero of El Monte as a member of the Senate Advisory Commission on Cost Control in State Government to serve at the pleasure of the Rules Committee.

Reappointed Mr. Harry Bistrin of Ukiah and John Whitelaw, M.D. of Sacramento as members of the California Health Facilities Finance Authority to serve for terms ending March 31, 2008.

Appointed Mr. Jack Stewart of Marina as a member of the Governor's Commission on State Veterans Cemeteries to serve at the pleasure of the Rules Committee.

BURTON, Chair

Senate Chamber, February 25, 2004

Madam President: The Committee on Rules has examined:

SCR 56

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 25th day of February, 2004, at 3 p.m.

BURTON, Chair

State Capitol, February 26, 2004

Madam 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:

Frank (Fred) T. Aguiar, Secretary, State and Consumer Services Agency (4-0)

Sunne W. McPeak, Secretary, Business, Transportation and Housing Agency (4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

**REQUEST TO CONSIDER AND ACT ON BILLS
WITHIN 30 CALENDAR DAYS**

The following request was presented by Senator Chesbro:

Senate Chamber, February 25, 2004

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1842** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR CHESBRO

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH
ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION
AND SUSPEND JOINT RULE 55**

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measure may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Knight.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

Consideration of Assembly Amendments

Senate Bill 1041—An act to amend Items 2180-011-0067, 2740-001-0001, and 2740-001-0044 of Section 2.00 of, and to add Items 2150-011-0299, 2240-116-0813, 2240-402, 2310-011-0400, 3860-497, 4120-495, 4200-496, 4260-496, 4280-495, 4300-495, 4440-496, 4700-495, 5160-496, and 5175-496 to Section 2.00 of, the Budget Act of 2003 (Chapter 157 of the Statutes of 2003), relating to the support of state government, 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 1041?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Ackerman, Alpert, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (34)—Senators Ackerman, Alpert, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Above bill ordered enrolled.

Senate Bill 1057—An act to amend Section 10754 of the Revenue and Taxation Code, relating to local government 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 1057?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Ackerman, Alpert, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (32)—Senators Ackerman, Alpert, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (1)—Senator Aanestad.

Above bill ordered enrolled.

CONSENT CALENDAR

Senate Bill 1091—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1092—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1093—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time wherein actions may be commenced.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (37)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Soto, Speier, Torlakson, Vasconcellos, and Vincent.

NOES (0)—None.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to illness: Senators Burton, Margett, and Sher.

REQUEST TO BE ADDED TO ROLL CALL

February 26, 2004

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

SB 1057—Aye

JAMES L BRULTE, Minority Floor Leader

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 9:34 a.m., on motion of Senator Johnson, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Johnson 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, March 1, 2004.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, February 26, 2004

The Committee on Rules has referred the following measure to committee:

Rules—SB 1842.

Senate Chamber, February 26, 2004

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 1842

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1842—An act to make an appropriation in augmentation of the Budget Act of 2003, relating to contingencies or emergencies, to take effect immediately as an appropriation for the usual current expenses of the state.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, February 26, 2004

Madam President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1356

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1356—An act to add Chapter 1.5 (commencing with Section 13995.150) to Part 4.7 of Division 3 of Title 2 of the Government Code, relating to tourism.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1356 pursuant to Joint Rule 58.

ASSEMBLY MEMBER COHN

Permission of Rules Committee

Senate Chamber, February 26, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1356.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, February 26, 2004

Madam President: The Chair of the Committee on Rules, to which was referred:

ACR 172

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Concurrent Resolution 172—Relative to a Day of Remembrance.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, February 26, 2004

Madam President: The Chair of the Committee on Education, to which was referred:

AB 1126

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1126—An act to amend Section 17072.10 of the Education Code, relating to school facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

State Capitol, February 25, 2004

The Committee on Rules has referred the following measures to committee:

Agriculture and Water Resources—SB 1197, SB 1280.

Banking, Commerce and International Trade—SB 1292.

Budget and Fiscal Review—SB 1270.

Business and Professions—SB 1301, SB 1307.

Education—SB 1175, SB 1177, SB 1208, SB 1253, SB 1254, SB 1283, SB 1299, SB 1309, SB 1316.

Elections and Reapportionment—SB 1282, SB 1317.

Energy, Utilities and Communications—SB 1201, SB 1276, SB 1296.

Environmental Quality—SB 1224, SB 1267.

Governmental Organization—SB 1183, SB 1226, SB 1227, SB 1261, SB 1288, SB 1303, SB 1304.

Health and Human Services—SB 1187, SB 1196, SB 1275, SB 1293, SB 1302.

Housing and Community Development—SB 1188, SB 1228.

Insurance—SB 1192, SB 1286, SB 1315, SB 1321, SB 1323.

Judiciary—SB 1176, SB 1181, SB 1225, SB 1246, SB 1248, SB 1249, SB 1262, SB 1268, SB 1269, SB 1277, SB 1279, SB 1284, SB 1306.

Labor and Industrial Relations—SB 1191, SB 1204.

Local Government—SB 1212, SB 1266, SB 1272, SB 1274; AB 1786.

Natural Resources and Wildlife—SB 1214, SB 1215, SB 1255, SB 1264, SB 1265, SB 1278, SB 1294, SB 1312, SB 1319.

Public Employment and Retirement—SB 1206, SB 1260.

Public Safety—SB 1203, SB 1205, SB 1209, SB 1223, SB 1273, SB 1285, SB 1287, SB 1313, SB 1314.

Revenue and Taxation—SB 1237, SB 1295.

Rules—SB 1178, SB 1182, SB 1184, SB 1185, SB 1186, SB 1194, SB 1195, SB 1198, SB 1199, SB 1200, SB 1202, SB 1216, SB 1217, SB 1218, SB 1219, SB 1220, SB 1229, SB 1230, SB 1231, SB 1232, SB 1233, SB 1234, SB 1235, SB 1236, SB 1238, SB 1239, SB 1240, SB 1241, SB 1242, SB 1243, SB 1244, SB 1245, SB 1247, SB 1250, SB 1251, SB 1252, SB 1257, SB 1258, SB 1259, SB 1271, SB 1281, SB 1289, SB 1290, SB 1291, SB 1297, SB 1298, SB 1300, SB 1305, SB 1308, SB 1311.

Transportation—SB 1189, SB 1210, SB 1213, SB 1256, SB 1320, SB 1324.

Veterans Affairs—SB 1193.

The Committee on Rules has referred the following measures to two committees:

Education and Health and Human Services—SB 1190.

Education and Rules—SB 1221.

Education and Veterans Affairs—SB 1322.

Environmental Quality and Public Safety—SB 1211.

Environmental Quality and Revenue and Taxation—SB 1180.

Housing and Community Development and Revenue and Taxation—SB 1179.

Labor and Industrial Relations and Public Safety—SB 1222.

Local Government and Environmental Quality—SB 1263.

Local Government and Rules—SB 1310.

Natural Resources and Wildlife and Rules—SB 1207.

The Committee on Rules has re-referred the following bill into committee:

Housing and Community Development—SB 1156.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 691)**

Unanimous consent was granted that the action be rescinded whereby AB 691 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 691

Assembly Bill 691—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read.

Motion to Amend

Amendments to AB 691 proposed by Senator Ortiz were read and adopted and the measure ordered printed and to second reading.

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 Bill 1877: By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Section 533 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1878: By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Section 327.1 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1879: By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Section 220.5 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1880: By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to repeal Sections 218.1 and 5180 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1881: By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend and renumber Section 6480.3 of the Revenue and Taxation Code, relating to taxation.

Senate Bill 1882: By the Committee on Revenue and Taxation (Senators Cedillo (Chair), Alpert, Bowen, and Burton)—An act to amend Sections 43350, 45351, 46301, 50120.1, and 55101 of the Revenue and Taxation Code, relating to the State Board of Equalization.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Battin requested that when the Senate adjourns this day it do so in memory of James Harbour Allen of La Quinta and McKenzie, Tennessee.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Amelia Sherer-Geoppert of Concord.

Senators Ducheny and Hollingsworth requested that when the Senate adjourns this day it do so in memory of Pedro Escovedo of La Mesa.

Senator Dunn requested that when the Senate adjourns this day it do so in memory of Felix Ramirez of Sacramento.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Mary Alvarez of Cerritos, Sybil Brand of Los Angeles, and Charles "Chuck" A. Kane of Long Beach.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Louis "Lou" Colatriano, Sr. and Joe Sabbatini of Stockton.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Dr. Albert J. Miller of Monrovia.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Roy Allen Bergazzi of Santa Cruz.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Daisy Rae Ethridge-Aldredge and Violet Adanalian of Fresno, and Cathe Mortensen Aldrich and Danny L. Aldrich of Kalispell, Montana.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Officer Ricardo Lizarraga of Los Angeles.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Johnson, the Senate adjourned pursuant to the Senators' requests until 1:30 p.m., Monday, March 1, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 1, 2004

The Senate met at 1:30 p.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Bowen, Burton, Cedillo, Denham, Ducheny, Escutia, Figueroa, Florez, Hollingsworth, Karnette, Knight, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Speier, Torlakson, Vasconcellos, and Vincent—32.

Quorum present.

(NOTE: Senators Battin, Brulte, Chesbro, Dunn, and Soto will be excused this day on legislative business, Senator Kuehl will be excused this day on personal business, and Senators Johnson and Sher will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Ever-Gracious Lord, Rich in mercy to all who call on You, we ask You to be with us that we may see more clearly the depth of Your love. Fill us with Your Spirit that we may be more aware of Your desire to be our strength and guide as we face the challenges before us.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Margett led the Senate in the pledge of allegiance to the Flag.

**REPORTS OF STANDING COMMITTEES
Committee on Health and Human Services**

Senate Chamber, March 1, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 1091

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1091—An act to amend Section 120130 of the Health and Safety Code, relating to disease prevention.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, March 1, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 1149

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1149—An act to add Section 4001.2 to the Business and Professions Code, relating to pharmacy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 1, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SCR 63

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 63—Relative to POW Recognition Day.

Resolution 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 ASSEMBLY BILLS**

Assembly Bill 691—An act to add Chapter 1.6 (commencing with Section 120392) to Part 2 of Division 105 of the Health and Safety Code, relating to immunizations.

Bill read second time and ordered to third reading.

DROPPED FROM FILE

Pursuant to the Joint Rules **SB 589** was dropped from the file on February 29, 2004.

Governor's veto sustained.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Battin, Brulte, Chesbro, Dunn, and Soto.

The following Senator was granted leave of absence for the day due to personal business: Senator Kuehl.

The following Senators were granted leaves of absence for the day due to illness: Senators Johnson and Sher.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 1:55 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Wednesday, March 3, 2004.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 1, 2004

To the Members of the Senate:

SB 1057, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of SB 1057 as an emergency measure.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered transmitted to the Governor.

REPORTS OF STANDING COMMITTEES**Committee on Energy, Utilities and Communications**

Senate Chamber, March 1, 2004

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

AB 1169

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1169—An act to amend Section 366.1 of the Public Utilities Code, relating to electric power.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 1, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1083

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1083—An act to amend Section 16122 of the Welfare and Institutions Code, relating to adoption.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 1, 2004

Mr. President: The Committee on Rules has examined:

SB 1041

SB 1057

And reports that the same have been correctly enrolled, and presented to the Governor on the 1st day of March, 2004, at 3 p.m.

BURTON, Chair

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 Bill 1883: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Section 43018 of the Health and Safety Code, relating to air quality.

Senate Bill 1884: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Section 42231 of the Public Resources Code, relating to solid waste.

Senate Bill 1885: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Section 21083.8.1 of the Public Resources Code, relating to environmental quality.

Senate Bill 1886: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Sections 40183, 49120, and 49300 of the Public Resources Code, relating to solid waste.

Senate Bill 1887: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Section 25204.6 of the Health and Safety Code, relating to hazardous waste.

Senate Bill 1888: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Section 42910 of the Public Resources Code, relating to solid waste.

Senate Bill 1889: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Section 21167 of the Public Resources Code, relating to environmental protection.

Senate Bill 1890: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero—An act to amend Section 40511 of the Public Resources Code, relating to integrated waste management.

Senate Bill 1891: By the Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Figueroa, Kuehl, McPherson, and Romero)—An act to add and repeal Section 316.6 of the Public Utilities Code, relating to telecommunications.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

On request of Senator Machado, the following letter of intent was printed in the Journal:

February 26, 2004

The Honorable John Burton

President Pro Tempore of the Senate

Dear Senator Burton: This letter is to state the intent of SB 833, Chapter 740, Statutes of 2003 (SB 833) in regard to the applicability of Article XIII D of the California Constitution and the authority of the San Joaquin County Board of Supervisors over the export of water from its groundwater basin.

Nothing in this bill alters or modifies the requirements of Article XIII D of the California Constitution in any way. It is my intent that the Eastern Water Alliance (Alliance) shall strictly abide by all of the requirements of this constitutional Article as expressed in the establishment of the Plan Implementation Charge and the requirements of Proposition 218.

It is also my intent that, before the Alliance may export any water from the combined Sacramento and Delta-Sierra Water Basins, the Alliance must obtain a permit for that export from the San Joaquin County Board of Supervisors, and as required by County ordinance.

Sincerely,

MICHAEL J. MACHADO
Senator, 5th District

The following communications were ordered printed in the Journal:

The October quarterly report dated: February 25, 2004, relating to MTBE Use in California Gasoline was received from the California Energy Commission and transmitted to the Committee on Environmental Quality.

A Title and Summary report dated: February 24, 2004, relating to Disclosure of Social Security Numbers. Confidential Information. Unfair Competition Actions. Telemarketing. Initiative Statute Amdt. #1-S was received from Department of Justice and transmitted to the Committee on Rules.

A Title and Summary report dated: February 24, 2004, relating to Social Security Numbers and Consumer Confidential Information. Disclosure. Identity Theft Remedies. Unfair Competition Actions. Initiative Statute Amdt.,#1-S was received from Department of Justice and transmitted to the Committee on Rules.

A Title and Summary report dated: February 24, 2004, relating to Disclosure of Social Security Numbers. Identity Theft Remedies. Unfair Competition Actions. Telemarketing Calls. Initiative Statute Amdt.,#1-S was received from Department of Justice and transmitted to the Committee on Rules.

A Title and Summary report dated: February 24, 2004, relating to Disclosure of Social Security Numbers. Unfair Competition Actions. Initiative Statute Amdt.,#1-S was received from Department of Justice and transmitted to the Committee on Rules.

A Title and Summary report dated: February 24, 2004, relating to Disclosure of Consumer Confidential Information and Social Security Numbers. Unfair Competition Actions. Telemarketing Calls. Initiative Statute Amdt.,#1-S was received from Department of Justice and transmitted to the Committee on Rules.

A Title and Summary report dated: February 24, 2004, relating to Disclosure of Consumer Confidential Information. Unfair Competition Actions. Initiative Statute Amdt.,#1-S was received from Department of Justice and transmitted to the Committee on Rules.

A Title and Summary report dated: February 24, 2004, relating to Social Security Numbers. Disclosure. Identity Theft Remedies. Unfair Competition Actions. Telemarketing Calls. Initiative Statute Amdt.,#1-S was received from Department of Justice and transmitted to the Committee on Rules.

A report dated: February 23, 2004, relating to a review of practices to Ensure Exclusion of Prohibited Wastes from Landfills Without Appropriate Containment was received from State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

A report dated: February 20, 2004, relating to the Statewide Statistical Annual Report for Fiscal Year 2002/2003 was received from Department of General Services and transmitted to the Committee on Governmental Organization.

A Title and Summary report dated: February 20, 2004, relating to Minor's Pregnancy. Waiting Period and Parental Notification or Waiver Before Abortion. Initiative Constitutional Amendment Amdt.,#1-S was received from Department of Justice and transmitted to the Committee on Rules.

A report dated: February 20, 2004, relating to Analysis of the California Labor and Workforce Development Agency's Enforcement of Wage and Hour Laws was received from the California Labor & Workforce Development Agency and transmitted to the Committee on Labor and Industrial Relations.

A report dated: February 20, 2004, relating to the 2002–2003 Vocational Education Carryover Funds was received from the California Department of Education and transmitted to the Committee on Budget and Fiscal Review.

A report dated: February 19, 2004 relating to Holocaust victims was received from Department of Insurance and transmitted to the Committee on Insurance.

A report dated: February 18, 2004, relating to domestic and international corporation investments in Northern Ireland was received from CalPERS and transmitted to the Committee on Public Employment and Retirement.

Annual report dated: February 18, 2004, relating to investment holdings in companies that may owe compensation to victims of slave/ forced labor during WW II was received from CalPERS and transmitted to the Committee on Public Employment and Retirement.

A Title and Summary report dated: February 11, 2004, relating to One-House Legislature. Terms. Procedures. Initiative Constitutional Amendment was received from Department of Justice and transmitted to the Committee on Rules.

A Title and Summary report dated: February 11, 2004, relating to Legalized Casino-Type Gambling. Cities of Barstow and Oakland Pilot Program. Initiative Constitutional Amendment was received from Department of Justice and transmitted to the Committee on Rules.

A biennial report dated: February 11, 2004, relating to Independent Evaluation of the California High School Exit Examination was received from the Department of Education and transmitted to the Committee on Education.

A Title and Summary report dated: February 11, 2004, relating to Legislative Voting Records. Campaign Disclosure. Initiative Statute was received from Department of Justice and transmitted to the Committee on Rules.

A report dated: February 10, 2004, relating to Exemption of Pregnant and Parenting Teens from the 10 Percent Limit on Independent Study in Continuation Schools and Opportunity Education was received from Department of Education and transmitted to the Committee on Education.

A report dated: February 10, 2004, relating to Plumas and Butte Counties EMS Fund was received from Northern California EMS, Inc. and transmitted to the Committee on Health and Human Services.

A report dated: February 9, 2004 relating to Ethnicity/Race/Gender Business Ownership was received from the Commission on Teacher Credentialing and transmitted to the Committee on Governmental Organization.

A report dated: February 6, 2004, relating to Non-Motorized Transportation Facilities was received from Department of Transportation and transmitted to the Committee on Transportation.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Don Fox of Brea and Helma Rose of Sacramento.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Mozelle Casey of Turlock.

Senator Knight requested that when the Senate adjourns this day it do so in memory of Nancy Conner of Rosamond.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Roy Trogia, Jr. of Stockton.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Emmett V. "Bud" Beauregard of Santa Cruz.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Hubert R. Cornell of Fair Oaks.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, March 3, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 3, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—38.

Quorum present.

(NOTE: Senators Florez and Vincent will be excused this day on legislative business.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 2, 2004

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate

confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Jerry Raymond Jolly, former acting Director of the Department of Alcoholic Beverage Control. Appointed 2/11/04. Effective 2/11/04:
Director of Alcoholic Beverage Control vice Jay R. Stroh, retired, term ending at the pleasure of the Governor.

Jeanne Spirita Woodford, former Warden for San Quentin State Prison. Appointed 2/20/04. Effective 2/23/04:
Director of Corrections vice Edward S. Alameida, Jr., retired, term ending at the pleasure of the Governor.

Ruth Bloom, an advocate for the arts and public school system. Appointed 1/29/04. Effective 2/12/04:
Member, State Board of Education vice Carol Katzman, withdrawn from the Senate, term ending 1/15/07.

Ruth E. Green, former member of the Board of Trustees for the Santa Barbara Elementary and High School Districts. Appointed 1/29/04. Effective 2/25/04:
Member, State Board of Education vice Reed Hastings, moved to another slot on board, term ending 1/15/08.

Reed Hastings, served since 2/00; reappointed 1/29/04; Effective 2/18/04:
Member, State Board of Education vice Curtis L. Washington, withdrawn from the Senate, term ending 1/15/06.

Glee Johnson, retired. Appointed 1/29/04. Effective 2/18/04:
Member, State Board of Education vice Nancy Ichinaga, term expired, term ending 1/15/08.

Jeannine L. Martineau, immediate past president of the California School Boards Association. Appointed 1/29/04. Effective 2/10/04:
Member, State Board of Education vice Robert J. Abernethy, term expired, term ending 1/15/08.

Bonnie Reiss, a Senior Advisor to the Governor. Appointed 1/29/04. Effective 2/6/04:
Member, State Board of Education vice Carlton J. Jenkins, resigned, term ending 1/15/06.

Johnathan X. Williams, Founder/Co-Director of The Accelerated School. Appointed 1/29/04. Effective 2/18/04:
Member, State Board of Education vice Luis J. Rodriguez, withdrawn from the Senate, term ending 1/15/07.

Howard N. Gould, former Executive Director of the PepsiCo-Frito Lay Leadership Center and as a faculty member at California State University, Los Angeles. Appointed 2/27/04. Effective 3/1/04:

Commissioner of Financial Institutions, Business, Transportation and Housing Agency vice Donald R. Meyer, replaced, term ending at the pleasure of the Governor.

L. Ryan Brodrick, formerly Director of Conservation Policy for Ducks Unlimited. Appointed 1/20/04. Effective 1/26/04:

Director of Fish and Game vice Robert C. Hight, resigned, term ending at the pleasure of the Governor.

B. Dean Shelton, retired. Appointed 2/12/04. Effective 2/13/04:

Member, California Gambling Control Commission vice Michael Flores, withdrawn from the Senate, term ending 12/31/06.

Therese Marie Delgadillo, formerly Director of Health and Bioterrorism Policy for the Department of Health Services. Appointed 2/2/04. Effective 2/9/04:

Deputy Secretary, Health and Human Services Agency vice Agnes S. Lee, resigned, term ending at the pleasure of the Governor.

Thomas Michael Johnson, former consultant. Appointed 2/12/04. Effective 2/17/04:

Secretary of Veterans Affairs vice Leon E. Tuttle, moved to another slot in the department, term ending at the pleasure of the Governor.

Peter S. Silva, served since 2/01; Reappointed 2/5/04. Effective 2/9/04:

Member, State Water Resources Control Board, term ending 1/15/08.

Joyce Esther Arredondo, former Executive Director of the North Area Teen Center. Appointed 1/23/04. Effective 1/26/04:

Member, Youth Authority Board, Department of the Youth Authority vice Steven H. Brackett, withdrawn from the Senate, term ending 3/15/07.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 3, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1089

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 1089**—An act relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, March 3, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 594

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments**Assembly Bill 594**—An act to add Section 21080.31 to the Public Resources Code, relating to environmental protection.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 594 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LENO

Permission of Rules Committee

Senate Chamber, March 3, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 594.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Transportation

Senate Chamber, March 3, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1085

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**Senate Bill 1085**—An act to amend Sections 21464 and 42001 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 3, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1140

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1140—An act to amend Sections 12021, 12035, 12078, and 12101 of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1149** was withdrawn from the Committee on Business and Professions and re-referred to the Committee on Rules.

REQUESTS TO INTRODUCE BILLS AFTER THE DEADLINE

Senate Chamber, March 3, 2004

The following request was presented by Senator Burton:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce bills: (Legislative Counsel Requests 401709, 402103, 402615, 403139, 404300, 405897, 405915, and 402494) after the deadline.

SENATOR BURTON

The following request was presented by Senator Florez:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce bills: (Legislative Counsel Requests 322166, 400515, 404503, and 405559) after the deadline.

SENATOR FLOREZ

The following request was presented by Senator Sher:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce bills: (Legislative Counsel Requests 403801, 401766, and 404574) after the deadline.

SENATOR SHER

The following request was presented by Senator Cedillo:

To the Committee on Rules: In accordance with the provisions of Joint Rule 54(a), I request permission to introduce a bill: (Legislative Counsel Request 403762) after the deadline.

SENATOR TORLAKSON

Permission of Rules Committee

The Committee on Rules grants permission to introduce bills as requested.

BURTON, Chair

**REQUEST TO INTRODUCE BILLS WHICH EXCEED
BILL INTRODUCTION LIMITATION**

Senate Chamber, March 3, 2004

The following request was presented by Senator Burton:

To the Committee on Rules: In accordance with the provisions of Senate Rule 22.5(b), I request permission to introduce the above listed bills which exceed the bill introduction limitation.

SENATOR BURTON

Permission of Rules Committee

The Committee on Rules grants permission to introduce bills as requested.

BURTON, Chair

INTRODUCTION AND FIRST READING OF BILLS

The following measures were introduced, read first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1892: By Senator Burton—An act to amend Section 19131 of, and to repeal Section 19132 of, the Government Code, relating to public contracts.

Senate Bill 1893: By Senator Burton—An act to amend Sections 21625, 21626, 21626.5, 21627, 21628, 21628.5, 21630, 21631, 21640, 21641, 21642, and 21647 of, to add Sections 21628.2, 21628.3, 21632, 21636.7, and 21636.8 to, and to repeal and add Section 21628.1 of, the Business and Professions Code, and to amend Sections 21208, 21300, 21300.1, and 21301 of, and to add Sections 21301.2 and 21301.3 to, the Financial code, relating to personal property, and making an appropriation therefor.

Senate Bill 1894: By Senator Burton—An act to amend Section 2620 of the Business and Professions Code, relating to physical therapy.

Senate Bill 1895: By Senator Burton—An act to add Section 56135.5 to the Education Code, relating to special education.

Senate Bill 1896: By Senator Burton—An act to amend Section 10089.7 of the Insurance Code, relating to the California Earthquake Authority.

Senate Bill 1897: By Senator Burton—An act relating to child care.

Senate Bill 1898: By Senator Burton—An act to amend Section 19202 of the Health and Safety Code, relating to seismic safety, and making an appropriation therefor.

Senate Concurrent Resolution 70: By Senators Ducheny and Hollingsworth—Relative to the Victor V. Veysey Expressway.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Florez and Vincent.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Eddie Allen of Newport Beach.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Jeffrey L. Beauchamp of El Camino.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, March 4, 2004.

WALTER J. LITTLE, Minute Clerk

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FIRST READING OF ASSEMBLY MEASURE

The following measure was read the first time and referred to the Committee on Rules for assignment:

Assembly Concurrent Resolution 159—Relative to Myositis Awareness Day.

REPORTS OF STANDING COMMITTEES**Committee on Public Safety**

Senate Chamber, March 4, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 911

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 911—An act to add Section 148.8 to the Penal Code, relating to public safety services.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 4, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1144

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1144—An act to amend Sections 14977.1 and 14981 of the Government Code, relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

State Capitol, March 3, 2004

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:

S. Kimberly Belshe, Secretary, Health and Human Services Agency
(5-0)

Arthur G. Kawamura, Secretary, Department of Food and Agriculture
(4-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Mr. President: The Senate Rules Committee has created a Select Committee on Special Education and appointed Senator Speier to serve as chair.

BURTON, Chair

Committee on Rules

State Capitol, March 3, 2004

The Committee on Rules has referred the following measures to committee:

Agriculture and Water Resources—SB 1374, SB 1604.

Appropriations—SB 1390.

Banking, Commerce and International Trade—SB 1637, SB 1665.

Business and Professions—SB 1325, SB 1341, SB 1355, SB 1363, SB 1485, SB 1543, SB 1544, SB 1545, SB 1546, SB 1547, SB 1548, SB 1549.

Education—SB 1329, SB 1331, SB 1348, SB 1380, SB 1384, SB 1405, SB 1415, SB 1416, SB 1417, SB 1419, SB 1420, SB 1421, SB 1432, SB 1442, SB 1448, SB 1463, SB 1464, SB 1501, SB 1502, SB 1503, SB 1510, SB 1513, SB 1517, SB 1531, SB 1535, SB 1536, SB 1562, SB 1574, SB 1591, SB 1599, SB 1621; AB 987.

Elections and Reapportionment—SB 1326, SB 1340, SB 1351, SB 1353, SB 1370, SB 1371, SB 1438, SB 1449, SB 1458, SB 1551, SB 1577.

Energy, Utilities and Communications—SB 1398, SB 1478, SB 1528, SB 1565, SB 1624.

Environmental Quality—SB 1350, SB 1362, SB 1447, SB 1456, SB 1477, SB 1479, SB 1486, SB 1552, SB 1570, SB 1636.

Governmental Organization—SB 1452, SB 1524, SB 1526, SB 1558, SB 1584, SB 1586, SB 1587, SB 1632, SB 1638, SB 1643, SB 1647, SB 1654.

Health and Human Services—SB 1333, SB 1356, SB 1358, SB 1359, SB 1360, SB 1364, SB 1365, SB 1425, SB 1455, SB 1487, SB 1493, SB 1494, SB 1539, SB 1593, SB 1623, SB 1626, SB 1631, SB 1639, SB 1662.

Housing and Community Development—SB 1428, SB 1595, SB 1610, SB 1611, SB 1625, SB 1634.

Insurance—SB 1347, SB 1349, SB 1474, SB 1495, SB 1555.

Judiciary—SB 1357, SB 1368, SB 1403, SB 1406, SB 1407, SB 1408, SB 1413, SB 1435, SB 1436, SB 1440, SB 1465, SB 1475, SB 1490, SB 1508, SB 1564, SB 1568, SB 1590, SB 1616, SB 1633, SB 1645, SB 1655, SB 1659, SB 1664; AJR 57.

Labor and Industrial Relations—SB 1337, SB 1439, SB 1453, SB 1466, SB 1499, SB 1511, SB 1521, SB 1538, SB 1618, SB 1646.

Local Government—SB 1382, SB 1404, SB 1462, SB 1489, SB 1573, SB 1607, SB 1620, SB 1641, SB 1663.

Natural Resources and Wildlife—SB 1327, SB 1338, SB 1346, SB 1369, SB 1459, SB 1460, SB 1476, SB 1480, SB 1482, SB 1498, SB 1567, SB 1648.

Public Employment and Retirement—SB 1601, SB 1602.

Public Safety—SB 1330, SB 1342, SB 1361, SB 1366, SB 1385, SB 1388, SB 1391, SB 1399, SB 1400, SB 1426, SB 1427, SB 1429, SB 1441, SB 1461, SB 1484, SB 1516, SB 1522, SB 1541, SB 1550, SB 1598, SB 1608, SB 1613, SB 1649.

Revenue and Taxation—SB 1354, SB 1424, SB 1454, SB 1496, SB 1504, SB 1523, SB 1532, SB 1534, SB 1537, SB 1554, SB 1559, SB 1561, SB 1571, SB 1572, SB 1596.

Rules—SB 1332, SB 1335, SB 1336, SB 1339, SB 1352, SB 1367, SB 1377, SB 1378, SB 1379, SB 1383, SB 1389, SB 1392, SB 1393, SB 1394, SB 1395, SB 1396, SB 1401, SB 1402, SB 1409, SB 1410, SB 1411, SB 1412, SB 1414, SB 1418, SB 1422, SB 1423, SB 1430, SB 1433, SB 1434, SB 1437, SB 1444, SB 1450, SB 1451, SB 1468, SB 1469, SB 1471, SB 1472, SB 1473, SB 1481, SB 1491, SB 1492, SB 1497, SB 1509, SB 1512, SB 1515, SB 1518, SB 1519, SB 1525, SB 1527, SB 1529, SB 1530, SB 1540, SB 1542, SB 1553, SB 1556, SB 1557, SB 1560, SB 1563, SB 1569, SB 1575, SB 1576, SB 1579, SB 1581, SB 1583, SB 1585, SB 1588, SB 1594, SB 1597, SB 1600, SB 1605, SB 1606, SB 1609, SB 1612, SB 1617, SB 1619, SB 1622, SB 1627, SB 1628, SB 1629, SB 1630, SB 1635, SB 1640, SB 1642, SB 1650, SB 1652, SB 1653, SB 1656, SB 1658, SB 1660, SB 1661.

Transportation—AB 279, SB 1345, SB 1372, SB 1375, SB 1381, SB 1443, SB 1470, SB 1483, SB 1500, SB 1507, SB 1578, SB 1582, SB 1614, SB 1615.

Veterans Affairs—SB 1651.

The Committee on Rules has referred the following measures to two committees:

Business and Professions and Judiciary—SB 1580.

Education and Health and Human Services—SB 1343, SB 1386.

Education and Judiciary—SB 1467.

Education and Public Safety—SB 1445.

Elections and Reapportionment and Public Safety—SB 1376.

Energy, Utilities and Communications and Judiciary—SB 1488.

Environmental Quality and Transportation—SB 1397.

Governmental Organization and Rules—SB 1505.

Health and Human Services and Business and Professions—SJR 24.

Health and Human Services and Education—SB 1566.

Health and Human Services and Environmental Quality—SB 1446.

Health and Human Services and Public Safety—SB 1644, SB 1657.

Housing and Community Development and Judiciary—SB 1328.

Judiciary and Business and Professions—SB 1457.

Judiciary and Public Safety—SB 1506.

Local Government and Environmental Quality—SB 1334, SB 1387.

Local Government and Housing and Community Development—
SB 1592.

Local Government and Judiciary—SB 1514.

Public Employment and Retirement and Judiciary—SB 1603.

Public Safety and Judiciary—SB 1344, SB 1431.

Public Safety and Rules—SB 1373.

The Committee on Rules has ordered the following bills re-referred to committee:

Education—AB 56, AB 242, AB 1507, AB 1550.

Health and Human Services and Business and Professions—SB 1149.

Judiciary—AB 664.

Transportation—SB 1130.

DROPPED FROM FILE

Pursuant to the Joint Rules **SB 933** was dropped from the file on March 4, 2004.

Governor's veto sustained.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1083** was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Rules.

**REQUEST TO INTRODUCE BILLS WHICH EXCEED
BILL INTRODUCTION LIMITATION**

Senate Chamber, March 18, 2004

The following request was presented by Senator Florez:

To the Committee on Rules: In accordance with the provisions of Senate Rule 22.5(b), I request permission to introduce bills which exceed the bill introduction limitation (Legislative Counsel Request 0405559): SB 1901, (Legislative Counsel Request 0322166): SB 1902, (Legislative Counsel Request 0400515): SB 1903, (Legislative Counsel Request 0404503): SB 1904.

SENATOR FLOREZ

Permission of Rules Committee

The Committee on Rules grants permission to introduce bills as requested.

BURTON, Chair

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 Bill 1899: By the Committee on Agriculture and Water Resources (Senators MAchado (Chair), Alpert, Ducheny, Florez, Hollingsworth, Kuehl, Perata, and Torlakson)—An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Senate Bill 1900: By Senator Burton—An act to amend Section 12071 of the Penal Code, relating to firearms.

Senate Bill 1901: By Senator Florez—An act to add Section 6713 to the Labor Code, relating to safety in employment.

Senate Bill 1902: By Senator Florez—An act to add Section 361.7 to the Welfare and Institutions Code, relating to dependent children.

Senate Bill 1903: By Senator Florez—An act to amend Section 1262 of the Unemployment Insurance Code, relating to unemployment insurance, and making an appropriation therefor.

Senate Bill 1904: By Senator Florez—An act to amend Section 10754 of the Revenue and Taxation Code, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ashburn, Escutia, Murray, Oller, Perata, and Vincent.

The following Senators were granted leaves of absence for the day due to illness: Senators Bowen and Poochigian.

REQUESTS TO ADJOURN IN MEMORIAM

Senators Perata and Florez requested that when the Senate adjourns this day it do so in memory of former State Senator Robert D. Williams of Oakland.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' request until 1:30 p.m., Monday, March 8, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 8, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—37.
Quorum present.

(NOTE: Senator Vincent will be excused this day on legislative business, Senator Ashburn will be excused this day on personal business, and Senator Speier will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 4, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SCR 52

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, March 8, 2004

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day had AB 1618 returned from the Governor, and rescinded the action whereby Senate amendments to the bill were concurred in.

Pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Above measure ordered held at Desk.

Assembly Chamber, March 8, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 104

ACR 173

E. DOTSON WILSON
Chief Clerk

FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 104—Relative to Day of the Teacher.

Assembly Concurrent Resolution 173—Relative to California Nonprofits and Philanthropy Week.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 8, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1167

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1167—An act to amend Section 3304 of the Government Code, relating to peace officers.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 8, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 129

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 129—An act to amend Section 241.1 of, and to add Section 241.2 to, the Welfare and Institutions Code, relating to the juvenile court.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, March 8, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1356

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1356—An act to add Chapter 1.5 (commencing with Section 13995.150) to Part 4.7 of Division 3 of Title 2 of the Government Code, relating to tourism, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Date of Hearing, March 3, 2004

Mr. President: The Committee on Rules, to which was referred:

SJR 16

Reports the same back with the recommendation: Be adopted as amended.

BURTON, Chair

Above measure ordered to second reading.

Senate Chamber, March 8, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1169

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1169—An act to amend Section 185020 of the Public Utilities Code, relating to transportation.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1169 pursuant to Joint Rule 58.

SENATOR MURRAY

Permission of Rules Committee

Senate Chamber, March 8, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1169.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Senate Chamber, March 5, 2004

Mr. President: The Committee on Rules has examined:

SCR 57

SJR 17

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 5th day of March, 2004, at 4 p.m.

BURTON, Chair

Committee on Labor and Industrial Relations

Senate Chamber, March 8, 2004

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 1174

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1174—An act to amend Sections 139.2, 3208.1, 3209.3, 3218, and 4604.5 of, to amend and renumber Section 3202.5 of, to repeal

Sections 3202, 4062.9, 4750, and 4750.5 of, and to repeal and add Sections 4660 and 4663 of, the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Transportation

Senate Chamber, March 8, 2004

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 1087

SCR 50

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

Senate Bill 1087—An act to amend Section 2333.5 of, and to amend and repeal Sections 2331 and 2333 of, the Streets and Highways Code, relating to highways.

Bill read second time.

Senate Concurrent Resolution 50—Relative to David W. Manning Memorial Freeway.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

REQUEST FOR UNANIMOUS CONSENT (AB 1701)

Senator Sher asked for, and was granted, unanimous consent that AB 1701 be taken from the inactive file and taken up at this time.

Consideration of Assembly Bill 1701

Assembly Bill 1701—An act to amend Section 25360.2 of the Health and Safety Code, relating to hazardous substance releases.

Bill read second time.

Motion to Amend

Amendments to AB 1701 proposed by Senator Sher were read and adopted and the measure ordered printed and re-referred to the Committee on Rules.

**REQUESTS TO INTRODUCE BILLS WHICH EXCEED
BILL INTRODUCTION LIMITATION**

Senate Chamber, March 8, 2004

The following request was presented by Senator Torlakson:

To the Committee on Rules: In accordance with the provisions of Senate Rule 22.5(b), I request permission to introduce a bill which exceeds the bill introduction limitation (Legislative Counsel Request 043762): SB 1905.

SENATOR TORLAKSON

Permission of Rules Committee

The Committee on Rules grants permission to introduce a bill as requested.

BURTON, Chair

Senate Chamber, February 19, 2004

The following request was presented by Senator Sher:

To the Committee on Rules: In accordance with the provisions of Senate Rule 22.5(b), I request permission to introduce bills which exceed the bill introduction limitation (Legislative Counsel Request 01766, SB 1906; 04574, SB 1907; 03801, SB 1908.)

SENATOR SHER

Permission of Rules Committee

The Committee on Rules grants permission to introduce bills as requested.

BURTON, Chair

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 Bill 1905: By Senator Torlakson—An act to amend Section 12240 of the Business and Professions Code, and to amend Section 54985 of the Government Code, relating to local government fees.

Senate Bill 1906: By Senator Sher—An act to amend Section 40433 of, and to add Section 40409 to, the Public Resources Code, relating to solid waste.

Senate Bill 1907: By Senator Sher—An act to amend Section 25000.1 of the Public Resources Code and to amend Section 701.1 of the Public Utilities Code, relating to energy resources.

Senate Bill 1908: By Senator Sher—An act to amend Section 4584 of the Public Resources Code, relating to forest resources.

Senate Constitutional Amendment 19: By Senator Vasconcellos (Coauthor: Assembly Member Reyes)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article II thereof, relating to voting.

Senate Joint Resolution 25: By Senators Ortiz, Alarcón, Chesbro, Escutia, Figueroa, Florez, Kuehl, Romero, Vasconcellos, and

Vincent—Relative to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

SENATE COMMITTEE ROLL CALLS
Committee on Rules

SJR 16—Be adopted as amended

AYES (4)—Senators Burton, Johnson, Karnette, and Knight.

NOES (0)—None.

Date of Hearing: 3/3/04

Burton (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Vincent.

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

The following Senator was granted leave of absence for the day due to illness: Senator Speier.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Barbara W. Benson of Tustin.

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Neil Burraston of Sacramento.

Senator Johnson requested that when the Senate adjourns this day it do so in memory of Robert Snitman of Mission Viejo.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 9, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 9, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, McPherson, Morrow, Murray, Oller, Ortiz, Perata,
Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and
Vasconcellos—38.

Quorum present.

*(NOTE: Senator Vincent will be excused this day on legislative business
and Senator Ashburn will be excused this day on personal business.)*

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 9, 2004

Mr. President: The Chair of the Committee on Rules, to which was
referred:

SCR 66

Reports the same back with author's amendments with the
recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 66—Relative to California Western Monarch Day.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time and transmitted to the Committee on Rules:

Senate Concurrent Resolution 71: By Senator Morrow—Relative to the 60th anniversary of D-Day.

Senate Concurrent Resolution 72: By Senator Ducheny—Relative to the flag of the former Republic of Vietnam.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Joint Resolution 16—Relative to military airfares.

Resolution read second time.

The amendments proposed by the Committee on Rules were read and adopted and the measure ordered printed, engrossed, and to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Vincent.

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

REQUEST TO ADJOURN IN MEMORIAM

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Rozalia Birman of Oakland.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, March 10, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 10, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, McPherson, Morrow, Oller, Ortiz, Perata, Poochigian,
Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—36.

Quorum present.

(NOTE: Senators Murray, Speier, and Vincent will be excused this day on legislative business and Senator Ashburn will be excused this day on personal business.)

REPORTS OF STANDING COMMITTEES

Committee on Education

Senate Chamber, March 10, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 1670

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1670—An act to amend Section 60850 of, and to add Section 60860 to, the Education Code, relating to the high school exit examination.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1670 pursuant to Joint Rule 58.

ASSEMBLY MEMBER KEHOE

Permission of Rules Committee

Senate Chamber, March 10, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1670.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, March 10, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

AB 1320

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1320—An act to amend Section 65460.2 of the Government Code, relating to transit village plans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

State Capitol, March 10, 2004

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:

Donna Arduin, Director of Finance (5-0)

Teresa A. Schwartz, Warden, California Medical Facility, Vacaville (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

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 Bill 1909: By the Committee on Agriculture and Water Resources (Senators Machado (Chair), Alpert, Ducheny, Florez, Hollingsworth, Kuehl, Perata, and Torlakson)—An act to amend Sections 230, 461, 462, 463, 465, 1009, 1058.5, 1257, 10013, 10615, 10825, 10841, 11951, 11952, 11962, 11964, 11981, 11982, 11983, 12921.3, 12929.22, 12947, 13167.5, 13415, 13515, 13523, 13523.1, 13529.2, 13530, 13627, 13952, 14957, 31035, 31144.71, 31145, 31630.5, 31631, 31633, 55335, 71610.5, and 81420 of, and to amend the heading of Chapter 7 (commencing with Section 13500) of Division 7 of, the Water Code, relating to water.

Senate Bill 1910: By the Committee on Agriculture and Water Resources (Senators Machado (Chair), Alpert, Ducheny, Florez, Kuehl, Perata, and Torlakson)—An act to amend Section 42815 of the Food and Agricultural Code, relating to agriculture.

Senate Bill 1911: By the Committee on Agriculture and Water Resources (Senators Machado (Chair), Alpert, Ducheny, Florez, Hollingsworth, Kuehl, and Torlakson)—An act to amend Sections 61405 and 62182 of the Food and Agricultural Code, relating to milk.

Senate Concurrent Resolution 73: By Senator Battin—Relative to Mosquito and Vector Control and West Nile Virus Awareness Week.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Murray, Speier, and Vincent.

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

REQUEST TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Fred Trejo and Mary Frances Sheehan of Sacramento.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, March 11, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 11, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—33.

Quorum present.

(NOTE: Senators Dunn, Murray, Oller, Speier, and Vincent will be excused this day on legislative business, Senator Ashburn will be excused this day on personal business, and Senator Hollingsworth will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 11, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 806

Assembly Chamber, March 11, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 174

ACR 176

ACR 181

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 174—Relative to Arts Education Month.

Assembly Concurrent Resolution 176—Relative to George Washington's birthday.

Assembly Concurrent Resolution 181—Relative to National Anthem Day.

REPORTS OF STANDING COMMITTEES Committee on Health and Human Services

Date of Hearing, March 10, 2004

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 1144

SB 1170

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, March 11, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 1454

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1454—An act to add and repeal Section 116183 of the Health and Safety Code, relating to the public health, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

State Capitol, March 10, 2004

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 5–0, has re-referred AB 1701 (Laird) to the Senate Committee on Natural Resources and Wildlife.

Mr. President: The Senate Rules Committee has adopted Senate Rules Committee Resolution #8 outlining the jurisdiction of the Select Committee on Special Education and appointed the following members to

serve on the select committee: Senators Alpert, Karnette, McPherson and Vasconcellos (2 vacancies remain).

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed the following persons as members of the Heart Disease and Stroke Prevention and Treatment Task Force to serve at the pleasure of the Rules Committee:

Rita Ledesma, Ph.D. of Alhambra, Ms. Sandra Waters of San Bernardino and Ismael Nuno, M.D. of Rancho Palos Verdes.

Reappointed Ms. Susan Steinhauser of Los Angeles as a member of the Library of California Board to serve for a term ending January 1, 2008.

BURTON, Chair

State Capitol, March 10, 2004

The Committee on Rules has referred the following measures to committee:

Agriculture and Water Resources—SB 1677, SB 1826, SB 1840, SB 1844, SB 1899, SB 1901.

Business and Professions—SB 1520, SB 1688, SB 1691, SB 1735, SB 1852, SB 1853, SB 1865.

Education—SB 1726, SB 1727, SB 1766, SB 1785, SB 1789, SB 1798, SB 1802, SB 1816, SB 1817, SB 1875.

Elections and Reapportionment—SB 1670, SB 1712, SB 1723, SB 1730, SB 1849.

Energy, Utilities and Communications—SB 1704, SB 1716, SB 1776, SB 1834, SB 1854, SB 1859, SB 1891.

Environmental Quality—SB 1729, SB 1883, SB 1884, SB 1886, SB 1887, SB 1889, SB 1890.

Governmental Organization—SB 1699, SB 1703, SB 1718, SB 1734, SB 1750, SB 1751, SB 1752, SB 1754, SB 1755, SB 1757, SB 1758, SB 1775, SB 1812, SB 1837, SB 1846, SB 1851, SB 1873.

Health and Human Services—SB 1681, SB 1717, SB 1765, SB 1783, SB 1814, SB 1821, SB 1824, SB 1825, SB 1838, SB 1845, SB 1847; AJR 41.

Housing and Community Development—SB 1702, SB 1777, SB 1778, SB 1815, SB 1818, SB 1827, SB 1898.

Insurance—SB 1675, SB 1679, SB 1680, SB 1843, SB 1855, SB 1872.

Judiciary—SB 1533, SB 1673, SB 1678, SB 1682, SB 1714, SB 1721, SB 1722, SB 1728, SB 1746, SB 1760, SB 1801, SB 1810, SB 1811, SB 1822, SB 1833, SB 1839, SB 1841.

Labor and Industrial Relations—SB 1687, SB 1709, SB 1809, SB 1829, SB 1903.

Local Government—SB 1666, SB 1720, SB 1748, SB 1770, SB 1771, SB 1772, SB 1774, SB 1791, SB 1804, SB 1808, SB 1820, SB 1836, SB 1874, SB 1904.

Natural Resources and Wildlife—SB 1807, SB 1856.

Public Employment and Retirement—SB 1892.

Public Safety—SB 1669, SB 1676, SB 1694, SB 1695, SB 1696, SB 1697, SB 1698, SB 1707, SB 1708, SB 1710, SB 1733, SB 1780, SB 1781, SB 1782, SB 1794, SB 1796, SB 1797, SB 1803, SB 1806, SB 1830, SB 1848, SB 1850, SB 1893.

Revenue and Taxation—SB 1713, SB 1736, SB 1831, SB 1832, SB 1877, SB 1878, SB 1879.

Rules—SB 1667, SB 1668, SB 1671, SB 1672, SB 1674, SB 1683, SB 1684, SB 1685, SB 1686, SB 1689, SB 1692, SB 1693, SB 1700, SB 1701, SB 1705, SB 1706, SB 1715, SB 1719, SB 1724, SB 1731, SB 1737, SB 1738, SB 1739, SB 1740, SB 1741, SB 1743, SB 1744, SB 1745, SB 1747, SB 1749, SB 1756, SB 1761, SB 1762, SB 1763, SB 1767, SB 1768, SB 1769, SB 1779, SB 1786, SB 1787, SB 1788, SB 1790, SB 1792, SB 1795, SB 1805, SB 1813, SB 1828, SB 1835, SB 1857, SB 1858, SB 1862, SB 1863, SB 1864, SB 1867, SB 1868, SB 1869, SB 1870, SB 1871, SB 1880, SB 1881, SB 1882, SB 1885, SB 1888, SB 1894, SB 1896, SB 1897, SB 1900.

Transportation—SB 1711, SB 1759, SB 1784, SB 1793, SB 1799, SB 1800; SCR 64, SCR 65, SCR 67, SCR 68, SCR 69, SCR 70.

The Committee on Rules has referred the following measures to two committees:

Agriculture and Water Resources and Environmental Quality—SB 1732.

Education and Constitutional Amendments—SCA 17.

Elections and Reapportionment and Constitutional Amendments—SCA 18.

Environmental Quality and Judiciary—SB 1690.

Environmental Quality and Natural Resources and Wildlife—SB 1742.

Governmental Organization and Rules—SB 1753.

Health and Human Services and Environmental Quality—SB 1589.

Health and Human Services and Judiciary—SB 1764, SB 1819, SB 1860, SB 1902.

Health and Human Services and Rules—SB 1895.

Housing and Community Development and Revenue and Taxation—
SB 1823.

Labor and Industrial Relations and Judiciary—SB 1861.

Local Government and Rules—SB 1773.

Natural Resources and Wildlife and Rules—SB 1318.

Public Safety and Judiciary—SB 1866.

Revenue and Taxation and Rules—SB 1876.

Transportation and Judiciary—SB 1725.

The Committee on Rules has re-referred the following measures to committee:

Environmental Quality—SB 1089.

Housing and Community Development—SB 1609; AB 162.

Judiciary—AB 1711.

Public Safety—SB 1083, SB 1167.

Transportation—SB 1169.

INTRODUCTION AND FIRST READING OF SENATE MEASURE

The following measure was introduced, read the first time and transmitted to the Committee on Rules for assignment:

Senate Bill 1912: By the Committee on Health and Human Services (Senators Ortiz (Chair), Alarcón, Escutia, Figueroa, Florez, Kuehl, Vasconcellos, and Vincent)—An act to amend Section 16122 of the Welfare and Institutions Code, relating to adoption.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on March 15:

SCR 52 SJR 16 AB 1195

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SCR 60**, **SCR 63**, and **SCR 66** were withdrawn from Committee and placed on the Special Consent Calendar to be taken up on March 15.

SENATE COMMITTEE ROLL CALLS

Committee on Health and Human Services

SB 1144—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Battin.

SB 1149—Do pass as amended and re-refer to Committee on Business and Professions

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Battin.

SB 1159—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Battin.

SB 1170—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Aanestad, Alarcón, Battin, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SJR 24—Do pass as amended and re-refer to Committee on Business and Professions

AYES (8)—Senators Alarcón, Chesbro, Escutia, Figueroa, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Battin.

Date of Hearing: 3/10/04

Ortiz (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn, Murray, Oller, Speier, and Vincent.

The following Senator was granted leave of absence for the day due to personal business: Senator Ashburn.

The following Senator was granted leave of absence for the day due to illness: Senator Hollingsworth.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Kuehl requested that when the Senate adjourns this day it do so in memory of John Harlow of Malibu.

Senator Morrow requested that when the Senate adjourns this day it do so in memory of Pfc. Matthew G. Milczark of Camp Pendleton.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Paulette May Burch of Fresno, Carlos Badger of Modesto and Ray Addick Sanguinetti of Sonora.

The Senate Chaplain requested that when the Senate adjourns this day it do so in memory of Rev. Deacon Tom McGill of Galt.

Mar. 11, 2004

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ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 10:30 a.m., Monday, March 15, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 15, 2004

The Senate met at 10:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,
Margett, McClintock, McPherson, Morrow, Murray, Oller, Ortiz,
Poochigian, Romero, Scott, Sher, Soto, and Torlakson—36.

Quorum present.

(NOTE: Senators Speier and Vasconcellos will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senator Perata will be excused this day due to jury duty.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Ever-loving and Merciful Lord, As we gather, we take a moment to reflect on the depth of Your love. You have bent down and called each of us by name. Bless us now. Fill us with Your Spirit, that we may understand the urgency of responding to Your call. Help us to see what is keeping us from a more intimate relationship with You, that together we might replace needless suffering with care and understanding.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Margett led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 11, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 31

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, March 11, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 190

ACR 192

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 190—Relative to emergency medical services.

Assembly Concurrent Resolution 192—Relative to Irish-American Heritage Month.

REPORTS OF STANDING COMMITTEES**Committee on Energy, Utilities and Communications**

Senate Chamber, March 15, 2004

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 1201

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 1201—An act to amend Section 701.8 of the Public Utilities Code, relating to electrical restructuring.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1201 pursuant to Joint Rule 58.

SENATOR TORLAKSON

Permission of Rules Committee

Senate Chamber, March 15, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1201.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, March 15, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

AB 1222

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 1222—An act to amend Section 5627 of the Public Resources Code, relating to parks and recreation.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1222 pursuant to Joint Rule 58.

ASSEMBLY MEMBER MONTANEZ

Permission of Rules Committee

Senate Chamber, March 15, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1222.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Senate Chamber, March 15, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 1090

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1090—An act to amend Sections 18060.5 and 18063 of the Health and Safety Code, relating to manufactured homes and mobilehomes.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, March 15, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 1221

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1221—An act to amend Section 46010.1 of the Education Code, relating to pupils.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 15, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

AB 480

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 480—An act to amend Section 15339.29 of the Government Code, relating to economic development.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 61** and **ACR 173** were withdrawn from Committee and placed on the Special Consent Calendar.

SPECIAL RECOGNITION

The Senate offered congratulations to Senate Amending Clerk, Bernadette McNulty, on being promoted to Chief Master Sergeant (E-9), 82nd Aerial Port Squadron, USAF(R), Travis Air Force Base.

Senator Alpert Presiding**REQUESTS TO CONSIDER AND ACT ON BILLS
WITHIN 30 CALENDAR DAYS**

The following request was presented by Senator Perata:

Senate Chamber, February 26, 2004

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1333** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR PERATA

The following request was presented by Senator Ducheny:

Senate Chamber, February 26, 2004

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1777** and **SB 1778** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR DUCHENY

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH
ARTICLE IV, SEC. 8(a) OF THE CONSTITUTION
AND SUSPEND JOINT RULE 55**

Resolved, That, pursuant to Article IV, Section 8(a) of the Constitution, the above measures may be heard in committee and acted upon by the Senate before 30 calendar days have elapsed since introduction and that Joint Rule 55 be suspended to permit such hearing and action prior to being in print for 30 days.

Resolution read and presented by Senator Knight.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Machado, Margett, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

**CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS**

Consideration of Governor's Appointments

Senator Burton placed the following Governor's appointments before the Senate:

Frank (Fred) T. Aguiar, Secretary, State and Consumer Services Agency.

Sunne W. McPeak, Secretary, Business, Transportation and Housing Agency.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

S. Kimberly Belshe, Secretary, Health and Human Services Agency.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Donna Arduin, Director of Finance.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Arthur G. Kawamura, Secretary, Department of Food and Agriculture.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Teresa A Schwartz, Warden, California Medical Facility, Vacaville.

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 (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

REQUEST FOR UNANIMOUS CONSENT (SCR 59)

Senator Machado asked for, and was granted, unanimous consent that SCR 59 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 59

Senate Concurrent Resolution 59—Relative to teen pregnancy prevention.

Resolution read third time and presented by Senator Machado.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, McPherson, Murray, Romero, Scott, Sher, Soto, and Torlakson.

NOES (3)—Senators Hollingsworth, Morrow, and Oller.

Resolution ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)**SPECIAL CONSENT CALENDAR**

Assembly Concurrent Resolution 61—Relative to Financial Literacy Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 173—Relative to California Nonprofits and Philanthropy Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 52—Relative to Family Empowerment Month.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 60—Relative to Child Abuse Prevention Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 63—Relative to POW Recognition Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 66—Relative to California Western Monarch Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Joint Resolution 16—Relative to military airfares.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1195—An act to amend Section 5563.5 of, and to add Section 5540.1 to, the Public Resources Code, relating to park and open-space districts, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (34)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Soto, and Torlakson.

NOES (0)—None.

UNANIMOUS CONSENT TO RESCIND ACTION

Without objection, the action was rescinded whereby AB 1306 was passed to the Assembly and the measure taken up at this time for the purpose of amendment.

Consideration of Assembly Bill 1306

Assembly Bill 1306—An act to amend Section 1203.9 of the Penal Code, relating to probation.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1306 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LENO

Permission of Rules Committee

Senate Chamber, March 15, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1306.

BURTON, Chair

Amendments Adopted

Amendments to AB 1306 proposed by Senator McPherson were read and adopted and the measure ordered printed and to second reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Speier and Vasconcellos.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to jury duty: Senator Perata.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 11:14 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, March 16, 2004.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Senate Chamber, March 15, 2004

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 1225

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1225—An act to amend 71601 of the Government Code, relating to court employment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 15, 2004

Madam President: The Chair of the Committee on Health and Human Services, to which was referred:

AB 939

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 939—An act to add Section 5781 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, March 10, 2004

Madam President: The Committee on Health and Human Services, to which were referred:

SB 1149

SJR 24

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Business and Professions.

ORTIZ, Chair

Above measures ordered to second reading.

Date of Hearing, March 10, 2004

Madam President: The Committee on Health and Human Services, to which was referred:

SB 1159

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

ORTIZ, Chair

Above measure ordered to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Dr. Edward F. Cunningham of Orange and Dr. F. Jack Warner of San Juan Capistrano.

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Dahlia Ruiz of Sacramento.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Felix F. Gallegos of Antonito, Colorado.

Senators Machado and Burton requested that when the Senate adjourns this day it do so in memory of former Senator Alan Short of Sacramento.

Senator Margett requested that when the Senate adjourns this day it do so in memory of Robbie Hall of Arcadia.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Roy F. Counts, Jay Victor Jory and Fred Yoshio Hirasuna of Fresno.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Hon. Talmage Burke of Alhambra.

Senator Scott requested that when the Senate adjourns this day it do so in memory of Armond and Vrezh Khudabakhshyan and Klarisa Petrosian of Burbank.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Sgt. Aaron Lloyd Scharf of Rancho Cucamongo and Ora M. Twine of San Bernardino.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Maxine Billings of Walnut Creek.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 16, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 16, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian,
Romero, Scott, Sher, Soto, and Torlakson—35.

Quorum present.

(NOTE: Senators Oller, Speier, and Vasconcellos will be excused this day on legislative business, Senator Vincent will be excused this day due to family illness, and Senator Bowen will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES
Committee on Business and Professions

Senate Chamber, March 16, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 320

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 320—An act to add Section 143.5 to the Business and Professions Code, relating to professions and vocations.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Banking, Commerce and International Trade

Senate Chamber, March 16, 2004

Mr. President: The Chair of the Committee on Banking, Commerce and International Trade, to which was referred:

AB 249

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FLOREZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 249—An act to add Section 6405 to the Government Code, relating to international trade.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 16, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1333

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1333—An act to add Section 14105.32 to the Health and Safety Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, March 16, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1489

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1489—An act to amend Section 19549 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 16, 2004

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 1151

SB 1223

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1151—An act to amend Section 707 of the Welfare and Institutions Code, relating to juvenile crime.

Bill read second time.

Senate Bill 1223—An act to add Section 1170.195 to the Penal Code, relating to juvenile crime.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Resolution 33: By Senator Murray—Relative to the Los Angeles County Metropolitan Transportation Authority.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1222** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules; and

SB 1435 was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 1149—An act to add Sections 4001.2 and 4001.3 to the Business and Professions Code, relating to pharmacy.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Business and Professions.

Senate Joint Resolution 24—Relative to pharmaceutical advertising.

Resolution read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Business and Professions.

Senate Bill 1159—An act to amend Section 4145 of, and to repeal Section 4146 of, the Business and Professions Code, to amend Section 11364 of, and to add Chapter 13.5 (commencing with Section 121285) to Part 4 of Division 105 of, the Health and Safety Code, and to amend Sections 41770 and 41900 of, and to add Section 41803 to, the Public Resources Code, relating to hypodermic needles and syringes.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1306—An act to amend Section 1203.9 of the Penal Code, relating to probation, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Oller, Speier, and Vasconcellos.

The following Senator was granted leave of absence for the day due to family illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Bowen.

Mar. 16, 2004

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ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, March 17, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 17, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Figueroa, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, McPherson, Morrow, Murray, Ortiz, Perata, Poochigian,
Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—36.

Quorum present.

(NOTE: Senators Dunn, Oller, and Speier will be excused this day on legislative business and Senator Vincent will be excused this day due to a family illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 17, 2004

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which are by law to be filled by the Governor. These appointments are subject to Senate

confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Patrick Johnston, served since 6/03; reappointed 2/26/04. Effective 3/10/04:

Member, California Bay-Delta Authority, term ending 1/1/08.

James W. Barthman, served since 1/01; reappointed 2/26/04. Effective 3/11/04:

Member, State Building Standards Commission, term ending 1/1/08.

Mimi H. Silbert, served since 4/99; reappointed 2/26/04. Effective 3/5/04: Member, Board of Corrections, term ending 1/1/07.

Rex S. Hime, served since 4/95; reappointed 2/27/04. Effective 3/8/04: Director, California Exposition and State Fair vice Christine J. Lally, withdrawn from the Senate, term ending 1/1/05.

Jerome S. Moss, horse owner and breeder. Appointed 2/25/04. Effective 3/5/04:

Member, California Horse Racing Board vice Alan W. Landsburg, term expired, term ending 1/1/08.

Peter N. Carey, President and CEO, nonprofit housing and community development organization. Appointed 2/25/04. Effective 3/8/04:

Member, Board of Directors, California Housing Finance Agency vice Angela L. Easton, term expired, term ending 9/26/07.

John A. Courson, Chairman, CEO and President, mortgage company. Appointed 2/25/04. Effective 3/4/04:

Member, Board of Directors, California Housing Finance Agency vice Julie I. Bornstein, withdrawn from the Senate, term ending 9/26/09.

John G. Morris, served since 10/14/03; withdrawn 11/17/03; reappointed 2/25/04. Effective 3/5/04:

Member, Board of Directors, California Housing Finance Agency, term ending 9/26/09.

Matthew Loren Cate, former Supervising Deputy Attorney General. Appointed 3/9/04. Effective 3/15/04:

Inspector General vice Stephen W. White, resigned, term ending at the pleasure of the Governor.

Jose H. Millan, former EEO Program Manager, the Lawrence Berkeley National Laboratory. Appointed 2/17/04. Effective 2/17/04:

Deputy, Labor and Workforce Development Agency vice Jack McNally, resigned, term ending at the pleasure of the Secretary of the Labor and Workforce Development Agency.

- Thomas Eres, attorney. Appointed 3/3/04. Effective 3/3/04:
Adjutant General of the State Military Forces, State of California
vice Paul D. Monroe, removed, term ending at the pleasure of the
Governor.
- Clint Eastwood, served since 11/01; reappointed 2/26/04. Effective
3/22/04:
Member, State Park and Recreation Commission, term ending
1/15/08.
- Gail E. Kautz, Vice President, Ironstone Winery. Appointed 2/26/04.
Effective 2/27/04:
Member, Park and Recreation Commission vice Danny J.
Bakewell, withdrawn from the Senate, term ending 1/15/06.
- Sophia Delia Scherman, Mayor of Elk Grove. Appointed 2/26/04.
Effective 2/27/04:
Member, Park and Recreation Commission vice Eugene J.
La Pietra, resigned, term ending 1/15/05.
- Robert Sargent Shriver, served since 6/7/01; reappointed 2/26/04.
Effective 3/16/04:
Member, State Park and Recreation Commission, term ending
1/15/08.
- Gunnar Lundeberg, served since 3/00; reappointed 2/26/04. Effective
3/15/04:
Member, Board of Pilot Commissioners for the Bays of
San Francisco, San Pablo and Suisun, term ending 12/31/07.
- Margarita Esabel Perez, former senior investigator and parole agent.
Appointed 2/26/04. Effective 3/8/04:
Member, Board of Prison Terms vice David A. Hepburn, term
expired, term ending 3/15/06.
- Susan Lynn Fisher, former director of the Doris Tate Crime Victims
Bureau. Appointed 2/26/04. Effective 3/8/04:
Member, Board of Prison Terms vice Eric Bauman, withdrawn
from the Senate, term ending 3/15/07.
- John C. Duncan, former consultant. Appointed 2/26/04. Effective 3/2/04:
Member, Public Employment Relations Board vice Richard T.
Baker, term expired, term ending 12/31/08.
- Sally Marguerite Furay, served since 1/00; reappointed 2/26/04. Effective
3/12/04:
Member, Student Aid Commission, term ending 12/31/07.
- Louise McClain, served since 6/00; reappointed 2/26/04. Effective
3/12/04:
Member, Student Aid Commission, term ending 12/31/07.

Lester Allen Snow, has extensive experience working in public water resource management. Appointed 3/4/04. Effective 3/4/04:

Director of Water Resources vice Linda S. Adams, resigned, term ending at the pleasure of the Governor.

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources and Wildlife

Senate Chamber, March 17, 2004

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 1214

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

Senate Bill 1214—An act to amend Section 2081.7 of the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 16, 2004

Mr. President: The Committee on Rules has examined:

SCR 52

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 16th day of March, 2004, at 4:30 p.m.

BURTON, Chair

Committee on Governmental Organization

Senate Chamber, March 17, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 1226

AB 701

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1226—An act to add Section 425.10 to the Government Code, relating to state grass.

Bill read second time.

Assembly Bill 701—An act to amend Section 5354 of the Business and Professions Code, relating to outdoor advertising.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 17, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1168

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1168—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, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, March 17, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

ACR 116

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Concurrent Resolution 116—Relative to history and social science curriculum.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 17, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1128

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1128—An act to add Section 2051.5 to the Penal Code, relating to prisons.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Senate Chamber, March 17, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 1179

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1179—An act to amend Section 7073 of the Government Code, relating to enterprise zones.

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 Bill 1913: By the Committee on Business and Professions (Senators Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and Vincent)—An act to amend Sections 28, 1274, 2041, 2462, 2470.14, 2902, 2915.7, 2936, 4005, 4030, 4059.5, 4076, 4081, 4101, 4114, 4200, 4409, 4980.395, 4990.4, 4995.26, 4996.18, and 4996.20 of, and to add Sections 4026.5, 4107, 4208, and 4209 to, the Business and Professions Code, and to amend Sections 11159.1, 11207, and 111625 of the Health and Safety Code, relating to professions.

Senate Bill 1914: By the Committee on Business and Professions (Senators Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and Vincent)—An act to amend Sections 7011.4, 7028.1, 7048, 7068, 7071.9, 7071.11, 7083, 7085, 7090.1, 7121, 7137, 8024, 8024.1, 8024.2, and 8027 of, and to repeal Sections 7019.5, 7021, and 7124.5 of, the Business and Professions Code, relating to professions and vocations.

Senate Bill 1915: By the Committee on Business and Professions (Senators Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and

Vincent)—An act to amend Sections 144, 7069, 7090.1, 7139.2, and 7153.1 of the Business and Professions Code, relating to contractors, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Senate Concurrent Resolution 74: By Senator Torlakson (Principal coauthor: Assembly Member Jackson) (Coauthors: Senators Escutia, Karnette, and Ortiz) (Coauthors: Assembly Members Leno, Mullin, Nakano, and Strickland)—Relative to California Fitness Month.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Dunn, Oller, and Speier.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ashburn requested that when the Senate adjourns this day it do so in memory of Karen Watson of Bakersfield.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of retired Ofc. Steven Harvey of the Torrance Police Department.

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Christopher Hill of Moorpark.

Senator Torlakson requested that when the Senate adjourns this day it do so in memory of Elizabeth Torlakson of San Francisco.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Thursday, March 18, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 18, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Oller, Ortiz, Poochigian, Romero, Scott, Sher, Speier, and Vasconcellos—30.

Quorum present.

(NOTE: Senators Alpert, Ashburn, Denham, Ducheny, Escutia, Murray, Perata, and Soto will be excused this day on legislative business, Senator Vincent will be excused this day due to family illness, and Senator Torlakson will be excused this day due to a death in the family.)

REPORTS OF STANDING COMMITTEES

Committee on Natural Resources and Wildlife

Senate Chamber, March 18, 2004

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 1264

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

Senate Bill 1264—An act to repeal Section 64.5 of the Harbors and Navigation Code, and to amend Sections 6331.5 and 29777 of, and to repeal Sections 6226, 22054, 25689, and 30237 of, the Public Resources Code, relating to natural resources.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 18, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1178

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1178—An act relating to dependent children.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, March 18, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 1165

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1165—An act to amend Section 17924 of the Business and Professions Code, to amend Sections 6047.70, 6047.76, 6047.77, 6047.82, 6047.97, 6253, 30801, 30803, 30805, and 30850 of, and to repeal Section 30806 of, the Food and Agricultural Code, to amend Sections 24003, 25502.3, 26806, 26835, 26859, 51238.2, 54222, 54975, 55631, 66452.6, and 66473.7 of the Government Code, to amend Sections 11534 and 11910 of the Public Utilities Code, to amend Sections 34701 and 60622 of the Water Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 18, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1275

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1275—An act to add Sections 1264 and 1264.5 to the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1457** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Business and Professions;

SB 1680 was withdrawn from the Committee on Insurance and re-referred to the Committee on Rules; and

AB 249 was withdrawn from the Committee on Banking, Commerce and International Trade and re-referred to the Committee on Rules.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SJR 24** was withdrawn from the Committee on Business and Professions and placed on third reading;

SCR 61, SCR 62, SCR 71, SCR 73, ACR 104, ACR 159, ACR 172, ACR 176, ACR 181, ACR 190, and ACR 192 were withdrawn from Committee and placed on the Special Consent Calendar, to be taken up March 22, 2004.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, March 18, 2004

The Committee on Rules has referred the following measures to committee:

Agriculture and Water Resources—SB 1909, SB 1910, SB 1911.

Environmental Quality—SB 1906.

Governmental Organization—SCR 72.

Health and Human Services—SB 1912; SJR 25.

Local Government—SB 1905.

Natural Resources and Wildlife—SB 1908.

Rules—SB 1907.

The Committee on Rules has referred the following measures to two committees:

Education and Rules—SCA 16.**Elections and Reapportionment and Constitutional Amendments**—SCA 19.**Energy, Utilities and Communications and Constitutional Amendments**—SCA 13.

The Committee on Rules has re-referred the following to committee:

Education—SB 1271.**Governmental Organization and Rules**—SB 1435.**Judiciary**—SB 1680.**Natural Resources and Wildlife**—AB 1222.**Revenue and Taxation**—AB 480.**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measure will be set as a Special Consent Calendar to be taken up on March 22, 2004.

AB 1306

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alpert, Ashburn, Denham, Ducheny, Escutia, Murray, Perata, and Soto.

The following Senator was granted leave of absence for the day due to family illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to a death in the family: Senator Torlakson.

REQUEST TO ADJOURN IN MEMORIAM

Senator Speier requested that when the Senate adjourns this day it do so in memory of Edna Bowens of Knoxville, TN.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 10:30 a.m., Monday, March 22, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 22, 2004

The Senate met at 10:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—37.
Quorum present.

(NOTE: Senator Morrow will be excused this day on legislative business, Senator Figueroa will be excused this day due to illness and Senator Vincent will be excused this day on account of family illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:
Lord, Help us to contemplate ourselves being surrounded by the conditions we wish to produce.—AMEN.

(Wayne Dyer, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Soto led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 18, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 186

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURE

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 186—Relative to Colorectal Cancer Awareness Month.

REPORTS OF STANDING COMMITTEES**Committee on Education**

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

SB 1445

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1445—An act to amend Section 89560 of, and to add Sections 89565, 89566, and 89567 to, the Education Code, relating to campus safety.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1269

SB 1406

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1269—An act to amend Section 11205 of the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 1406—An act to amend Section 25118 of the Corporations Code, relating to usury.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 1823

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 1823—An act to amend Section 7073 of the Government Code, relating to economic development.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Transportation

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1578

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

Senate Bill 1578—An act to amend Section 339 of the Streets and Highways Code, relating to highways.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1291	SB 1297	SB 1298	SB 1305
SB 1433	SB 1542	ACR 174	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1291—An act to amend Section 1067.10 of the Insurance Code, relating to life and health insurance.

Bill read second time.

Senate Bill 1297—An act to amend Section 40910 of the Public Resources Code, relating to solid waste.

Bill read second time.

Senate Bill 1298—An act relating to education finance.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1298 pursuant to Joint Rule 58.

SENATOR BRULTE

Permission of Rules Committee

Senate Chamber, March 22, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1298.

BURTON, Chair

Senate Bill 1305—An act relating to elder abuse.

Bill read second time.

Senate Bill 1433—An act to add a heading as Article 1 (commencing with Section 1797.198) of Chapter 3.75 of Division 2.5 of, and to add Article 2 (commencing with Section 1797.199.50) to Chapter 3.75 of Division 2.5 of, the Health and Safety Code, to add and repeal Article 17 (commencing with Section 18875) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, and to add Section 5076 to the Vehicle Code, relating to trauma care.

Bill read second time.

Senate Bill 1542—An act to amend Section 9882 of the Business and Professions Code, relating to automotive repair.

Bill read second time.

Assembly Concurrent Resolution 174—Relative to Arts Education Month.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Energy, Utilities and Communications

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

SB 1398

SB 1624

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1398—An act to add Section 41514.11 to the Health and Safety Code, and to amend Sections 216, 218.5, 353.1, 353.2., 353.3, 353.5, 353.7, 353.13, and 379.6 of, and to add Sections 353.4, 353.10, 353.14, and 2775.8 to, the Public Utilities Code, relating to energy.

Bill read second time.

Senate Bill 1624—An act to amend Section 309.5 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Natural Resources and Wildlife

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which were referred:

SB 1327

SB 1369

SB 1459

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

Senate Bill 1327—An act to add Section 5013.5 to the Public Resources Code, relating to state parks.

Bill read second time.

Senate Bill 1369—An act to amend Section 51182 of the Government Code, relating to fire protection.

Bill read second time.

Senate Bill 1459—An act to add Section 8841 to, and to repeal Sections 8495 and 8836 of, the Fish and Game Code, relating to fishing, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 1385 SB 1391 SB 1522 SB 1710

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1385—An act to amend Section 1107 of the Evidence Code, and to amend Section 1473.5 of the Penal Code, relating to battering.

Bill read second time.

Senate Bill 1391—An act to amend Sections 6240 and 6389 of the Family Code, and to amend Section 13700 of the Penal Code, relating to domestic violence.

Bill read second time.

Senate Bill 1522—An act to amend Section 3041 of the Penal Code, relating to parole.

Bill read second time.

Senate Bill 1710—An act to amend Section 2800.3 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 186** and **ACR 174** were withdrawn from committee and placed on the Special Consent Calendar to be taken up March 25.

MOMENT OF SILENCE

The Senate observed a moment of silence for Elizabeth Torlakson niece of Senator Torlakson who passed away recently.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill 31—An act to amend Section 1789.35 of the Civil Code, relating to deferred deposit transactions, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Perata.

The question being: Shall the Senate concur in the Assembly amendments to SB 31?

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, 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 (31)—Senators Aanestad, Ackerman, Alpert, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Escutia, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson.

NOES (0)—None.

Above bill ordered enrolled.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Morrow.

The following Senator was granted leave of absence for the day due to illness: Senator Figueroa.

The following Senator was granted leave of absence for the day due to family illness: Senator Vincent.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 11:03 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, March 23, 2004.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Education**

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 1271

AB 1564

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1271—An act to amend Section 35160.5 of the Education Code, relating to school districts.

Bill read second time.

Assembly Bill 1564—An act to amend Section 56000 of, to add Section 56000.6 to, and to add Article 7 (commencing with Section 79220) to Chapter 9 of Part 48 of, the Education Code, relating to special education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1237

SB 1561

SB 1571

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1237—An act to amend Section 76 of Chapter 35 of the Statutes of 2002, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 1561—An act to add and repeal Section 17060 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 1571—An act to amend Section 25110 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 1279

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1279—An act to add Sections 1785.11.25 and 1785.15.5 to, to add Title 1.81.21 (commencing with Section 1798.91) to Part 4 of Division 3 of, and to repeal and amend Sections 1798.29 and 1798.82 of, the Civil Code, relating to identity theft.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

- | | | | |
|---------|---------|---------|---------|
| SB 1364 | SB 1493 | SB 1494 | SB 1566 |
| SB 1626 | SB 1644 | SB 1662 | |

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1364—An act to amend Sections 4521 and 4547 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

Senate Bill 1493—An act to amend Section 115921 of the Health and Safety Code, relating to swimming pools.

Bill read second time.

Senate Bill 1494—An act to amend Section 11362.77 of the Health and Safety Code, relating to medical marijuana.

Bill read second time.

Senate Bill 1566—An act to amend Sections 49430, 49431, 49431.5, and 49433.7 of, and to add Section 49431.7 to, the Education Code, relating to schools.

Bill read second time.

Senate Bill 1626—An act to amend Section 129785 of the Health and Safety Code, relating to health facility construction, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1644—An act to add Section 1418.92 to the Health and Safety Code, and to amend Sections 15630 and 15631 of the Welfare and Institutions Code, relating to long-term health care.

Bill read second time.

Senate Bill 1662—An act to add Sections 1569.656 and 1569.657 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1850

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1850—An act to amend Sections 13010, 13014, and 13022 of the Penal Code, and amend Section 285 of the Welfare and Institutions Code, relating to criminal justice information reporting.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1357

SB 1616

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1357—An act to amend Section 7810 of, and to add Section 7660.5 to, the Family Code, and to amend Sections 293, 827, and 18965 of, and to add Sections 300.3 and 16003.5 to, the Welfare and Institutions Code, relating to minors.

Bill read second time.

Senate Bill 1616—An act to add Section 4320.5 to the Family Code, relating to spousal support.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Employment and Retirement

Date of Hearing, March 22, 2004

Mr. President: The Committee on Public Employment and Retirement, to which were referred:

SB 1260 SB 1601

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

SOTO, Chair

Above measures re-referred to the Committee on Rules.

Date of Hearing, March 22, 2004

Mr. President: The Committee on Public Employment and Retirement, to which was referred:

SB 1603

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

SOTO, Chair

Above measure re-referred to the Committee on Judiciary.

Committee on Transportation

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1375

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

Senate Bill 1375—An act to amend Section 464 of the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 1663

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1663—An act to amend Section 4730.3 of the Health and Safety Code, relating to sanitation districts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

SB 1363

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1363—An act to add Article 3.5 (commencing with Section 17568.5) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to advertising.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 124

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 124—An act to amend Section 17052 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1444

SB 1612

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1444—An act to amend Section 110422 of the Health and Safety Code, relating to dietary supplements.

Bill read second time.

Senate Bill 1612—An act to amend Section 16000 of the Welfare and Institutions Code, relating to youth services.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Elections and Reapportionment

Senate Chamber, March 22, 2004

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 1340

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 1340—An act to amend Sections 84203, 84203.5, and 84204 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1760)**

Unanimous consent was granted that the action be rescinded whereby AB 1760 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1760

Assembly Bill 1760—An act to amend Sections 13903 and 13957.7 of, to amend, repeal, and add Section 13957 of, and to add and repeal Section 13964.5 of, the Government Code, and to amend, repeal, and add

Sections 1001.90 1202.4, and 2085.5 of the Penal Code, relating to victims of crime, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1760 proposed by Senator Karnette were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1618)**

Unanimous consent was granted that the action be rescinded whereby AB 1618 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1618

Assembly Bill 1618—An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1618 proposed by Senator Escutia were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1467)**

Unanimous consent was granted that the action be rescinded whereby AB 1467 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1467

Assembly Bill 1467—An act to amend Sections 1628, 1636, and 1636.5 of the Business and Professions Code, relating to dentistry, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Amendments to AB 1467 proposed by Senator Aanestad were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 594** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Public Employment and Retirement

SB 1137—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Escutia, Karnette, and Soto.

NOES (2)—Senators Ashburn and Oller.

SB 1260—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

SB 1601—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

SB 1603—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Ashburn, Escutia, Karnette, Oller, and Soto.

NOES (0)—None.

Date of Hearing: 3/22/04

Soto (Chair)

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: January 13, 2004, relating to the combined Ethnicity/Race/Gender Business Ownership Report and Minority/Women Disabled Veteran-Owned Business Enterprise was received from Department of Pesticide Regulation and transmitted to the Committee on Governmental Organization.

Annual report dated: February 24, 2004, relating to the Capitol Area Plan Progress was received from the Department of General Services and transmitted to the Committee on Rules.

A Title and Summary report dated: February 25, 2004, relating to Compensation for Injured Workers, Eligibility and Benefit Limits. Initiative Statute was received from Department of Justice and transmitted to the Committee on Rules.

Annual report dated: February 27, 2004, relating to the EMS Fund was received from Merced County and transmitted to the Committee on Health and Human Services.

Annual report dated: February 27, 2004, relating to the EMS Fund was received from Santa Cruz County and transmitted to the Committee on Health and Human Services.

Final Audit report dated: February 27, 2004, relating to the Renewable Resource Trust Fund was received from the Department of Finance and transmitted to the Committee on Natural Resources and Wildlife.

Annual report dated: March 1, 2004, relating to California's Access to Visitation Grant Program was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

A report dated: March 1, 2004, relating to Deceased Residents of State Hospitals and Development Centers Patient ID and Cemetery Restoration was received from California Department of Mental Health and transmitted to the Committee on Health and Human Services.

Annual certification dated: March 1, 2004, relating to the Taxpayers' Bill of Rights was received from the Franchise Tax Board and transmitted to the Committee on Revenue and Taxation.

Annual report dated: March 2, 2004, relating to Ethnicity was received from the Office of the Treasurer and transmitted to the Committee on Governmental Organization.

Annual report dated: March 2, 2004, relating to the EMS Fund was received from the Mariposa County Public Health Department and transmitted to the Committee on Health and Human Services.

A Title and Summary report dated: March 5, 2004, relating to Compensation for Injured Workers, Eligibility and Benefit Limits, Medical Treatment. Initiative Constitutional Amendment and Statute. was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: March 5, 2004, relating to Well Sampling for Pesticide Ingredients (report delayed) was received from the Department of Pesticide Regulation and transmitted to the Committee on Agriculture and Water Resources.

Annual report dated: March 9, 2004, relating to Small Business and Microbusiness was received from Department of General Services and transmitted to the Committee on Governmental Organization.

A final report dated: March 10, 2004, relating to the Dental Board Enforcement Monitor was received from the Department of Consumer Affairs and transmitted to the Committee on Health and Human Services.

A report dated: March 10, 2004, relating to the Law Revision Commission Recommendations was received from Law Revision Commission and transmitted to the Committee on Judiciary.

A final report dated: March 10, 2004, relating to the Defense of "Not Guilty by Reason of Insanity" was received from the Department of Mental Health and transmitted to the Committee on Public Safety.

A report dated: March 11, 2004, relating to Licenses was received from the Department of Alcoholic Beverage Control and transmitted to the Committee on Governmental Organization.

A report dated: March 12, 2004, relating to the Standard Agreement IWM03033 was received from the Integrated Waste Management Board and transmitted to the Committee on Rules.

A report dated: March 12, 2004, relating to Revenues, Prize Disbursements, Expenses, Net Revenues and Other Financial Transactions was received from the California Lottery Commission and transmitted to the Committee on Governmental Organization.

Annual report dated: March 12, 2004, relating to Loan and Grant Programs 2002–03 was received from the Department of Housing and Community Development and transmitted to the Committee on Governmental Organization.

A report dated: March 12, 2004, relating to Concealable Firearms Charges in California, FY 2003 was received from the Department of Justice and transmitted to the Committee on Public Safety.

A Title and Summary report dated: March 11, 2004, relating to Tribal Gaming Compacts. Exclusive Gaming Rights. Contribution to State. Initiative. Constitutional Amendment and Statute Amdt., #1-NS was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: March 11, 2004, relating to Disabled Veteran Business Enterprise Participation was received from the Commission on State Mandates and transmitted to the Committee on Governmental Organization.

A report dated: March 11, 2004, relating to the Unearned Child Care and Development Funds was received from the Department of Education and transmitted to the Committee on Education.

Annual certification dated: March 12, 2004, relating to Average Interest Rates was received from the Franchise Tax Board and transmitted to the Committee on Revenue and Taxation.

Annual report dated: March 12, 2004, relating to Operating Results for 2003 was received from San Diego Hospice & Palliative Care and transmitted to the Committee on Health and Human Services.

A Qualified referendum dated: March 15, 2004, relating to The Petition to Overturn Amendments to Health Care Coverage Requirements was received from the Secretary of State and transmitted to the Committee on Rules.

Final report dated: March 15, 2004, relating to Omnitrans Environmental and Public Health Impacts Study was received from Omnitrans and transmitted to the Committee on Transportation.

Annual report dated: March 16, 2003, relating to Statewide Automated Welfare System was received from the Health and Human Services Agency and transmitted to the Committee on Health and Human Services.

An audit report dated: March 16, 2004, relating to New Condemned-Inmate Complex at California State Prison, San Quentin was received from the California State Auditor and transmitted to the Committee on Public Safety.

An audit report dated: March 18, 2004, relating to EMS Fund was received from the California State Auditor and transmitted to the Committee on Health and Human Services.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alpert requested that when the Senate adjourns this day it do so in memory of Barbara McLachlan and Elvin H. Lerager of San Diego.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of William "Bill" Miller of Milwaukee, WI.

Senator Brulte requested that when the Senate adjourns this day it do so in memory of Walter Stewart of Upland.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Monica Maxine Johns of Rancho Murieta.

Senator Denham requested that when the Senate adjourns this day it do so in memory of Mario Cunha of Soledad.

Senator Oller requested that when the Senate adjourns this day it do so in memory of Hunter Roblez of El Dorado Hills.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Harry E. Abbott of Death Valley, Everett H. Berberian of Reedley and Deloris Nonini of Fresno.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Paul Mendoza of Azusa.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Amelia Marquez Gonzalez of Rialto.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 23, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 23, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian,
Romero, Scott, Sher, Soto, Torlakson, and Vasconcellos—36.

Quorum present.

(NOTE: Senators Morrow and Speier will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senator Figueroa will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1430 SB 1575 SB 1745

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1430—An act to amend Section 14105.19 of the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

Senate Bill 1575—An act to amend Sections 218, 366, and 366.2 of the Public Utilities Code, relating to public utilities.

Bill read second time.

Senate Bill 1745—An act to amend Section 11106 of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Transportation

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 1372

SB 1800

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

Senate Bill 1372—An act relating to public works.

Bill read second time.

Senate Bill 1800—An act to add Section 23123 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 1272

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 1272—An act to amend Section 26909 of the Government Code, relating to special districts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1722 SB 1746 SB 1801

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 1722—An act to add Section 25249.7.3 to the Health and Safety Code, relating to toxic substances.

Bill read second time.

Senate Bill 1746—An act to amend Section 17912 of the Business and Professions Code, to amend Sections 395.2 and 416.40 of the Code of Civil Procedure, to amend Sections 174.5, 5063.5, 12242.5, and 15800 of, to add Sections 16309 and 16310 to, to add Part 1 (commencing with Section 18000) to Title 3 of, and to add Chapter 1 (commencing with Section 18605) to Part 2 of Title 3 of, and to repeal Part 1 (commencing with Section 20000) of, and Chapter 1 (commencing with Section 21000) and Chapter 2 (commencing with Section 21100) of Part 2 of, Title 3 of, the Corporations Code, and to amend Section 50089 of the Government Code, relating to unincorporated associations.

Bill read second time.

Senate Bill 1801—An act to amend Section 6140 of the Business and Professions Code, to amend Section 1010.5 of the Code of Civil Procedure, to amend Section 31255 of, and to repeal Section 11518 of, the Food and Agricultural Code, to amend Section 1050.5 of the Fish and Game Code, to amend Section 6159 of, and to add Section 6167 to, the Government Code, and to amend Section 2511.1 of the Revenue and Taxation Code, relating to credit cards.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

AB 493

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 493—An act to add Section 6608.5 to the Welfare and Institutions Code, relating to sexually violent predators.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Natural Resources and Wildlife

Date of Hearing, March 23, 2004

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 1265

SB 1278

Reports the same back with the recommendation: Do pass.

KUEHL, Chair

Above bills ordered to second reading.

Date of Hearing, March 23, 2004

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 1153

SB 1318

SB 1319

SB 1327

SB 1480

SB 1482

SB 1648

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Constitutional Amendments

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Constitutional Amendments, to which was referred:

SCA 11

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

POOCHIGIAN, Chair

Second Reading of Bills—Author’s Amendments

Senate Constitutional Amendment 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIII A thereof, by amending Section 4 of Article XIII A thereof, by amending Section 2 of Article XIII C thereof, by amending Section 3 of Article XIII D thereof, and by amending Section 18 of Article XVI thereof, relating to infrastructure projects.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 23, 2004

Mr. President: The Committee on Rules has examined:

SB 31

And reports that the same has been correctly enrolled, and presented to the Governor on the 23rd day of March, 2004, at 11 a.m.

BURTON, Chair

Committee on Public Safety

Date of Hearing, March 23, 2004

Mr. President: The Committee on Public Safety, to which was referred:

SB 1426

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Governmental Organization

Date of Hearing, March 23, 2004

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 1303

SB 1558

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

VINCENT, Chair

Above measures ordered to second reading.

Date of Hearing, March 23, 2004

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 1851

AB 701

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 23, 2004

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 1183 SB 1654 SB 1775

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1489

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1489—An act to amend Section 19826 of the Business and Professions Code, relating to gambling.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

SB 1280

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

Senate Bill 1280—An act to add Section 12670.10 to the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 1273

SB 1676

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1273—An act to add Section 785 to the Insurance Code, relating to insurance.

Bill read second time.

Senate Bill 1676—An act to amend Section 13730 of the Penal Code, relating to domestic violence.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1311

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1311—An act to amend Section 3201.5 of the Labor Code, relating to workers' compensation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Date of Hearing, March 22, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 1777

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, March 22, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 1778

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

DUCHENY, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 22, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 1611

Reports the same back with the recommendation: Do pass as amended, and be placed on the Consent Calendar.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, March 22, 2004

Mr. President: The Committee on Housing and Community Development, to which were referred:

SB 1610

SB 1823

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

DUCHENY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 22, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 1090

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, March 22, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 1179

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Revenue and Taxation.

DUCHENY, Chair

Above measure re-referred to the Committee on Revenue and Taxation.

Date of Hearing, March 22, 2004

Mr. President: The Committee on Housing and Community Development, to which was referred:

SB 1609

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

DUCHENY, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, March 23, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1234

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1234—An act to amend Section 422.6 of the Penal Code, relating to crimes.

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 ASSEMBLY BILLS

Assembly Bill 1760—An act to amend Section 13957.7 of the Government Code, relating to victims of crime.

Bill read second time, and ordered to third reading.

Assembly Bill 1618—An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Assembly Bill 1467—An act to amend Sections 22, 102.3, 473, 473.15, 473.2, 473.3, 473.4, 473.5, 473.6, 474, 474.1, 474.2, 474.3, 474.4, 1620.1, 1628, 1638.7, 4001.5, 4934.2, 5000, 5811, 6704.1, 7000.5, 7316, 7612, 8000, and 9610 of, and to add and repeal Section 1628.2 of, the Business and Professions Code, to amend Sections 94779.1, 94779.3, 94990, and 94995 of the Education Code, and to amend Section 9148.8 and 9148.52 of the Government Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS**Assembly Concurrent Resolution 104**—Relative to pupil health.

Resolution read third time.

Amendments Adopted

Amendments to ACR 104 proposed by Senator Perata were read and adopted and the measure ordered printed and to second reading.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1850** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.

COMMUNICATIONS**Joint Committee on Rules**

The following communication was ordered printed in the Journal:

March 19, 2004

Greg Schmidt

Secretary of the Senate

Dear Mr. Schmidt:

Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules met, respectively, and Approved the following item:

- Selection of Assembly Member Cindy Montañez as Chair of the Joint Rules Committee for the 2003–04 Legislative Session (15–0)

Sincerely,

CINDY MONTAÑEZ, Chair

SENATE COMMITTEE ROLL CALLS**Committee on Housing and Community Development**

SB 1090—Do pass as amended and re-refer to Committee on Judiciary
AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 1163—Do pass as amended and re-refer to Committee on Energy, Utilities and Communications

AYES (6)—Senators Alarcón, Cedillo, Ducheny, Dunn, Florez, and Torlakson.

NOES (2)—Senators Ackerman and Hollingsworth.

SB 1179—Do pass and re-refer to Committee on Revenue and Taxation

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 1228—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 1609—Do pass, to Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 1610—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 1611—Do pass as amended, to Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 1777—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

SB 1778—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, and Hollingsworth.

NOES (0)—None.

SB 1823—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (8)—Senators Ackerman, Alarcón, Cedillo, Ducheny, Dunn, Florez, Hollingsworth, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/22/04

Ducheny (Chair)

Committee on Governmental Organization

SB 1183—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Murray, and Soto.

NOES (0)—None.

SB 1303—Do pass, to Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Murray, and Soto.

NOES (0)—None.

SB 1558—Do pass, to Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Murray, and Soto.

NOES (0)—None.

SB 1654—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Murray, and Soto.

NOES (0)—None.

SB 1775—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Battin, Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Murray, and Soto.

NOES (0)—None.

SB 1851—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cedillo, Chesbro, Dunn, Karnette, Machado, Murray, and Soto.

NOES (2)—Senators Battin and Brulte.

AB 701—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Battin, Cedillo, Chesbro, Dunn, Johnson, Karnette, Murray, and Soto.

NOES (1)—Senator Brulte.

Date of Hearing: 3/23/04

Vincent (Chair)

Committee on Natural Resources and Wildlife

SB 1153—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, and Torlakson.

NOES (0)—None.

SB 1214—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

SB 1265—Do pass

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

SB 1278—Do pass

AYES (9)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Ortiz, Sher, and Torlakson.

NOES (0)—None.

SB 1318—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

SB 1319—Do pass and re-refer to Committee on Appropriations
AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.
NOES (3)—Senators Denham, Hollingsworth, and Oller.

SB 1327—Do pass and re-refer to Committee on Appropriations
AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.
NOES (3)—Senators Denham, Hollingsworth, and Oller.

SB 1369—Do pass as amended and re-refer to Committee on Appropriations
AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.
NOES (2)—Senators Hollingsworth and Oller.

SB 1480—Do pass and re-refer to Committee on Appropriations
AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.
NOES (3)—Senators Denham, Hollingsworth, and Oller.

SB 1482—Do pass and re-refer to Committee on Appropriations
AYES (7)—Senators Alpert, Bowen, Denham, Kuehl, Ortiz, Sher, and Torlakson.
NOES (2)—Senators Hollingsworth and Oller.

SB 1648—Do pass and re-refer to Committee on Appropriations
AYES (6)—Senators Alpert, Bowen, Kuehl, Ortiz, Sher, and Torlakson.
NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 3/23/04 Kuehl (Chair)

Committee on Public Safety

SB 1164—Do pass as amended and re-refer to Committee on Appropriations
AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.
NOES (1)—Senator Margett.

SB 1314—Do pass as amended and re-refer to Committee on Appropriations
AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.
NOES (0)—None.

SB 1388—Do pass as amended and re-refer to Committee on Appropriations
AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.
NOES (0)—None.

SB 1426—Do pass and re-refer to Committee on Appropriations
AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.
NOES (0)—None.

SB 1608—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (2)—Senators Margett and McPherson.

SB 1780—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (3)—Senators Romero, Sher, and Vasconcellos.

Failed Passage

Date of Hearing: 3/23/04

McPherson (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Morrow and Speier.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Figueroa.

REQUEST TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Christopher Sutton of Brea.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, March 24, 2004.

IN JOINT CONVENTION

2004 State of the Judiciary Address

Assembly Chamber, Sacramento
Tuesday, March 23, 2004

At 4:50 p.m., the Senate and Assembly met in Joint Convention.

Hon. Fabian Nunez, Speaker of the Assembly, presiding.

(NOTE: For text of State of the Judiciary Address see Appendix to Assembly Journal for March 23, 2004.)

ADJOURNMENT OF JOINT CONVENTION

At 5:35 p.m., there being no further business, Speaker Nunez declared the Joint Convention adjourned *sine die*.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 24, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, McPherson, Murray, Ortiz, Perata, Poochigian, Romero,
Scott, Soto, Speier, Torlakson, and Vasconcellos—35.

Quorum present.

(NOTE: Senators Morrow, Oller, and Sher will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senator Figueroa will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Transportation

Date of Hearing, March 23, 2004

Mr. President: The Committee on Transportation, to which were referred:

SB 1085

SB 1169

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 23, 2004

Mr. President: The Committee on Transportation, to which was referred:

AJR 50

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Environmental Quality.

MURRAY, Chair

Above measure ordered to second reading.

Date of Hearing, March 23, 2004

Mr. President: The Committee on Transportation, to which were referred:

SCR 50

SCR 53

ACR 115

ACR 121

ACR 131

ACR 135

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1500

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

Senate Bill 1500—An act to amend Section 4000.37 of, to amend, repeal, and add Section 4000.38 of, to add Section 16058 to, and to repeal Sections 16020.1 and 16020.2 of, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1424

AB 658

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1424—An act to add Section 15627 to, and to repeal Part 10 (commencing with Section 15700) of Division 3 of Title 2 of, the Government Code, and to add Section 20.5 to the Revenue and Taxation Code, relating to governmental organization.

Bill read second time.

Assembly Bill 658—An act to add and repeal Article 13.5 (commencing with Section 18845) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to public health.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 1758

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1758—An act to add Section 11011.23 to the Government Code, relating to state property.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1756

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1756—An act to amend Section 8169 of the Government Code, relating to state property.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1838

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1838—An act to amend Sections 11750, 11751.4, 11754, 11755, 11755.2, 11756, 11757.51, 11757.57, 11757.59, 11757.61, 11758.12, 11758.13, 11758.20, 11758.23, 11758.25, 11758.29, 11758.40, 11758.43, 11758.46, 11759.1, 11759.2, 11759.4, 11760, 11760.1, 11760.2, 11760.3, 11760.4, 11772, 11775, 11776, 11778.9, 11781, 11781.5, 11785, 11786, 11795, 11796, 11796.1, 11797, 11798, 11798.1, 11800, 11801, 11802, 11805, 11810, 11811, 11811.1, 11811.3, 11811.5, 11811.6, 11811.7, 11812, 11812.6, 11813, 11814, 11817.1, 11817.3, 11817.4, 11818, 11818.5, 11820, 11820.1, 11825, 11826, 11827, 11828, 11830.5, 11831.5, 11835, 11836, 11837.2, 11837.3, 11837.4, 11837.6, 11837.7, 11837.8, 11837.9, 11838.1, 11840, 11840.1, 11841, and 11860 of, to amend the heading of Article 1 (commencing with Section 11760) of Chapter 1 of Part 2 of Division 10.5 of, to amend the heading of Article 4 (commencing with Section 11810) of Chapter 4 of Part 2 of Division 10.5 of, to amend the heading of Chapter 3 (commencing with Section 11758.10) of Part 1 of Division 10.5 of to amend the heading of Chapter 9 (commencing with Section 11836) of Part 2 of Division 10.5 of, to amend the heading of Chapter 2 (commencing with Section 11960) of Part 3 of 10.5 of, to amend the headings of Part 2 (commencing with Section 11760) and Part 3 (commencing with Section 11860) of Division 10.5 of, to amend and renumber Sections 11830 and 11831 of, to amend and renumber the headings of Article 3 (commencing with Section 11970), Article 4 (commencing with Section 11970.1), and Article 5 (commencing with Section 11970.45) of Chapter 2 of Part 3 of Division 10.5 of, to amend and renumber the heading of Chapter 10 (commencing with Section 11840) of Part 2 of Division 10.5 of, to add Section 11752.1 to, to add Article 2 (commencing with Section 11760.5) to Chapter 1 of Part 2 of Division 10.5 of, to add Chapter 3.5 (commencing with Section 11788), Chapter 10 (commencing with Section 11839), Chapter 12 (commencing with Section 11842), and Chapter 13 (commencing with Section 11847) to Part 2 of Division 10.5 of, to repeal Sections 11755.4, 11755.5, 11757, 11757.55, 11757.62, 11757.63, 11757.65, 11757.66, 11758.27, 11758.33, 11758.41, 11759.5, 11765, 11782, 11814.5, and 11864 of, to repeal Article 2 (commencing with Section 11865), Article 3 (commencing with Section 11875), and Article 4 (commencing with Section 11885) of Chapter 1 of Part 3 of Division 10.5 of, to repeal Article 1 (commencing with Section 11960) and Article 2 (commencing with Section 11965) of Chapter 2 of

Part 3 of Division 10.5, to repeal the heading of Chapter 3.3 (commencing with Section 11758.20) of Part 1 of Division 10.5 of, to repeal Chapter 3.5 (commencing with Section 11758.50) of Part 1 of Division 10.5 of, to repeal Chapter 5 (commencing with Section 11759.10) of Part 1 of Division 10.5 of, to repeal Chapter 3 (commencing with Section 11970.5) and Chapter 4 (commencing with Section 11980) of Part 3 of Division 10.5 of, and to repeal and add Sections 11758.10 and 11817.8 of, the Health and Safety Code, relating to alcohol and other drug programs.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Local Government

Date of Hearing, March 24, 2004

Mr. President: The Committee on Local Government, to which was referred:

AB 1786

Reports the same back with the recommendation: Do pass.

TORLAKSON, Chair

Above bill ordered to second reading.

Date of Hearing, March 24, 2004

Mr. President: The Committee on Local Government, to which was referred:

SB 1165

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

TORLAKSON, Chair

Above measure ordered to second reading.

Date of Hearing, March 24, 2004

Mr. President: The Committee on Local Government, to which was referred:

AB 1320

Reports the same back with the recommendation: Do pass as amended.

TORLAKSON, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1588

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1588—An act to amend Sections 76395, 78021, 84000, 87000, 89303, 89522, 89600, and 89701.5 of the Education Code, relating to public postsecondary education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1831

SB 1832

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1831—An act to amend Sections 1623.1, 1624, 1624.05, and 1624.1 of the Revenue and Taxation Code, relating to property taxation.

Bill read second time.

Senate Bill 1832—An act to amend Sections 72 and 327.1 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Insurance

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Insurance, to which was referred:

AB 254

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 254—An act to amend Section 1373.621 of the Health and Safety Code, and to amend Section 10116.5 of the Insurance Code, relating to health.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SCR 53

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 53—Relative to the Firefighter Steven Rucker Memorial Highway.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1550

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1550—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

SB 1732

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

Senate Bill 1732—An act to add Article 3.5 (commencing with Section 33540) to Chapter 5 of Part 1 of Division 15 of the Food and Agricultural Code, relating to dairy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Date of Hearing, March 24, 2004

Mr. President: The Committee on Education, to which were referred:

SB 1142

SB 1175

SB 1309

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Transportation

Senate Chamber, March 24, 2004

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SCR 64

SCR 68

SCR 70

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

Senate Concurrent Resolution 64—Relative to the Chief F.S. "Pete" Pedroza Memorial Highway.

Resolution read second time.

Senate Concurrent Resolution 68—Relative to John Castro Memorial Interchange.

Resolution read second time.

Senate Concurrent Resolution 70—Relative to the Victor V. Veysey Expressway.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 1265—An act to amend Sections 2854 and 15702 of, and to repeal Section 15603 of, the Fish and Game Code, relating to fish and game.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 1278—An act to amend Section 4663 of, and to repeal Sections 4205, 4562.9, and 4563.5 of, the Public Resources Code, relating to natural resources.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 1303—An act to amend Section 1150 of the Harbors and Navigation Code, relating to harbors.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1558—An act to amend Sections 14010, 14025, 14030, 14036, 14037, 14037.5, 14037.6, 14038, 14070, 14075, 14076, 14085, and 14086 of the Corporations Code, relating to small business financial development corporations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1777—An act to amend Sections 50451, 50452, and 50453 of, and to repeal Section 50524 of, the Health and Safety Code, relating to the statewide housing plan.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1611—An act to amend Section 17021.6 of the Health and Safety Code, relating to housing.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

Senate Bill 1090—An act to amend Section 798.71 of the Civil Code, and to amend Sections 18060.5 and 18063 of the Health and Safety Code, relating to manufactured homes and mobilehomes.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

Senate Bill 1609—An act to amend Section 50650 of the Health and Safety Code, relating to housing.

Bill read second time, ordered engrossed, and to Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 104—Relative to Day of the Teacher.

Resolution read second time and to third reading.

SENATE COMMITTEE ROLL CALLS

Committee on Transportation

SB 1084—Do pass

AYES (5)—Senators Florez, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

Failed Passage

SB 1084—Reconsideration granted

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

SB 1085—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

SB 1087—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

SB 1169—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Ashburn, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (1)—Senator Brulte.

SB 1213—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (3)—Senators Ashburn, Brulte, and McClintock.

SCR 50—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

SCR 53—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

AB 1663—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (2)—Senators Ashburn and McClintock.

ACR 115—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

ACR 121—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

ACR 131—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

ACR 135—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Ashburn, Brulte, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, and Torlakson.

NOES (0)—None.

AJR 50—Do pass as amended and re-refer to Committee on Environmental Quality

AYES (8)—Senators Ashburn, Florez, Karnette, Murray, Perata, Scott, Soto, and Torlakson.

NOES (1)—Senator Brulte.

Date of Hearing: 3/23/04

Murray (Chair)

Committee on Education

SB 1142—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, and Vasconcellos.

NOES (0)—None.

SB 1161—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, and Vasconcellos.

NOES (0)—None.

SB 1175—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (9)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, and Vasconcellos.

NOES (0)—None.

SB 1309—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 3/24/04

Vasconcellos (Chair)

Committee on Local Government

SB 1165—Do pass, to Consent Calendar

AYES (6)—Senators Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 1320—Do pass as amended

AYES (6)—Senators Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

AB 1786—Do pass

AYES (6)—Senators Hollingsworth, Machado, Margett, Perata, Soto, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/24/04

Torlakson (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Morrow, Oller, and Sher.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Figueroa.

REQUEST TO ADJOURN IN MEMORIAM

Senator Vasconcellos requested that when the Senate adjourns this day it do so in memory of Glenn Rice of Oklahoma City.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9:30 a.m., Thursday, March 25, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 25, 2004

The Senate met at 9:30 a.m.
Hon. Dede Alpert, of the 39th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Marlissa Hernandez 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, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos—34.
Quorum present.

(NOTE: Senators Ackerman, Ducheny, and Morrow will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senators Bowen and Soto will be excused this day due to illness.)

PRAYER

Upon invitation of the President, the following prayer was offered by Senator Kuehl:

Lord, Grant that we may never be more than an arms-length away from connecting our commitment to a peaceful heart to our commitment to a peaceful world.—AMEN.

(S. Boorstein, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Aanestad led the Senate in the pledge of allegiance to the Flag.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 1422

SB 1650

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1422—An act to amend Section 12804.9 of the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 1650—An act to amend Section 12798.1 of the Food and Agricultural Code, relating to pest control.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

CONSIDERATION OF DAILY FILE**SECOND READING OF SENATE BILLS**

Senate Bill 1165—An act to amend Section 17924 of the Business and Professions Code, to amend Sections 6047.70, 6047.76, 6047.77, 6047.82, 6047.97, 6253, 6293.5, 30801, 30803, 30805, and 30850 of, and to repeal Section 30806 of, the Food and Agricultural Code, to amend Sections 24003, 25151, 25502.3, 26806, 26835, 26859, 51238.2, 53630, 54222, 55631, 66452.6, and 66473.7 of, and to add Sections 50057 and 53061.2 to, the Government Code, to repeal Section 1184 of the Military and Veterans Code, to amend Sections 11534, 11910, and 22553.2 of the Public Utilities Code, to amend Sections 34701 and 60622 of the Water Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

Bill read second time, ordered engrossed, and to Consent Calendar.

SECOND READING OF ASSEMBLY BILLS

Assembly Joint Resolution 50—Relative to fuel cell vehicles.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Environmental Quality.

Assembly Bill 1786—An act to add Section 1228.6 to the Government Code, relating to public officers, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 1320—An act to amend Sections 65460.1, 65460.2, and 65460.4 of the Government Code, relating to transit village plans.

Bill read second time.

The amendments proposed by the Committee on Local Government were read and adopted and the measure ordered printed and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1618—An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Escutia.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Escutia moved a call of the Senate.

Motion carried.

RECESS

At 9:58 a.m., the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 9:59 a.m., the Senate reconvened.

Hon. Dede Alpert, of the 39th District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

SPECIAL CONSENT CALENDAR

Senate Concurrent Resolution 61—Relative to California Hispanic Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 62—Relative to California Indian Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 71—Relative to the 60th anniversary of D-Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Concurrent Resolution 73—Relative to Mosquito and Vector Control and West Nile Virus Awareness Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1306—An act to amend Section 1203.9 of the Penal Code, relating to probation, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 159—Relative to Myositis Awareness Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 172—Relative to a Day of Remembrance.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 176—Relative to George Washington's birthday.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 181—Relative to National Anthem Day.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 190—Relative to emergency medical services.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 192—Relative to Irish-American Heritage Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 186—Relative to Colorectal Cancer Awareness Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 174—Relative to Arts Education Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (34)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 1618)

On motion of Senator Escutia, 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 AB 1618 was refused adoption by the following vote:

AYES (25)—Senators Aanestad, Alarcón, Alpert, Battin, Burton, Cedillo, Chesbro, Dunn, Escutia, Figueroa, Florez, Karnette, Kuehl, Machado, Margett, McPherson, Murray, Ortiz, Perata, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (4)—Senators Ashburn, Brulte, Hollingsworth, and Johnson.

Motion to Reconsider

Senator Escutia moved to reconsider the vote whereby the urgency clause to AB 1618 was refused adoption.

Roll Call

The roll was called and reconsideration was granted by the following vote:

AYES (34)—Senators Aanestad, Alarcón, Alpert, Ashburn, Battin, Brulte, Burton, Cedillo, Chesbro, Denham, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado,

Margett, McClintock, McPherson, Murray, Oller, Ortiz, Perata, Poochigian, Romero, Scott, Sher, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

Bill ordered returned to third reading.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ackerman, Ducheny, and Morrow.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senators were granted leaves of absence for the day due to illness: Senators Bowen and Soto.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 10:04 a.m., on motion of Senator Johnson, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Johnson moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Friday, March 26, 2004.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 25, 2004

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 279

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, March 25, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 58

Above resolution ordered enrolled.

Assembly Chamber, March 25, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 166

Assembly Chamber, March 25, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1195

ACR 61

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 166—Relative to the Day of the Horse.

REPORTS OF STANDING COMMITTEES

Committee on Public Employment and Retirement

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 1602

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1602—An act to amend Section 21548 of the Government Code, relating to public employees' retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Public Safety, to which was referred:

AB 1499

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1499—An act to amend Section 311.11 of the Penal Code, relating to child pornography.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Employment and Retirement

Date of Hearing, March 22, 2004

Madam President: The Committee on Public Employment and Retirement, to which was referred:

SB 1137

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

SOTO, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Wildlife

Date of Hearing, March 23, 2004

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 1369

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 1563

SB 1585

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1563—An act to amend and renumber Section 17655 of the Corporations Code, relating to limited liability companies.

Bill read second time.

Senate Bill 1585—An act to amend Section 110430 of the Health and Safety Code, relating to food safety.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 1750

AB 79

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1750—An act to add Title 15.7 (commencing with Section 97500) to the Government Code, relating to state property.

Bill read second time.

Assembly Bill 79—An act to add and repeal Section 7550.5 of the Government Code, relating to public agencies, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Date of Hearing, March 22, 2004

Madam President: The Committee on Housing and Community Development, to which was referred:

SB 1163

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Energy, Utilities and Communications.

DUCHENY, Chair

Above measure ordered to second reading.

Date of Hearing, March 22, 2004

Madam President: The Committee on Housing and Community Development, to which was referred:

SB 1228

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

DUCHENY, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Wildlife

Date of Hearing, March 23, 2004

Madam President: The Committee on Natural Resources and Wildlife, to which was referred:

SB 1214

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

KUEHL, Chair

Above measure ordered to second reading.

Committee on Local Government

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Local Government, to which was referred:

SB 1382

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1382—An act to amend Sections 33328.5 and 33344.5 of the Health and Safety Code, relating to redevelopment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Education, to which was referred:

SB 1343

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1343—An act to repeal and add Section 8206.1 of the Education Code, relating to child care and development programs.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which was referred:

SB 1860

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

ORTIZ, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which were referred:

SB 1364

SB 1493

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ORTIZ, Chair

Above measures ordered to second reading.

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which were referred:

SB 1333

SB 1783

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which was referred:

SB 1657

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which were referred:

SB 1626

AB 1091

ACR 139

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which was referred:

SB 1446

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Environmental Quality.

ORTIZ, Chair

Above measure re-referred to the Committee on Environmental Quality.

Committee on Rules

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 1858

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1858—An act relating to the statewide emergency telephone system.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which were referred:

SB 1494

SJR 25

Reports the same back with the recommendation: Do pass.

ORTIZ, Chair

Above bill ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which was referred:

SB 1566

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Education.

ORTIZ, Chair

Above measure re-referred to the Committee on Education.

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1425

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 1425—An act to amend Section 111890 of the Health and Safety Code, relating to food.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, March 24, 2004

Madam President: The Committee on Health and Human Services, to which was referred:

AB 129

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measure re-referred to the Committee on Judiciary.

Committee on Education

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Education, to which was referred:

SB 1501

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 1501—An act to amend Section 17071.75 of the Education Code, relating to school facilities.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1501 pursuant to Joint Rule 58.

SENATOR ESCUTIA

Permission of Rules Committee

Senate Chamber, March 25, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1501.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, March 25, 2004

Madam President: The Chair of the Committee on Appropriations, to which was referred:

AB 701

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 701—An act to add and repeal Sections 19605.75, 19605.76, and 19605.77 of the Business and Professions Code, relating to horse racing.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 701 pursuant to Joint Rule 58.

ASSEMBLY MEMBER JEROME HORTON

Permission of Rules Committee

Senate Chamber, March 25, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 701.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

SENATE COMMITTEE ROLL CALLS**Committee on Health and Human Services**

SB 1168—Do pass as amended and re-refer to Committee on Rules

AYES (7)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, and Romero.

NOES (2)—Senators Aanestad and Ashburn.

SB 1187—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 1196—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Escutia, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

SB 1275—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Chesbro, Escutia, Kuehl, Ortiz, and Vasconcellos.

NOES (3)—Senators Aanestad, Ashburn, and Florez.

Failed Passage

SB 1275—Reconsideration granted

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 1333—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Escutia, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

SB 1364—Do pass, to Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 1446—Do pass and re-refer to Committee on Environmental Quality

AYES (8)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

SB 1487—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

SB 1493—Do pass, to Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 1494—Do pass

AYES (7)—Senators Alarcón, Chesbro, Escutia, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

SB 1566—Do pass and re-refer to Committee on Education

AYES (8)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

SB 1626—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 1644—Do pass as amended and re-refer to Committee on Public Safety

AYES (7)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

SB 1657—Do pass and re-refer to Committee on Public Safety, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 1783—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SB 1821—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, and Romero.

NOES (2)—Senators Aanestad and Ashburn.

SB 1860—Do pass and re-refer to Committee on Judiciary

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

SJR 25—Do pass

AYES (8)—Senators Alarcón, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (2)—Senators Aanestad and Ashburn.

AB 129—Do pass and re-refer to Committee on Judiciary, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

AB 1091—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

AB 1454—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

ACR 139—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Aanestad, Alarcón, Ashburn, Chesbro, Escutia, Florez, Kuehl, Ortiz, Romero, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 3/24/04

Ortiz (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of May Kawelo Niblett of San Fernando.

Senator Karnette requested that when the Senate adjourns this day it do so in memory of Sgt. Tim O'Donnell of the Long Beach Police Department.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Maj. Mark Taylor of Stockton and Lt. Michael W. Vega of Lathrop.

Senators Machado and Poochigian requested that when the Senate adjourns this day it do so in memory of Louise T. Podesto.

Senators Ortiz and Burton requested that when the Senate adjourns this day it do so in memory of Merle Coz Zberg of Sacramento.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Alice Kinosian and Eleanor E. Reynolds of Fresno and Louise Sorrenti Petrosino of Clovis.

Senator Speier requested that when the Senate adjourns this day it do so in memory of LCpl. Andrew Dang (USMC) of San Mateo.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Johnson, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Friday, March 26, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, March 26, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ashburn, Brulte, Burton, Chesbro, Denham, Dunn, Figueroa,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, Oller, Ortiz, Poochigian, Sher, and Vasconcellos—21.

Quorum present.

(NOTE: Senators Ackerman, Alarcón, Alpert, Battin, Cedillo, Ducheny, Florez, McPherson, Morrow, Murray, Perata, Romero, Scott, Speier, and Torlakson will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senators Bowen, Escutia, and Soto will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 26, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1383

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1383—An act to amend Section 60010 of the Education Code, relating to instructional materials.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, March 26, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which was referred:

SB 1532

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1532—An act to add Section 242 to 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 Transportation

Senate Chamber, March 26, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1725

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

Senate Bill 1725—An act to amend Sections 415, 462, 467, 545, 2418.5, 5007, 9410, 22507.5, 22511.5, 22511.55, 22511.57, 22511.59, 22511.8, 22652, 22658.2, and 25276 of, and to add Section 5007.5 to, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, March 26, 2004

Mr. President: The Chair of the Committee on Education, to which was referred:

AB 379

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 379—An act to amend Section 8208 of, and to add Article 8.5 (commencing with Section 8245) to Chapter 2 of Part 6 of, the Education Code, relating to child development.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 26, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1342

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1342—An act to amend Sections 6125, 6126, and 6126.4 of, and to add Section 6127 to, the Penal Code, relating to the Inspector General.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Date of Hearing, March 23, 2004

Mr. President: The Committee on Public Safety, to which were referred:

SB 1164

SB 1608

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measures ordered to second reading.

Senate Chamber, March 26, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1781

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1781—An act to amend Section 12302 of the Penal Code, relating to destructive devices.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Energy, Utilities and Communications

Date of Hearing, March 23, 2004

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 1565

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

BOWEN, Chair

Above measure ordered to second reading.

Date of Hearing, March 23, 2004

Mr. President: The Committee on Energy, Utilities and Communications, to which was referred:

SB 1488

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

BOWEN, Chair

Above measure ordered to second reading.

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 Bill 1916: By the Committee on Banking, Commerce and International Trade (Senators Florez (Chair), Ducheny, Karnette, Murray, and Perata)—An act to add Section 12334 to the Government Code, relating to state agency contracts.

Senate Bill 1917: By the Committee on Banking, Commerce and International Trade (Senators Florez (Chair), Ducheny, Karnette, Murray, and Perata)—An act to add Article 1.5 (commencing with Section 865) to Chapter 7 of Division 1 of the Financial Code, relating to financial institutions.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 1137—An act to amend Section 22200 of the Education Code, relating to state teachers' retirement.

Bill read second time.

The amendments proposed by the Committee on Public Employment and Retirement were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1369—An act to amend Section 51182 of the Government Code, and to amend Section 4291 of the Public Resources Code, relating to fire protection.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1163—An act to amend Section 798.38 of the Civil Code and Section 739.5 of the Public Utilities Code, relating to utilities.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Energy, Utilities and Communications.

Senate Bill 1228—An act to add Section 50662.8 to the Health and Safety Code, relating to housing assistance.

Bill read second time.

The amendments proposed by the Committee on Housing and Community Development were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1214—An act to amend Section 2081.7 of the Fish and Game Code, relating to wildlife, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Natural Resources and Wildlife were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1364—An act to amend Sections 4521, 4535, and 4547 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1493—An act to amend Section 116025 of the Health and Safety Code, relating to swimming pools.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1494—An act to amend Sections 11362.7 and 11362.77 of the Health and Safety Code, relating to medical marijuana.

Bill read second time, ordered engrossed, and to third reading.

SPECIAL CONSENT CALENDAR SET

Without objection, the following measures were set as a Special Consent Calendar to be taken up on March 30, 2004

SB 279	SB 1265	SB 1278
AB 1467	AB 1786	

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 701** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

SENATE COMMITTEE ROLL CALLS

Committee on Energy, Utilities and Communications

SB 1488—Do pass as amended and re-refer to Committee on Judiciary

AYES (5)—Senators Alarcón, Bowen, Dunn, Sher, and Vasconcellos.

NOES (1)—Senator Battin.

SB 1565—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, Sher, and Vasconcellos.

NOES (1)—Senator Battin.

Date of Hearing: 3/23/04

Bowen (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Ackerman, Alarcón, Alpert, Battin, Cedillo, Ducheny, Florez, McPherson, Morrow, Murray, Perata, Romero, Scott, Speier, and Torlakson.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senators were granted leaves of absence for the day due to illness: Senators Bowen, Escutia, and Soto.

REQUEST TO ADJOURN IN MEMORIAM

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Michelle Kurtz of Rolling Hill Estates and Thomas McCoy of Camarillo.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 1:30 p.m., Tuesday, March 30, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 30, 2004

The Senate met at 1:30 p.m.
Hon. Dede Alpert, of the 39th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos—37.

Quorum present.

(NOTE: Senator Escutia will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senator Ortiz will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Great Creator of the Universe, You have set the sun and the moon and the stars in their places and the music of the spheres sing Your praises. As we marvel at their glory and Your handiwork, grant us greater awareness of the wonder of Your being and a deeper appreciation of Your tender love.—AMEN.

(Brother Ramon, adapted)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Dunn led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 30, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

SB 1091

Above measure ordered enrolled.

Assembly Chamber, March 30, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 42

Above resolution ordered enrolled.

Assembly Chamber, March 30, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1798

AB 1884

AB 1901

AB 1931

AB 1985

AB 2301

Assembly Chamber, March 30, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 54

AJR 55

AJR 63

Assembly Chamber, March 30, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1306

ACR 172

ACR 174

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 for assignment:

Assembly Bill 1798—An act to add Section 22507.1 to the Vehicle Code, relating to vehicles.

Assembly Bill 1884—An act to amend Section 633 of the Penal Code, relating to privacy.

Assembly Bill 1901—An act to amend Section 1203.1abc of the Penal Code, relating to criminal offenders.

Assembly Bill 1931—An act to amend Section 830.1 of the Penal Code, relating to peace officers.

Assembly Bill 1985—An act to amend Section 1871.3 of the Insurance Code, relating to insurance claims.

Assembly Bill 2301—An act to amend Section 16915 of the Welfare and Institutions Code, relating to health care.

The following measures were read the first time and referred to the Committee on Rules:

Assembly Joint Resolution 54—Relative to the federal Medicaid assistance percentage.

Assembly Joint Resolution 55—Relative to the federal Violence Against Children Act of 2003.

Assembly Joint Resolution 63—Relative to State Highway Route 99.

REPORTS OF STANDING COMMITTEES

Committee on Education

Senate Chamber, March 30, 2004

Madam President: The Chair of the Committee on Education, to which were referred:

SB 1510

AB 442

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1510—An act to amend Section 44238 of the Education Code, relating to education finance.

Bill read second time.

Assembly Bill 442—An act to amend Section 42122 of the Education Code, relating to school finance.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Date of Hearing, March 24, 2004

Madam President: The Committee on Education, to which was referred:

SB 1161

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Wildlife

Senate Chamber, March 30, 2004

Madam President: The Chair of the Committee on Natural Resources and Wildlife, to which was referred:

SB 1807

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

Senate Bill 1807—An act to amend Section 3033 of the Fish and Game Code, relating to hunting licenses, and making an appropriation therefor.

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 Bill 1164—An act to add Sections 2602 and 2603 to the Penal Code, relating to prisoners.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1608—An act to amend Section 5028 of the Penal Code, relating to corrections.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1565—An act to add Section 25324 to the Public Resources Code, relating to energy conservation and development.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1488—An act to amend Section 583 of the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time.

The amendments proposed by the Committee on Energy, Utilities and Communications were read and adopted and the measure ordered printed, and re-referred to the Committee on Judiciary.

THIRD READING OF SENATE BILLS

Senate Bill 1494—An act to amend Sections 11362.7 and 11362.77 of the Health and Safety Code, relating to medical marijuana.

Bill read third time and presented by Senator Vasconcellos.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Figueroa, Karnette, Kuehl, Machado, McPherson, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Florez, Hollingsworth, Johnson, Knight, Margett, Morrow, Oller, and Poochigian.

Bill ordered transmitted to the Assembly.

Senator Bowen Presiding

Senate Joint Resolution 24—Relative to pharmaceutical advertising.

Resolution read third time and presented by Senator Alpert.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Alpert moved a call of the Senate.

Motion carried.

THIRD READING OF SENATE BILLS (RESUMED)

Senate Joint Resolution 25—Relative to the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

Resolution read third time and presented by Senator Alpert.

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator Alpert moved a call of the Senate.

Motion carried.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SJR 24)

On motion of Senator Alpert, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SJR 24 was adopted by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Above resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SJR 25)**

On motion of Senator Alpert, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and SJR 25 was adopted by the following vote:

AYES (21)—Senators Alarcón, Alpert, Bowen, Burton, Chesbro, Ducheny, Dunn, Figueroa, Florez, Karnette, Kuehl, Machado, Murray, Perata, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Brulte, Denham, Hollingsworth, Johnson, Knight, Margett, McClintock, McPherson, Morrow, Oller, and Pochigian.

Above resolution ordered transmitted to the Assembly.

CONSENT CALENDAR

Senate Bill 1303—An act to amend Section 1150 of the Harbors and Navigation Code, relating to harbors.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1558—An act to amend Sections 14010, 14025, 14030, 14036, 14037, 14037.5, 14037.6, 14038, 14070, 14075, 14076, 14085, and 14086 of the Corporations Code, relating to small business financial development corporations, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1611—An act to amend Section 17021.6 of the Health and Safety Code, relating to housing.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1609—An act to amend Section 50650 of the Health and Safety Code, relating to housing.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1165—An act to amend Section 17924 of the Business and Professions Code, to amend Sections 6047.70, 6047.76, 6047.77, 6047.82, 6047.97, 6253, 6293.5, 30801, 30803, 30805, and 30850 of, and to repeal Section 30806 of, the Food and Agricultural Code, to amend Sections 24003, 25151, 25502.3, 26806, 26835, 26859, 51238.2, 53630, 54222, 55631, 66452.6, and 66473.7 of, and to add Sections 50057 and 53061.2 to, the Government Code, to repeal Section 1184 of the Military and Veterans Code, to amend Sections 11534, 11910, and 22553.2 of the Public Utilities Code, to amend Sections 34701 and 60622 of the Water Code, and to amend Section 16809.4 of the Welfare and Institutions Code, relating to local government.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

SPECIAL CONSENT CALENDAR

Senate Bill 279—An act to amend Section 68120 of the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1265—An act to amend Sections 2854 and 15702 of, and to repeal Section 15603 of, the Fish and Game Code, relating to fish and game.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Senate Bill 1278—An act to amend Section 4663 of, and to repeal Sections 4205, 4562.9, and 4563.5 of, the Public Resources Code, relating to natural resources.

Bill read third time, passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1467—An act to amend Sections 22, 102.3, 473, 473.15, 473.2, 473.3, 473.4, 473.5, 473.6, 474, 474.1, 474.2, 474.3, 474.4, 1620.1, 1628, 1638.7, 4001.5, 4934.2, 5000, 5811, 6704.1, 7000.5, 7316, 7612, 8000, and 9610 of, and to add and repeal Section 1628.2 of, the Business and Professions Code, to amend Sections 94779.1, 94779.3, 94990, and 94995 of the Education Code, and to amend Section 9148.8 and

9148.52 of the Government Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1786—An act to add Section 1228.6 to the Government Code, relating to public officers, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

(NOTE: See Consent Calendar Roll Call)

Consent Calendar Roll Call

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (35)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Bowen, Brulte, Burton, Chesbro, Denham, Ducheny, Dunn, Figueroa, Florez, Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, Torlakson, and Vasconcellos.

NOES (0)—None.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1901** was withdrawn from the Committee on Agriculture and Water Resources and re-referred to the Committee on Rules.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Escutia.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Ortiz.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:10 p.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

REQUEST TO BE ADDED TO ROLL CALL

March 30, 2004

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 1494—No SJR 24—No SJR 25—No
Consent Calendar—Aye

JAMES L BRULTE, Minority Floor Leader

MOTION TO ADJOURN

Senator Burton 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 Wednesday, March 31, 2004.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 30, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 196 AJR 47

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 196—Relative to Cesar Chavez Day.

Assembly Joint Resolution 47—Relative to Cesar E. Chavez.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Senate Chamber, March 30, 2004

Madam President: The Chair of the Committee on Judiciary, to which were referred:

SB 1475 AB 129

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1475—An act to add Chapter 13.5 (commencing with Section 15775) to Part 3 of Division 9 of the Welfare and Institutions Code, relating to adult protective services.

Bill read second time.

Assembly Bill 129—An act to amend Sections 241.1, 387, and 11401 of, and to add Sections 241.2 and 366.5 to, the Welfare and Institutions Code, relating to the juvenile court.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Energy, Utilities and Communications

Senate Chamber, March 30, 2004

Madam President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 1201

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1201—An act to amend Section 701.8 of the Public Utilities Code, relating to electrical restructuring, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Date of Hearing, March 30, 2004

Madam President: The Committee on Agriculture and Water Resources, to which was referred:

SB 1280

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MACHADO, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Public Safety

Date of Hearing, March 30, 2004

Madam President: The Committee on Public Safety, to which was referred:

SB 1344

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

McPHERSON, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, March 30, 2004

Madam President: The Committee on Public Safety, to which were referred:

SB 1151 SB 1223 SB 1441 SB 1708

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Rules

Senate Chamber, March 30, 2004

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 1336 SB 1569 SB 1671 SR 29
SB 1525 SB 1576 SB 1692
SB 1553 SB 1606 SCR 51

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1336—An act to amend Section 1638 of the Business and Professions Code, relating to oral and maxillofacial surgery.

Bill read second time.

Senate Bill 1525—An act relating to health care.

Bill read second time.

Senate Bill 1553—An act to amend Section 3000 of the Penal Code, relating to parole.

Bill read second time.

Senate Bill 1569—An act to amend Section 1387 of the Health and Safety Code, relating to health care.

Bill read second time.

Senate Bill 1576—An act to add Section 89721.3 to the Education Code, relating to the California State University.

Bill read second time.

Senate Bill 1606—An act to amend Section 2101 of the Elections Code, relating to voting.

Bill read second time.

Senate Bill 1671—An act relating to health.

Bill read second time.

Senate Bill 1692—An act relating to pupils.

Bill read second time.

Senate Concurrent Resolution 51—Relative to the Joint Rules.

Resolution read second time.

Senate Resolution 29—Relative to the Senate Rules.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

SENATE COMMITTEE ROLL CALLS

Committee on Agriculture and Water Resources

SB 1136—Do pass as amended

AYES (8)—Senators Aanestad, Alpert, Denham, Florez, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

SB 1280—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Alpert, Denham, Florez, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

SB 1840—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Aanestad, Alpert, Denham, Florez, Kuehl, Machado, Margett, and Poochigian.

NOES (0)—None.

Date of Hearing: 3/30/04

Machado (Chair)

Committee on Public Safety

SB 1151—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, McPherson, Romero, Sher, and Vasconcellos.

NOES (1)—Senator Margett.

SB 1223—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1285—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1344—Do pass and re-refer to Committee on Judiciary

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1366—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Romero.

Failed passage

SB 1366—Reconsideration granted

AYES (4)—Senators Margett, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1385—Do pass as amended

AYES (4)—Senators Burton, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1399—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1441—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1707—Do pass as amended

AYES (6)—Senators Burton, Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1708—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

SB 1710—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (3)—Senators Romero, Sher, and Vasconcellos.

Failed Passage

SB 1830—Do pass as amended

AYES (2)—Senators Margett and McPherson.

NOES (1)—Senator Romero.

Failed passage

AB 493—Do pass as amended and re-refer to Committee on Health and Human Services

AYES (5)—Senators Margett, McPherson, Romero, Sher, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 3/30/04

McPherson (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Carol D. Weddle of Yorba Linda.

Senator Ducheny requested that when the Senate adjourns this day it do so in memory of Philip J. McAndrews of El Centro.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, March 31, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, March 31, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alpert, Ashburn, Battin, Bowen, Brulte, Burton,
Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez,
Hollingsworth, Johnson, Karnette, Knight, Kuehl, Machado, Margett,
McClintock, McPherson, Morrow, Murray, Perata, Poochigian, Romero,
Scott, Sher, Speier, Torlakson, and Vasconcellos—35.

Quorum present.

(NOTE: Senators Alarcón, Oller, and Soto will be excused this day on legislative business, Senator Vincent will be excused this day due to a family illness, and Senator Ortiz will be excused this day due to illness.)

REPORTS OF STANDING COMMITTEES

Committee on Transportation

Date of Hearing, March 30, 2004

Mr. President: The Committee on Transportation, to which were referred:

SB 1375 SB 1443 SB 1578

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 30, 2004

Mr. President: The Committee on Transportation, to which were referred:

SCR 64 SCR 69 SCR 70

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 30, 2004

Mr. President: The Committee on Transportation, to which was referred: SB 1084

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

MURRAY, Chair

Above measure re-referred to the Committee on Public Safety.

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1381

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

Senate Bill 1381—An act to add Section 885.4 to the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1737 SB 1805

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1737—An act to amend Section 296 of the Penal Code, relating to crimes.

Bill read second time.

Senate Bill 1805—An act relating to solar energy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1429

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1429—An act to amend Sections 13380 and 23612 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Date of Hearing, March 24, 2004

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 1196

SB 1487

SB 1821

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

ORTIZ, Chair

Above measures ordered to second reading.

Date of Hearing, March 24, 2004

Mr. President: The Committee on Health and Human Services, to which were referred:

SB 1187

AB 1454

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

ORTIZ, Chair

Above measures ordered to second reading.

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1819

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1819—An act to amend Sections 4514 and 5328 of the Welfare and Institutions Code, relating to confidential information.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Date of Hearing, March 23, 2004

Mr. President: The Committee on Public Safety, to which was referred:
SB 1388

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Environmental Quality

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 1180

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1180—An act to add Article 10.9.1 (commencing with Section 25219.3) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1658

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1658—An act to add Section 60654 to the Education Code, relating to testing.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 1535

SB 1316

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1535—An act to add Section 66025.2 to the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1316—An act to amend Sections 52052, 52054, 56157, 56366, 56366.1, and 56366.5 of, and to add Sections 49085 and 56157.5 to, the Education Code, relating to foster children.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 1334

SB 1641

SB 1663

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1334—An act to add Article 4 (commencing with Section 51260) to Chapter 7 of Part 1 of Division 1 of Title 5 of the Government Code, and to add Section 21083.4 to the Public Resources Code, relating to environmental quality.

Bill read second time.

Senate Bill 1641—An act to add Sections 53084.5 and 53084.7 to the Government Code, relating to local government.

Bill read second time.

Senate Bill 1663—An act to amend and repeal Section 4730.3 of, and to add Section 4730.35 to, the Health and Safety Code, relating to sanitation districts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 1309

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1309—An act to amend Sections 52616.17 and 52616.19 of, to repeal Section 52616.23 of, and to add Section 52616.26 to, the Education Code, relating to adult education.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Date of Hearing, March 31, 2004

Mr. President: The Committee on Education, to which was referred:

SB 1464

Reports the same back with the recommendation: Do pass.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, March 31, 2004

Mr. President: The Committee on Education, to which was referred:

SB 1271

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, March 31, 2004

Mr. President: The Committee on Education, to which was referred:

AB 987

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Agriculture and Water Resources

Date of Hearing, March 30, 2004

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 1840

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MACHADO, Chair

Above measure ordered to second reading.

Committee on Judiciary

Senate Chamber, March 31, 2004

Mr. President: The Chair of the Committee on Judiciary, to which was referred:

SB 1533

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1533—An act to add Sections 13823.14 and 13823.18 to the Penal Code, relating to the Office of Victim Services.

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 20: By Senator Torlakson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article XIXB thereof, relating to transportation.

Senate Concurrent Resolution 75: By Senator Karnette (Coauthor: Assembly Member Lowenthal)—Relative to Love Your Neighborhood Week.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 1161—An act to add Chapter 12.5 (commencing with Section 20020) to Part 11 of the Education Code, relating to financing a public library construction and renovation program by providing the funds necessary therefor through an election for, and the issuance and sale of, bonds of the State of California, and by providing for the handling and disposition of those funds, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1603** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Appropriations.

SENATE COMMITTEE ROLL CALLS

Committee on Transportation

SB 1084—Do pass and re-refer to Committee on Public Safety

AYES (8)—Senators Figueroa, Florez, Karnette, Perata, Scott, Soto, Speier, and Torlakson.

NOES (4)—Senators Ashburn, Brulte, McClintock, and Murray.

SB 1189—Do pass as amended and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SB 1210—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SB 1372—Do pass as amended

AYES (3)—Senators Ashburn, McClintock, and Soto.

NOES (5)—Senators Figueroa, Florez, Murray, Perata, and Speier.

Failed passage

SB 1372—Reconsideration granted

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SB 1375—Do pass and re-refer to Committee on Appropriations

AYES (11)—Senators Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (1)—Senator Ashburn.

SB 1443—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SB 1578—Do pass and re-refer to Committee on Appropriations

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SCR 64—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SCR 67—Be adopted as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SCR 68—Be adopted as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SCR 69—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, McClintock, Morrow, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

SCR 70—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (12)—Senators Ashburn, Brulte, Figueroa, Florez, Karnette, McClintock, Murray, Perata, Scott, Soto, Speier, and Torlakson.

NOES (0)—None.

Date of Hearing: 3/30/04

Murray (Chair)

Committee on Education**SB 1177**—Do pass as amended

AYES (8)—Senators Alpert, Chesbro, Karnette, McPherson, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Denham and Knight.

SB 1271—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, and Vasconcellos.

NOES (1)—Senator Knight.

SB 1316—Placed on Education suspense file

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

SB 1322—Committee amendments

AYES (6)—Senators Alpert, Karnette, Scott, Sher, Speier, and Vasconcellos.

NOES (2)—Senators Knight and McPherson.

SB 1322—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

SB 1348—Placed on Education suspense file

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

SB 1464—Do pass

AYES (7)—Senators Alpert, Chesbro, Karnette, Romero, Scott, Sher, and Vasconcellos.

NOES (3)—Senators Denham, Knight, and McPherson.

SB 1502—Placed on Education suspense file

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

SB 1503—Do pass and re-refer to Committee on Appropriations

AYES (1)—Senator Knight.

NOES (10)—Senators Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

Failed passage

SB 1591—Placed on Education suspense file

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

SB 1621—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

AB 124—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

AB 987—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (11)—Senators Alpert, Chesbro, Denham, Karnette, Knight, McPherson, Romero, Scott, Sher, Speier, and Vasconcellos.

NOES (0)—None.

Date of Hearing: 3/31/04

Vasconcellos (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Alarcón, Oller, and Soto.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senator was granted leave of absence for the day due to illness: Senator Ortiz.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 8:30 a.m., Thursday, April 1, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE

2003-04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, April 1, 2004

The Senate met at 8:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Torlakson, and Vasconcellos—33.

Quorum present.

(NOTE: Senators Brulte, Karnette, Perata, Soto, and Speier will be excused this day on legislative business, Senator Ortiz will be excused this day due to illness, and Senator Vincent will be excused this day due to a family illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Oh Great Spirit of Surprise, Dazzle us with a day full of amazing embraces, capricious, uncalculated caring, great hearts, kind souls and doers of good deeds.—AMEN.

(Molly Fumia)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Knight led the Senate in the pledge of allegiance to the Flag.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 1196—An act to amend Section 49557.2 of the Education Code, to amend Section 12693.75 of the Insurance Code, and to amend Section 14005.41 of the Welfare and Institutions Code, relating to health care coverage.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1487—An act to add Sections 1279.1, 128757.1, 128757.2, and 128757.3 to the Health and Safety Code, relating to health facilities.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1821—An act to amend Sections 17537.3, 22952, 22956, 22958, and 22963 of, and to add Section 22964 to, the Business and Professions Code, and to amend Section 308 of the Penal Code, relating to tobacco.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1187—An act to amend Section 14132.100 of, and to add Sections 14132.101, and 14132.102 to, the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1388—An act to amend Section 11105 of the Penal Code, and to amend Section 215.5 of the Public Utilities Code, relating to criminal history information.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1464—An act to amend Section 38083 of the Education Code, relating to public schools.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 1840—An act to amend Sections 9904, 9910, 9912, 9932, 9941, 9942, 9943, 9944, 9971, 9972, 9973, 9974, 9975, 9976, 9977, 9978, 9979, 9980, 9981, 9982, 10003, 10006, 10061, 10062, 10063, 10064, 10065, 10066, 10067, 10068, 10103, and 10151 of, to amend the headings of Article 3 (commencing with Section 9941) and Article 4 (commencing with Section 9971 of Chapter 2 of Part 2 of Division 5 of, to add Sections 9914, 9933, and 10100 to, to repeal Sections 9905, 9906, 9911, 10002, 10004, 10005, 10008, 10009, 10071, 10104, and 10105 of, to repeal Article 6 (commencing with Section 10031), Article 8 (commencing with Section 10081), and Article 10 (commencing with Section 10131) of Chapter 2 of Part 2 of Division 5 of, and to repeal and add Sections 9907, 10004, 10007, 10101, and 10102 of, the Food and Agricultural Code, relating to diseased animals.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1454—An act to add and repeal Section 116183 of the Health and Safety Code, relating to the public health, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Perata, **SB 604** was returned to the Assembly for further action.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SCR 74** was withdrawn from Committee and placed on the Consent Calendar.

**REQUEST TO CONSIDER AND ACT ON BILLS WITHIN
30 CALENDAR DAYS**

The following request was presented by Senator Figueroa:

Senate Chamber, March 31, 2004

Mr. Secretary: I request permission to introduce a resolution providing that **SB 1913**, **SB 1914**, and **SB 1915** may be considered and acted upon within 30 days after introduction and prior to being in print for 30 days.

SENATOR FIGUEROA

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Speier:

Senate Chamber, March 25, 2004

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61 (b)(5) in order that SB 1315, SB 1321, and SB 1349 may be reported by the Committee on Insurance after the deadline.

SENATOR SPEIER

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

BURTON, Chair

**RESOLUTION TO DISPENSE WITH THE CONSTITUTION
AND JOINT RULES**

Resolved, That Article IV, Section 8(a) of the Constitution and Joint Rules 55 and 61 (b)(5) be dispensed with as requested.

Resolution read and presented by Senator Knight.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (31)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Torlakson, and Vasconcellos.

NOES (0)—None.

REQUEST FOR UNANIMOUS CONSENT (ACR 196)

Senator Escutia asked for, and was granted, unanimous consent that ACR 196 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Concurrent Resolution 196

Assembly Concurrent Resolution 196—Relative to Cesar Chavez Day.

Resolution read.

Roll Call

The roll was called and the measure was adopted by the following vote:

AYES (32)—Senators Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Burton, Cedillo, Chesbro, Ducheny, Dunn, Escutia, Figueroa, Florez, Hollingsworth, Johnson, Knight, Kuehl, Machado, Margett, McClintock, McPherson, Morrow, Murray, Oller, Poochigian, Romero, Scott, Sher, Torlakson, and Vasconcellos.

NOES (0)—None.

Resolution ordered transmitted to the Assembly

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to legislative business: Senators Brulte, Karnette, Perata, Soto, and Speier.

The following Senator was granted leave of absence for the day due to illness: Senator Ortiz.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 1, 2004

Mr. President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 1051

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, April 1, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

SJR 15

Above resolution ordered enrolled.

Assembly Chamber, April 1, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1467

Assembly Chamber, April 1, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1840

AB 2465

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 for assignment:

Assembly Bill 1840—An act to amend Section 4702 of the Labor Code, relating to workers' compensation.

Assembly Bill 2465—An act to amend Section 25502 of the Health and Safety Code, relating to hazardous materials.

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 21: By Senators Torlakson and Johnson (Principal coauthor: Senator Margett)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending subdivision (c) of Section 8 of Article IV thereof, by amending subdivision (a) of Section 1 of Article XIII A thereof, by amending Section 6 of Article XIII B thereof, and by adding Article XIII E thereto, relating to local government finance.

Senate Constitutional Amendment 22: By Senators Johnson and Torlakson (Principal coauthor: Senator Margett)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending and repealing Section 15 of, and by adding Section 16 to, Article XI thereof, by amending Section 24 of, and adding Section 37 to, Article XIII thereof, by amending Section 1 of Article XIII A thereof, by amending Section 6 of Article XIII B thereof, and by amending Section 8 of Article XVI thereof, relating to local government finance.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, March 31, 2004

Mr. President: The Senate Rules Committee has made the following appointments to boards and commissions:

Appointed Ms. Vivian Shannon of Los Angeles and James Thrasher, Ed.D. of Elk Grove as members of the Brown v. Board of

Education of Topeka Advisory Commission to serve at the pleasure of the Rules Committee.

Appointed Mr. Henry W. Carter of Seaside as a member of the Senate Advisory Commission on Cost Control in State Government to serve at the pleasure of the Rules Committee.

Appointed Mr. Cris Arzate of San Gabriel as a member of the Structural Pest Control Board to serve for the remainder of a term ending June 1, 2004.

Appointed Mr. Hanson Lee of San Francisco as a member of the Departmental Transportation Advisory Committee to serve for a term ending March 31, 2008.

BURTON, Chair

State Capitol, March 31, 2004

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:

Therese M. Delgadillo, Deputy Secretary, Health and Human Services Agency (5-0)

Jerry R. Jolly, Director, Department of Alcoholic Beverage Control (5-0)

Thomas P. McCaffrey, Chief Deputy Director, Health Services Department (4-0)

Peter S. Silva, Member, State Water Resources Control Board (5-0)

Jane Boeckmann, Member, California Arts Council (5-0)

BURTON, Chair

Above appointments ordered placed on unfinished business file.

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1622 SB 1744 SB 1880

SB 1881 SB 1882

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1622—An act relating to the Oakland Estuary.

Bill read second time.

Senate Bill 1744—An act to amend Section 14020 of the Penal Code, relating to witness protection.

Bill read second time.

Senate Bill 1880—An act to repeal Sections 218.1 and 5180 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Senate Bill 1881—An act to amend and renumber Section 6480.3 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Senate Bill 1882—An act to amend Sections 43350, 45351, 46301, 50120.1, and 55101 of the Revenue and Taxation Code, relating to the State Board of Equalization.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 1889

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1889—An act to amend Section 21167 of the Public Resources Code, relating to environmental protection.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 1175

SCR 50

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1175—An act to add Section 81050.5 to the Education Code, relating to community colleges.

Bill read second time.

Senate Concurrent Resolution 50—Relative to CHP Officer David W. Manning Memorial Freeway.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 1818

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1818—An act to amend Section 65915 of the Government Code, relating to housing.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 1751

SB 1753

SB 1755

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1751—An act to amend Section 11011.15 of the Government Code, relating to state property.

Bill read second time.

Senate Bill 1753—An act to amend Sections 11011 and 11011.1 of the Government Code, relating to state property.

Bill read second time.

Senate Bill 1755—An act to add Section 11011.27 to the Government Code, relating to state property.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which was referred:

SB 1211

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1211—An act to repeal Section 42400.7 of the Health and Safety Code, relating to air pollution.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1733

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1733—An act to add Section 12071.2 to the Penal Code, relating to firearm sales at the Cow Palace.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Date of Hearing, March 31, 2004

Mr. President: The Committee on Revenue and Taxation, to which were referred:

SB 1237

SB 1534

SB 1571

SB 1596

AB 1510

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

CEDILLO, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, March 31, 2004

Mr. President: The Committee on Revenue and Taxation, to which was referred:

SB 1172

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

CEDILLO, Chair

Above measure ordered to second reading.

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1559

SB 1736

SB 1877

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1559—An act to amend Section 6027 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Senate Bill 1736—An act to repeal and add Chapter 3 (commencing with Section 18701) of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Senate Bill 1877—An act to amend Section 533 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 1167

SB 1669

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1167—An act to amend Section 3304 of, and to add Section 3313 to, the Government Code, relating to peace officers.

Bill read second time.

Senate Bill 1669—An act to amend Sections 12022.3 and 12022.8 of the Penal Code, relating to sentencing enhancements.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Elections and Reapportionment

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 1723

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 1723—An act to amend Section 9082.5 of the Elections Code, relating to elections.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1723 pursuant to Joint Rule 58.

SENATOR JOHNSON

Permission of Rules Committee

Senate Chamber, April 1, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1723.

BURTON, Chair

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Date of Hearing, March 24, 2004

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 1168

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Rules.

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, April 1, 2004

Mr. President: The Committee on Rules has examined:

SB 279

SB 1091

And reports that the same have been correctly enrolled, and presented to the Governor on the 1st day of April, 2004, at 10 a.m.

BURTON, Chair

Committee on Judiciary

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1248 SB 1279 AB 782

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1248—An act to amend Sections 2850, 2851, and 2854 of the Probate Code, relating to trustees.

Bill read second time.

Senate Bill 1279—An act to amend Sections 1785.11.4, 1785.11.6, and 1785.15 of, to add Sections 1785.11.25 and 1785.15.5 to, and to repeal and amend Sections 1798.29 and 1798.82 of, the Civil Code, relating to identity theft.

Bill read second time.

Assembly Bill 782—An act to repeal and add Section 71639.1 of the Government Code, relating to trial court employees.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 1774

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1774—An act to add Section 56425.1 to the Government Code, relating to local agency reorganization.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1236

SB 1289

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1236—An act to amend Section 163 of the Streets and Highways Code, relating to transportation.

Bill read second time.

Senate Bill 1289—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which was referred:

AB 711

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 711—An act to amend Sections 10153.2 and 10170.5 of the Business and Professions Code, relating to real estate licenses.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1433

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

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

Senate Bill 1759—An act to amend Section 183.1 of the Streets and Highways Code, relating to transportation.

Bill read second time.

Senate Bill 1784—An act to amend Sections 5050 and 5051 of the Vehicle Code, relating to vehicles.

Bill read second time.

Assembly Bill 1272—An act to add Section 11713.17 to the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1437

SB 1715

SB 1769

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1437—An act to amend Section 18652 of the Government Code, relating to state employment.

Bill read second time.

Senate Bill 1715—An act to amend Section 5058 of the Penal Code, relating to corrections.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1715 pursuant to Joint Rule 58.

SENATOR POOCHIGIAN

Permission of Rules Committee

Senate Chamber, April 1, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1715.

BURTON, Chair

Senate Bill 1769—An act to amend Section 317.5 of the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1569 SB 1746 SB 1801 AB 1264

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1569—An act to add Section 1393.3 to the Health and Safety Code, relating to health care service plans.

Bill read second time.

Senate Bill 1746—An act to amend Section 17912 of the Business and Professions Code, to amend Sections 395.2 and 416.40 of the Code of Civil Procedure, to amend Sections 174.5, 5063.5, 12242.5, 15800, and 21200 of, to amend the heading of Part 5 (commencing with Section 24000) of Title 3 of, to add Sections 16309 and 16310 to, to add Part 1 (commencing with Section 18000) to Title 3 of, and to add Chapter 1 (commencing with Section 18605) to Part 2 of Title 3 of, and to repeal Sections 24000, 24001, 24002, 24003, 24004, 24005, 24006, and 24007 of, and to repeal Part 1 (commencing with Section 20000) of, and Chapter 1 (commencing with Section 21000) and Chapter 2 (commencing with Section 21100) of Part 2 of, Title 3 of, the Corporations Code, and to amend Section 50089 of the Government Code, relating to unincorporated associations.

Bill read second time.

Senate Bill 1801—An act to amend Section 6140 of the Business and Professions Code, to amend Section 1010.5 of the Code of Civil Procedure, to amend Section 31255 of, and to repeal Section 11518 of, the Food and Agricultural Code, to amend Section 1050.5 of the Fish and Game Code, to amend Section 6159 of, and to add Section 6167 to, the Government Code, and to amend Section 2511.1 of the Revenue and Taxation Code, relating to credit cards.

Bill read second time.

Assembly Bill 1264—An act to amend Section 4216.8 of the Government Code, relating to excavation equipment.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 1397

SB 1887

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 1397**—An act relating to air pollution.

Bill read second time.

Senate Bill 1887—An act to amend Section 25204.6 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Energy, Utilities and Communications

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which were referred:

SB 1276

SB 1834

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

Second Reading of Bills—Author's Amendments**Senate Bill 1276**—An act to amend Section 874 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

Senate Bill 1834—An act to add Chapter 22.7 (commencing with Section 22650) to Division 8 of the Business and Professions Code, relating to business.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 1516

AB 854

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1516—An act to amend Sections 3043, 3043.2, and 3043.25 of the Penal Code, relating to parole.

Bill read second time.

Assembly Bill 854—An act to amend Section 1170 of the Penal Code, relating to crime.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Health and Human Services

Date of Hearing, March 24, 2004

Mr. President: The Committee on Health and Human Services, to which was referred:

SB 1644

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Public Safety.

ORTIZ, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

SB 1149

SB 1307

SB 1485

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1149—An act to add Sections 4001.2 and 4001.3 to the Business and Professions Code, relating to pharmacy.

Bill read second time.

Senate Bill 1307—An act to amend Sections 4160, 4163, 4164, 4165, and 4166 of, to repeal Section 4162 of, and to repeal and add Section 4161 of, the Business and Professions Code, relating to drugs.

Bill read second time.

Senate Bill 1485—An act to amend Section 2622 of, to add Section 2623 to, and to repeal and add Section 2620 of, the Business and Professions Code, relating to physical therapy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, April 1, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1660

SB 1767

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1660—An act to amend Section 2933 of the Penal Code, relating to prisons.

Bill read second time.

Senate Bill 1767—An act relating to taxation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

State Capitol, March 31, 2004

The Committee on Rules has referred the following measures to committee:

Business and Professions—SB 1913, SB 1914, SB 1915.

Education—AB 42, AB 1636, AB 1696.

Natural Resources and Wildlife—AJR 47.

The Committee on Rules has re-referred the following measures to committee:

Agriculture and Water Resources—SB 1650.

Appropriations—SB 1260, SB 1601.

Business and Professions—SB 1336, SB 1542, SB 1894.

Education—SB 1298, SB 1383, SB 1588.

Education and Health and Human Services—SB 1692.

Elections and Reapportionment—SB 1606.

Energy, Utilities and Communications—SB 1575, SB 1858; AB 594.

Governmental Organization—SB 1756; AB 249.

Health and Human Services—SB 1178, SB 1430, SB 1444, SB 1525, SB 1563, SB 1585, SB 1612, SB 1671, SB 1745, SB 1850, SB 1897.

Health and Human Services and Revenue and Taxation—SB 1433.

Insurance—SB 1291, SB 1896.

Judiciary—SB 1305, SB 1569.

Labor and Industrial Relations—SB 1901; AB 701.

Labor and Industrial Relations and Judiciary—SB 1311.

Natural Resources and Wildlife—SB 1434.

Public Safety—SB 1553, SB 1900.

Public Safety and Judiciary—SB 1234.

Revenue and Taxation—SB 1297, SB 1576.

Transportation—SB 1422.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1334** was withdrawn from the Committee on Local Government and re-referred to the Committee on Environmental Quality.

SENATE COMMITTEE ROLL CALLS
Committee on Revenue and Taxation

SB 1172—Do pass, to Consent Calendar

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

SB 1237—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

SB 1534—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Ashburn, Cedillo, Knight, and Poochigian.

NOES (0)—None.

SB 1571—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (2)—Senators Ashburn and Knight.

SB 1596—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Bowen, Burton, and Cedillo.

NOES (1)—Senator Knight.

SB 1713—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

AB 1510—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Ashburn, Bowen, Cedillo, Knight, and Poochigian.

NOES (0)—None.

Date of Hearing: 3/31/04

Cedillo (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of LaVerne Carol Peotter and Edward Dale Peotter of Irvine.

Senator Bowen requested that when the Senate adjourns this day it do so in memory of Florence Levine of Middletown, NY.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of Elijah J. Warner, Jr. of Fairfield.

Senator Poochigian requested that when the Senate adjourns this day it do so in memory of Arpie Penny Boghosian of Fresno.

Senators Romero and Escutia requested that when the Senate adjourns this day it do so in memory of those killed in the Bolivian Congressional Building in La Paz, Bolivia.

ADJOURNMENT

At 3:30 p.m., the President declared the Senate adjourned.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, April 12, 2004

The Senate met at 10:30 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde 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:
Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, Speier, and Torlakson—33.
Quorum present.

(NOTE: Senator Florez will be excused this day on legislative business, Senator Aanestad will be excused this day on personal business, Senator Vincent will be excused this day due to a family illness, and Senators Knight, Margett, Ortiz, and Vasconcellos will be excused this day due to illness.)

PRAYER

Prayer was offered by the Chaplain, Rev. Deacon Walter J. Little:

Dear God, We celebrate that You have called us to new life as a Passover people, as an Easter people. Just as the stone was removed from the tomb that life might be renewed to reveal Your glory, grant, O Lord, that we, Your servants, may use the powers You have entrusted to us, both human and divine, to remove the obstacles that prevent others from coming to the fullness of life. Joyfully, we cry out to Thee with alleluia and AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Ducheny led the Senate in the pledge of allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 1, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

AJR 64

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

The following measure was read the first time and referred to the Committee on Rules:

Assembly Joint Resolution 64—Relative to bias-motivated crimes.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1233	SB 1352	SB 1492	SB 1640
SB 1235	SB 1401	SB 1497	SB 1652
SB 1245	SB 1418	SB 1509	SB 1700
SB 1247	SB 1423	SB 1540	SB 1715
SB 1259	SB 1451	SB 1605	
SB 1335	SB 1468	SB 1630	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1233—An act to amend Section 2985.8 of the Civil Code, relating to vehicle contracts.

Bill read second time.

Senate Bill 1235—An act to amend Section 1655 of the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 1245—An act to add Article 8 (commencing with Section 89270) to Chapter 2 of Part 55 of the Education Code, relating to the California State University.

Bill read second time.

Senate Bill 1247—An act relating to air pollution.

Bill read second time.

Senate Bill 1259—An act relating to public resources.

Bill read second time.

Senate Bill 1335—An act relating to public postsecondary education.

Bill read second time.

Senate Bill 1352—An act to amend Section 6126 of the Penal Code, relating to the Inspector General.

Bill read second time.

Senate Bill 1401—An act to amend Section 21381 of the Government Code, relating to public employees' retirement.

Bill read second time.

Senate Bill 1418—An act to add Article 4 (commencing with Section 40) to Chapter 1 of Part 1 of, and to repeal Section 33080 of, the Education Code, relating to education.

Bill read second time.

Senate Bill 1423—An act to amend Section 47605.5 of the Education Code, relating to charter schools.

Bill read second time.

Senate Bill 1451—An act relating to privacy.

Bill read second time.

Senate Bill 1468—An act to amend Section 6250 of the Penal Code, relating to corrections.

Bill read second time.

Senate Bill 1492—An act relating to homeland security.

Bill read second time.

Senate Bill 1497—An act to amend Section 96.1 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1497 pursuant to Joint Rule 58.

SENATOR POOCHIGIAN

Permission of Rules Committee

Senate Chamber, April 12, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1497.

BURTON, Chair

Senate Bill 1509—An act to amend Section 1339.56 of the Health and Safety Code, relating to health facilities.

Bill read second time.

Senate Bill 1540—An act to amend Section 1250.8 of the Health and Safety Code, relating to health facilities.

Bill read second time.

Senate Bill 1605—An act relating to genetic information.

Bill read second time.

Senate Bill 1630—An act to amend Section 1366.35 of the Health and Safety Code, and to amend Section 10785 of the Insurance Code, relating to health care.

Bill read second time.

Senate Bill 1640—An act relating to parole.

Bill read second time.

Senate Bill 1652—An act relating to solar energy.

Bill read second time.

Senate Bill 1700—An act to amend Section 52122.5 of the Education Code, relating to class size reduction.

Bill read second time.

Senate Bill 1715—An act to add Article 4.5 (commencing with Section 3150) to Title 1 of Part 3 of the Penal Code, relating to corrections, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Veterans Affairs

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Veterans Affairs, to which was referred:

SB 1193

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

MORROW, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1193—An act to add Chapter 3.5 (commencing with Section 850) to Division 4 of the Military and Veterans Code, relating to veterans.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1176	SB 1268	SB 1277	SB 1284
SB 1506	SB 1673	SB 1678	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUZIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1176—An act to add Section 16720.1 to the Business and Professions Code, relating to restraints on competition.

Bill read second time.

Senate Bill 1268—An act to add Chapter 13.5 (commencing with Section 7130) to Division 7 of Title 1 of the Government Code, relating to public contracts.

Bill read second time.

Senate Bill 1277—An act to amend Sections 2924b, 2924h, 2924j, 2924(l), 2934a, 2945, 2945.1, 2945.3, and 2945.4 of the Civil Code, and to amend Section 18662 of the Revenue and Taxation Code, relating to mortgages.

Bill read second time.

Senate Bill 1284—An act to add Sections 2103.5 and 3025.5 to the Family Code, relating to family law.

Bill read second time.

Senate Bill 1506—An act to amend Section 653v of, and to add Section 653aa to the Penal Code, relating to Internet piracy.

Bill read second time.

Senate Bill 1673—An act to amend Sections 896, 903.1, and 909 of, and to repeal Sections 903.2, 903.3, and 903.4 of, the Penal Code, relating to grand juries.

Bill read second time.

Senate Bill 1678—An act to add Section 340.35 to the Code of Civil Procedure, relating to statutes of limitation.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 1382 SB 1404 AB 474

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1382—An act to amend Section 33344.5 of, and to add Section 33344.6 to, the Health and Safety Code, relating to redevelopment.

Bill read second time.

Senate Bill 1404—An act to add Part 2 (commencing with Section 35000) to Division 2 of Title 4 of the Government Code, relating to multifamily improvement districts.

Bill read second time.

Assembly Bill 474—An act to amend Section 60201 of the Government Code, relating to districts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which were referred:

SB 1146 SB 1815

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1146—An act to amend Section 798.25 of the Civil Code, relating to mobilehome parks.

Bill read second time.

Senate Bill 1815—An act to amend Section 65587 of the Government Code, relating to local planning.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 1283	SB 1329	SB 1380
SB 1386	SB 1419	SB 1442
SB 1517	SB 1562	SB 1599

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1283—An act to amend Section 44252 of the Education Code, relating to credentials.

Bill read second time.

Senate Bill 1329—An act to add Section 66024.4 to the Education Code, relating to public postsecondary education, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1380—An act to amend Section 60242 of the Education Code, relating to instruction.

Bill read second time.

Senate Bill 1386—An act to add Article 9 (commencing with Section 49052) to Chapter 6 of Part 27 of the Education Code, relating to pupils.

Bill read second time.

Senate Bill 1419—An act to amend Section 52051 of, and to add Section 52052.1 to, the Education Code, relating to school accountability.

Bill read second time.

Senate Bill 1442—An act to amend Section 84757 of the Education Code, relating to community colleges.

Bill read second time.

Senate Bill 1517—An act to amend Sections 51430, 51440, and 51442 of, to amend the heading of Article 3.5 (commencing with Section 51430) of, and to repeal the heading of Article 4 of, Chapter 3 of Part 28 of, the Education Code, relating to public schools.

Bill read second time.

Senate Bill 1562—An act to amend Section 35292.5 of the Education Code, and to amend Section 118505 of the Health and Safety Code, relating to schools.

Bill read second time.

Senate Bill 1599—An act to add and repeal Section 17462.6 of the Education Code, relating to public schools.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1599 pursuant to Joint Rule 58.

SENATOR HOLLINGSWORTH

Permission of Rules Committee

Senate Chamber, April 12, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1599.

BURTON, Chair

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Transportation

Date of Hearing, March 30, 2004

Mr. President: The Committee on Transportation, to which was referred:
SCR 68

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

MURRAY, Chair

Above measure ordered to second reading.

Committee on Energy, Utilities and Communications

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 1478

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BOWEN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1478—An act to amend Sections 25740, 25743, 25744, and 25748 of, and to repeal Sections 25745 and 25749 of, the Public

Resources Code, and to amend Sections 399.11, 399.13, 399.14, and 399.15 of, the Public Utilities Code, relating to energy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Public Safety, to which were referred:

SB 1209	SB 1313	SB 1391
SB 1400	SB 1550	SB 1900

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1209—An act to add Section 14903 to the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 1313—An act to amend Sections 11165.3, 11165.5, and 11165.6 of the Penal Code, relating to child abuse reporting.

Bill read second time.

Senate Bill 1391—An act to amend Sections 6240 and 6389 of the Family Code, and to amend Section 13700 of the Penal Code, relating to domestic violence.

Bill read second time.

Senate Bill 1400—An act to add Section 5058.8 to the Penal Code, relating to corrections.

Bill read second time.

Senate Bill 1550—An act to amend Section 290.4 of the Penal Code, relating to sex offenders.

Bill read second time.

Senate Bill 1900—An act to amend Section 12071 of the Penal Code, relating to firearms.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, April 2, 2004

Mr. President: The Committee on Rules has examined:

SCR 42	SCR 58
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And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 2nd day of April, 2004, at 5 p.m.

BURTON, Chair

Committee on Labor and Industrial Relations

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Labor and Industrial Relations, to which were referred:

SB 1499 SB 1521 SB 1687 SB 1809

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALARCÓN, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1499—An act to amend Section 200 of, and to add Section 221.5 to, the Labor Code, relating to employment.

Bill read second time.

Senate Bill 1521—An act to amend Section 1061 of the Labor Code, relating to employment.

Bill read second time.

Senate Bill 1687—An act to amend Section 1701 of the Labor Code, relating to employment.

Bill read second time.

Senate Bill 1809—An act to amend Section 1194.2 of the Labor Code, relating to employees.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Date of Hearing, March 30, 2004

Mr. President: The Committee on Public Safety, to which was referred:

SB 1385

Reports the same back with the recommendation: Do pass as amended.

McPHERSON, Chair

Above measure ordered to second reading.

Date of Hearing, March 30, 2004

Mr. President: The Committee on Public Safety, to which was referred:

SB 1285

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Senate Bill 1662—An act to add Sections 1569.656 and 1569.657 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read second time.

Senate Bill 1681—An act to amend Sections 11775 and 11814 of the Health and Safety Code, relating to alcohol and drug programs.

Bill read second time.

Senate Bill 1765—An act to add Chapter 8 (commencing with Section 119400) to Part 15 of Division 104 of the Health and Safety Code, relating to pharmaceutical marketing.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which were referred:

SB 1757 SB 1873 AB 249

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1757—An act to amend Section 13332.09 of the Government Code, relating to state contracts.

Bill read second time.

Senate Bill 1873—An act relating to Treasure Island.

Bill read second time.

Assembly Bill 249—An act relating to the State Controller.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Natural Resources and Wildlife

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Natural Resources and Wildlife, to which were referred:

SB 1207 SB 1255 SB 1434

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

Senate Bill 1207—An act to amend Section 653o of the Penal Code, relating to protected animals.

Bill read second time.

Senate Bill 1255—An act to add Section 4117.5 to the Public Resources Code, relating to fire protection.

Bill read second time.

Senate Bill 1434—An act to amend Section 4186 of the Fish and Game Code, relating to rabbits.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 1447

SB 1552

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1447—An act to add Section 13141.5 of the Water Code, relating to water quality.

Bill read second time.

Senate Bill 1552—An act to add Section 13286.10 to the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Date of Hearing, March 30, 2004

Mr. President: The Committee on Agriculture and Water Resources, to which was referred:

SB 1136

Reports the same back with the recommendation: Do pass as amended.

MACHADO, Chair

Above measure ordered to second reading.

Committee on Education

Date of Hearing, March 31, 2004

Mr. President: The Committee on Education, to which was referred:
SB 1621

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, March 31, 2004

Mr. President: The Committee on Education, to which was referred:
SB 1177

Reports the same back with the recommendation: Do pass as amended.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Date of Hearing, March 31, 2004

Mr. President: The Committee on Education, to which was referred:
AB 124

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Business and Professions,
to which was referred:

SB 1580

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1580—An act to add Article 9 (commencing with Section 17600) to Chapter 1 of Part 3 of Division 7 of the Business and Professions Code, relating to advertising.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Date of Hearing, March 30, 2004

Mr. President: The Committee on Public Safety, to which was referred:
AB 493

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Health and Human Services.

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Transportation

Date of Hearing, March 23, 2004

Mr. President: The Committee on Transportation, to which was referred:
SB 1213

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Transportation, to which were referred:

SB 1500

SB 1711

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

Senate Bill 1500—An act to repeal Sections 11629.84 and 11629.995 of the Insurance Code, and to amend Section 4000.37 of, to amend, repeal, and add Section 4000.38 of, to add Section 16058 to, and to repeal Sections 16020.1 and 16020.2 of, the Vehicle Code, relating to vehicles.

Bill read second time.

Senate Bill 1711—An act to amend Section 472.5 of the Business and Professions Code, to amend Section 1795.92 of the Civil Code, to amend Section 26509 of the Government Code, and to amend Sections 415 and 426 of, to repeal Section 232 of, and to repeal Chapter 6 (commencing with Section 3000) of Division 2 of, the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1197	SB 1424	SB 1496
SB 1523	SB 1537	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1197—An act relating to water, and making an appropriation therefor.

Bill read second time.

Senate Bill 1424—An act to amend Sections 6561, 6561.5, 6563, 6565, 12428, 12430, 12431, 19045, 19046, 19047, 19048, 19050, 19301, 19324, 19331, 19332, 19333, 19334, 19335, 19343, 19344, 19345, 19346, 19347, 19350, 19381, 19382, and 19384 of, to add Part 12 (commencing with Section 25150) to Division 2 of, and to repeal Sections 6562, 6564, and 12429 of, the Revenue and Taxation Code, relating to governmental organization.

Bill read second time.

Senate Bill 1496—An act to amend Sections 1502 and 2117 of the Corporations Code, and to amend Section 12186 of the Government Code, relating to corporations.

Bill read second time.

Senate Bill 1523—An act to add and repeal Sections 17053.87 and 23687 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 1537—An act to add Section 16419.5 to the Government Code, and to add Sections 6051.5 and 6201.5 to the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Date of Hearing, March 30, 2004

Mr. President: The Committee on Public Safety, to which was referred:

SB 1707

Reports the same back with the recommendation: Do pass as amended.
McPHERSON, Chair

Above measure ordered to second reading.

Committee on Rules

Senate Chamber, April 9, 2004

Mr. President: The Committee on Rules has examined:

SJR 15

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 9th day of April, 2004, at 8 a.m.

BURTON, Chair

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1689

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1689—An act to amend Section 17029 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Transportation

Senate Chamber, April 12, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1799

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

Senate Bill 1799—An act to amend Section 1685 of the Vehicle Code, relating to the Department of Motor Vehicles.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

MOMENT OF SILENCE

Senator Burton asked for a moment of silence for Kathleen “Kathy” Snodgrass who passed away.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Bill 1172—An act to amend Section 17951 of the Revenue and Taxation Code, relating to taxation.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1168—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, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

Senate Bill 1644—An act to add Section 1418.92 to the Health and Safety Code, and to amend Sections 15630 and 15631 of the Welfare and Institutions Code, relating to long-term health care.

Bill read second time.

The amendments proposed by the Committee on Health and Human Services were read and adopted and the measure ordered printed, and re-referred to the Committee on Public Safety.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1663—An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 1051** was referred to the Committee on Rules.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

Senator Alpert moved that **AB 347** be taken from the inactive file and placed on the second reading file.

Motion carried.

Senator Romero Presiding**UNFINISHED BUSINESS****Consideration of Governor's Appointment**

Senator Burton placed the following Governor's appointment before the Senate:

Therese M. Delgadillo, Deputy Secretary, Health and Human Services Agency.

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 (32)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, and Speier.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Thomas P. McCaffrey, Chief Deputy Director, Health Services Department.

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 (32)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, and Speier.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Peter S. Silva, Member, State Water Resources Control 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 (32)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, and Speier.

NOES (0)—None.

Consideration of Governor's Appointment

Senator Burton placed the following Governor's appointment before the Senate:

Jane Boeckmann, Member, California Arts Council.

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 (32)—Senators Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte, Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa, Hollingsworth, Johnson, Karnette, Kuehl, Machado, McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian, Romero, Scott, Sher, Soto, and Speier.

NOES (0)—None.

RECESS

At 10:56 a.m., the Senate recessed in order to convene in extraordinary session.

REASSEMBLED

At 10:57 a.m., the Senate reconvened.

Hon. Gloria Romero, of the 24th District, presiding.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Florez.

The following Senator was granted leave of absence for the day due to personal business: Senator Aanestad.

The following Senator was granted leave of absence for the day due to a family illness: Senator Vincent.

The following Senators were granted leaves of absence for the day due to illness: Senators Knight, Margett, Ortiz, and Vasconcellos.

**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 10:58 a.m., on motion of Senator Burton, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Burton 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 Tuesday, April 13, 2004.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 12, 2004

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 1052

And respectfully requests your honorable body to concur in said amendments.

Above measure ordered to unfinished business file.

Assembly Chamber, April 12, 2004

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 1920

AB 2481

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 for assignment:

Assembly Bill 1920—An act to amend Section 422.6 of the Penal Code, relating to rights.

Assembly Bill 2481—An act to amend Section 63021.5 of the Government Code, relating to economic development, and declaring the urgency thereof, to take effect immediately.

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 Bill 1918: By the Committee on Insurance (Senators Speier (Chair), Escutia, Figueroa, Johnson, and Ortiz)—An act to amend Sections 1872.83, 1874.1, and 1877.1 of the Insurance Code, relating to insurance fraud.

Senate Joint Resolution 26: By Senator Ashburn—Relative to the National Community Health Center Initiative.

Senate Resolution 34: By Senator Denham—Relative to Larry Combs Memorial Rest Stop.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1176** was withdrawn from the Committee on Judiciary and re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Local Government, to which were referred:

SB 1266 SB 1272 SB 1462 SB 1663

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1266—An act to amend Section 56375 of the Government Code, relating to annexation.

Bill read second time.

Senate Bill 1272—An act to amend Section 26909 of , and to add Chapter 7.5 (commencing with Section 60210) to Division 1 of Title 6 of, the Government Code, and to repeal Section 20201 of the Water Code, relating to special districts.

Bill read second time.

Senate Bill 1462—An act to add Title 7.15 (commencing with Section 66550) to the Government Code, relating to regional planning.

Bill read second time.

Senate Bill 1663—An act to add Section 4730.2 to, and to repeal and add Section 4730.3 of, the Health and Safety Code, relating to sanitation districts.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 1251 SB 1581 SB 1597
SB 1642 SB 1731

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1251—An act relating to water.

Bill read second time.

Senate Bill 1581—An act relating to common interest developments.

Bill read second time.

Senate Bill 1597—An act relating to state audits.

Bill read second time.

Senate Bill 1642—An act relating to the Department of the Youth Authority.

Bill read second time.

Senate Bill 1731—An act to amend Section 5055 of the Penal Code, relating to corrections.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Elections and Reapportionment

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Elections and Reapportionment, to which was referred:

SB 1849

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 1849—An act to amend Sections 85204 and 86117 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Local Government, to which was referred:

SB 1620

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1620—An act to amend Section 20 of, and to add Section 50.5 to, the Sacramento Area Flood Control Agency Act (Chapter 510 of

the Statutes of 1990), relating to the Sacramento Area Flood Control Agency.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Date of Hearing, March 30, 2004

Madam President: The Committee on Public Safety, to which was referred:

SB 1399

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

McPHERSON, Chair

Above measure ordered to second reading.

Committee on Public Employment and Retirement

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 1206

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1206—An act to add Section 31539 to the Government Code, relating to county employees' retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Appropriations, to which was referred:

SB 1601

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1601—An act to amend Sections 31641.4 and 31664.65 of, and to add Section 31764.8 to, the Government Code, relating to county employees' retirement.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 1261

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1261—An act to add Title 17.8 (commencing with Section 99600) to the Government Code, relating to international relations.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Business and Professions, to which was referred:

SB 1154

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1154—An act to add Chapter 23.5 (commencing with Section 22730) to Division 8 of the Business and Professions Code, relating to consumer rebates.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Judiciary, to which was referred:

SB 1728

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1728—An act to add Sections 818.3 and 11014.5 to the Government Code, relating to property.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Education, to which was referred:

SB 1636

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1636—An act to amend Section 25179.6 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 1358

SB 1589

SB 1897

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1358—An act to add Section 12528.1 to the Government Code, relating to Medi-Cal.

Bill read second time.

Senate Bill 1589—An act to amend Section 111080 of the Health and Safety Code, relating to drinking water.

Bill read second time.

Senate Bill 1897—An act relating to child care.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Public Safety, to which was referred:

SB 1676

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1676—An act to amend Section 13730 of the Penal Code, relating to domestic violence.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1162 SB 1532 SB 1561 SB 1572

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1162—An act to add and repeal Article 1.5 (commencing with Section 18705) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Senate Bill 1532—An act to add Section 242 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 1561—An act to add and repeal Sections 17060 and 23660 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 1572—An act to add Sections 23605, 23671, 24416.8, and 25128.1 to 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 measures ordered printed and re-referred to the committee.

Date of Hearing, March 31, 2004

Madam President: The Committee on Revenue and Taxation, to which was referred:

SB 1713

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

CEDILLO, Chair

Above measure ordered to second reading.

Committee on Business and Professions

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Business and Professions, to which was referred:

SB 1546

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1546—An act to amend Sections 1601.1, 1616.5, and 1742 of the Business and Professions Code, relating to dentistry.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Rules

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Rules, to which was referred:

SB 1741

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1741—An act to amend Section 51933 of the Education Code, relating to instruction.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Transportation

Date of Hearing, March 23, 2004

Madam President: The Committee on Transportation, to which was referred:

SB 1087

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MURRAY, Chair

Above measure ordered to second reading.

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Transportation, to which was referred:

SB 1793

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

Senate Bill 1793—An act to add and repeal Article 6.9 (commencing with Section 20209.20) of Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to public contracts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

SB 1155

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

Senate Bill 1155—An act to add Section 79442 to the Water Code, relating to water.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, April 12, 2004

Madam President: The Chair of the Committee on Education, to which was referred:

AB 1636

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1636—An act to amend Section 49558 of the Education Code, relating to pupil records.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

COMMUNICATIONS AND LETTERS OF TRANSMITTAL

The following communications were ordered printed in the Journal:

A report dated: February 24, 2004, relating to Foster Youth Services Programs was received from the Department of Education and transmitted to the Committee on Education.

Semiannual report dated: March 8, 2004, relating to Energy Settlements and Energy Litigation was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

Annual report dated: March 8, 2004, relating to Solano County EMS was received from Solano Emergency Medical Services Cooperative and transmitted to the Committee on Health and Human Services.

A report dated: March 15, 2004, relating to Race/Ethnicity and Gender and Minority Women and DVBE was received from State Water Resources Control Board and transmitted to the Committee on Governmental Organization.

Title and Summary report dated: March 16, 2004, relating to State and Local Appropriations limit. School Funding. State Mandates. Bonds. Initiative Constitutional Amendment (Amdt.#1-S) was received from the Department of Justice and transmitted to the Committee on Rules.

Title and Summary report dated: March 16, 2004, relating to Indian Gaming Compacts. Revenue Contributions to State, Local Governments. Gambling Expansion. Initiative Constitutional Amendment was received from the Department of Justice and transmitted to the Committee on Rules.

A report dated: March 16, 2004 relating to Commercial On-Line Access was received from Department of Motor Vehicles and transmitted to the Committee on Transportation.

A report dated: March 17, 2004, relating to Notification of Data Used in Second Principal Apportionment FY 03-04 was received from the Department of Education and transmitted to the Committee on Education.

A report dated: March 17, 2004, relating to the Review and Recommendation of the Division of Gambling Control's License Fee Schedule was received from the Department of Justice and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 19, 2004, relating to Child Abuse and Neglect was received from the Department of Justice and transmitted to the Committee on Public Safety.

A report dated: March 19, 2004, relating to Clean Beaches Initiative Program was received from State Water Resources Control Board and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 19, 2004, relating to San Gabriel Water Authority (delayed) was received from State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

A report dated: March 19, 2004, relating to Regional Water Quality Control Boards (delayed) was received from State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

A report dated: March 19, 2004, relating to Unauthorized Released of Hazardous Substances for Underground Storage Tanks (delayed) was received from State Water Resources Control Board and transmitted to the Committee on Environmental Quality.

A report dated: March 19, 2004, relating to Ethnicity/Race/Gender and Minority/Women/Disabled Veterans was received from Coastal Conservancy and transmitted to the Committee on Governmental Organization.

A supplemental report dated: March 19, 2004, relating to the Franchise Tax Board Audit and Collections Activities was received from the Franchise Tax Board and transmitted to the Committee on Budget and Fiscal Review.

A Initiative Title and Summary report dated: March 23, 2004, relating to Local Government Revenue Sources. Initiative Constitutional Amendment and Statute was received from the Department of Justice and transmitted to the Committee on Rules.

Annual report dated: March 23, 2004, relating to Trial Court Expenditures for FY 02/03 was received from Judicial Council of California and transmitted to the Committee on Budget and Fiscal Review.

Audit report dated: March 23, 2004, relating to State of California's Internal Controls and Compliance with State and Federal Laws and Regulations was received from California State Auditor and transmitted to the Committee on Rules.

Annual report dated: March 24, 2004, relating to Technology Advancement and Plan Update on the South Coast Air Quality Management District was received from and transmitted to the Committee on Environmental Quality.

A report dated: March 24, 2004, relating to a Summary of Investigation of Improper Governmental Activity was received from the California State Auditor and transmitted to the Committee on Rules.

Annual report dated: March 24, 2004, relating to Driving Under the Influence Data and Monitoring System was received from the Department of Motor Vehicles and transmitted to the Committee on Judiciary.

A supplemental report to the 2003 Budget Act dated: March 25, 2004, relating to CSU October 2002 and 2003 Employment Data received from California State University and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 25, 2004, relating to Evaluation of Early Mediation Pilot Programs was received from the Judicial Council of California and transmitted to the Committee on Judiciary.

A report dated: March 25, 2004, relating to Conversion Technology/Plastic Trash Bag Survey/2003 Annual Report (reports delayed) was received from California Integrated Waste Management Board and transmitted to the Committee on Environmental Quality.

A report dated: March 26, 2004, relating to Security Enhancements was received from the Department of General Services and transmitted to the Committee on Rules.

A report dated: March 26, 2004, relating to Safe Routes to School was received from the Department of Transportation and transmitted to the Committee on Transportation.

A report dated: March 26, 2004, relating to California's Supportive Housing Initiative was received from the Department of Mental Health and transmitted to the Committee on Housing and Community Development.

A supplemental report to the 2003 Budget Act dated: March 30, 2004, relating to Student Enrollment was received from California State University and transmitted to the Committee on Budget and Fiscal Review.

Annual report dated: March 30, 2004, relating to Educational Facilities Authority was received from the California Educational Facilities Authority and transmitted to the Committee on Education.

Annual report dated: March 31, 2004, relating to California Pollution Control Financing Authority was received from the California State Treasurer and transmitted to the Committee on Budget and Fiscal Review.

A report dated: March 31, 2004, relating to CalCAP was received from the California Pollution Control Financing Authority and transmitted to the Committee on Governmental Organization.

Annual report dated: March 31, 2004, relating to California Pollution Control was received from the California Pollution Control Financing Authority and transmitted to the Committee on Environmental Quality.

Annual report relating to Trinity County EMS was received from Trinity County and transmitted to the Committee on Health and Human Services

Annual report dated: April 1, 2004, relating to Public Interest Energy Research Program was received from the California Energy Commission and transmitted to the Committee on Energy, Utilities and Communications.

Annual report dated: April 1, 2004, relating to Erosion of Purchasing Power of State Teachers' Retirement allowances was received from California State Teachers' Retirement System and transmitted to the Committee on Public Employment and Retirement.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Ackerman requested that when the Senate adjourns this day it do so in memory of Joy Freschi of Villa Park.

Senator Burton requested that when the Senate adjourns this day it do so in memory of Marion Mansfield of Fair Oaks and Kathleen Snodgrass of Sacramento.

Senators Burton and Perata requested that when the Senate adjourns this day it do so in memory of Mary Dora Lorraine Morabito of St. Catharines, Ontario.

Senator Chesbro requested that when the Senate adjourns this day it do so in memory of William Calloway of Benicia and Jack Hitt of Arcata.

Senator Machado requested that when the Senate adjourns this day it do so in memory of Spc. Casey Sheehan of Vacaville.

Senator McPherson requested that when the Senate adjourns this day it do so in memory of Jane McCarthy Stevens of Santa Cruz.

Senator Perata requested that when the Senate adjourns this day it do so in memory of Ray Kranelly of Alameda.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Louis Tury, Jr. of Rosemead.

Senator Scott requested that when the Senate adjourns this day it do so in memory of former Assemblyman Ken Ross of Monrovia.

Senator Soto requested that when the Senate adjourns this day it do so in memory of Kathleen M. Gonzales of Riverside.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Burton, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, April 13, 2004.

WALTER J. LITTLE, Minute Clerk

CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-FIFTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, April 13, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett,
McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian,
Romero, Scott, Sher, Soto, Speier, and Torlakson—35.

Quorum present.

(NOTE: Senator Florez will be excused this day on legislative business, Senator Vincent will be excused this day due to family illness, and Senators Knight, Ortiz, and Vasconcellos will be excused this day due to illness.)

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
April 13, 2004

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate

confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Ronald L. Diedrich, formerly Supervising Deputy Attorney General. Appointed 4/1/04. Effective 4/1/04:

Director of Office of Administrative Hearings vice Melissa M. Meith, resigned, term ending at the pleasure of the Governor.

Edward G. Heidig, former general counsel, the Roman Catholic Diocese of Sacramento. Appointed 4/1/04. Effective 4/1/04:

Director, Office of Administrative Law vice Tal Finney, withdrawn from the Senate, term ending 1/7/07.

Isam Hasenin, chief building official and the chief deputy director, City of San Diego. Appointed 3/17/04. Effective 3/17/04:

Member, State Building Standards Commission vice Jeff A. Bryson, term expired, term ending 1/1/08.

Robert Pernell, Director, California Laborers Employers Cooperative and Education Trust. Appointed 3/17/04. Effective 3/18/04:

Member, State Building Standards Commission vice Sydney L. Cavanaugh, term expired, term ending 1/1/08.

Charlene Roberta Zettel, former member, California State Legislature. Appointed 3/16/04. Effective 3/17/04:

Director of the Department of Consumer Affairs vice Kathleen M. Hamilton, resigned, term ending at the pleasure of the Governor.

Catherine Lavine Unger, served since 2/00; reappointed 3/29/04. Effective 4/6/04:

Member, Board of Governors of the California Community Colleges vice Leslie Wang, resigned and moved to another slot on board, term ending 1/15/05.

Marilyn Hendrickson, owner and operator, Sep's Pro Fishing. Appointed 3/17/04. Effective 3/26/04:

Member, Fish and Game Commission vice Phillip Michael Chrisman, resigned, term ending 1/15/10.

Sandra L. Shewry, former executive director, California Managed Risk Medical Insurance Board. Appointed 3/17/04. Effective 3/29/04:

Director of Health Services vice Diana M. Bonta, resigned, term ending at the pleasure of the Governor

L. Rachel Montes, businesswoman. Appointed 3/17/04. Effective 3/29/04:

Member, California State Lottery Commission vice Michael S. Brockman, withdrawn from the Senate, term ending 11/6/08.

Lucinda (Cindy) Ann Ehnes, former division manager, Self-Funded Health Plans at CalPERS. Appointed 3/17/04. Effective 3/17/04:

Director of Department of Managed Health Care vice Daniel Zingale, resigned, term ending at the pleasure of the Governor.

Mark C. Battey, managing director, Miramar Capitol. Appointed 3/26/04. Effective 4/1/04:

Member of the Teachers' Retirement Board, newly created, 2003 legislation, term ending 12/31/07.

James H. Gray, chairman, Desert Community College Board of Trustees. Appointed 3/26/04. Effective 4/2/04:

Member of the Teachers' Retirement Board, newly created, 2003 legislation, term ending 12/31/07.

Gloria S. Hom, chairman emeritus, Economics Department for West Valley Mission College. Appointed 3/26/04. Effective 4/2/04:

Member of the Teachers' Retirement Board, newly created, 2003 legislation, term ending 12/31/07.

Miguel A. Pulido, Mayor, City of Santa Ana. Appointed 3/26/04. Effective 4/5/04:

Member of the Teachers' Retirement Board, newly created, 2003 legislation, term ending 12/31/05.

M. Kathleen Smalley, managing director, real estate financial services firm. Appointed 3/26/04. Effective 4/5/04:

Member of the Teachers' Retirement Board, newly created 2003 legislation, term ending 12/31/06.

R. Kirk Lindsey, served since 11/00; reappointed 3/29/04. Effective 4/12/04:

Member, California Transportation Commission, term ending 2/1/08.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 12, 2004

Mr. President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 194

ACR 206

AJR 66

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 194—Relative to Sexual Assault Awareness Month.

Assembly Concurrent Resolution 206—Relative to California Space Day.

Assembly Joint Resolution 66—Relative to Equal Pay Day.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1529	SB 1617	SB 1749
SB 1768	SCR 75	

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1529—An act to add Section 2.5 to the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

Bill read second time.

Senate Bill 1617—An act relating to charter schools.

Bill read second time.

Senate Bill 1749—An act to relating to plastics.

Bill read second time.

Senate Bill 1768—An act amend Section 2601 of the Penal Code, relating to inmates.

Bill read second time.

Senate Concurrent Resolution 75—Relative to Love Your Neighborhood Week.

Resolution read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Business and Professions

Date of Hearing, April 12, 2004

Mr. President: The Committee on Business and Professions, to which were referred:

SB 1301	SB 1325	SB 1457	AB 932
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Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

FIGUEROA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 12, 2004

Mr. President: The Committee on Business and Professions, to which was referred:

AB 320

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary.

FIGUEROA, Chair

Above measure re-referred to the Committee on Judiciary.

Committee on Agriculture and Water Resources

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

SB 1132

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

Senate Bill 1132—An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Insurance

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Insurance, to which was referred:

AB 321

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SPEIER, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 321—An act to add Section 1366.2 to the Health and Safety Code, relating to health care, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Environmental Quality

Date of Hearing, April 12, 2004

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 1211

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Public Safety.

SHER, Chair

Above measure re-referred to the Committee on Public Safety.

Date of Hearing, April 12, 2004

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 1552

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

SHER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 12, 2004

Mr. President: The Committee on Environmental Quality, to which was referred:

SB 1889

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

SHER, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Appropriations

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 1196

SB 1626

SB 1821

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1196—An act to amend Section 49557.2 of the Education Code, to amend Section 12693.75 of the Insurance Code, and to amend Section 14005.41 of the Welfare and Institutions Code, relating to health care coverage.

Bill read second time.

Senate Bill 1626—An act to amend Section 129785 of the Health and Safety Code, relating to health facility construction, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 1821—An act to amend Sections 17537.3, 22952, 22956, 22958, and 22963 of, and to add Section 22964 to, the Business and Professions Code, and to amend Section 308 of the Penal Code, relating to tobacco.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1645

SB 1811

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1645—An act to amend Section 2982 of the Civil Code, relating to conditional sale contracts.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1645 pursuant to Joint Rule 58.

SENATOR ESCUTIA

Permission of Rules Committee

Senate Chamber, April 13, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1645.

BURTON, Chair

Senate Bill 1811—An act to add Section 6149.3 to the Business and Professions Code, and to amend Section 6602 of the Family Code, relating to attorney's fees.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Local Government, to which were referred:

SB 1592 SB 1791 SB 1904

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1592—An act to add Section 65458 to the Government Code, relating to local planning.

Bill read second time.

Senate Bill 1791—An act to amend Section 12463 of the Government Code, relating to the Controller.

Bill read second time.

Senate Bill 1904—An act to amend Section 10754 of the Revenue and Taxation Code, relating to vehicle license fees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Housing and Community Development

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which were referred:

SB 1188 SB 1328 SB 1634

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1188—An act to amend Section 50550.1 of the Health and Safety Code, relating to farmworker housing.

Bill read second time.

Senate Bill 1328—An act to amend Sections 65863.10 and 65863.11 of the Government Code, relating to housing.

Bill read second time.

Senate Bill 1634—An act to amend Section 17980.6 of, and to add Sections 17965.1 and 17967.1 to, the Health and Safety Code, relating to building standards.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Public Safety

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Public Safety, to which was referred:

SB 1553

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

McPHERSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1553—An act to add Sections 4907 and 4908 to the Penal Code, relating to exonerated persons.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 1190

SB 1380

SB 1816

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1190—An act to amend Section 8265.7 of, and to add Sections 8273, 8274, and 8471 to, the Education Code, relating to child care.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 1190 pursuant to Joint Rule 58.

SENATOR CHESBRO

Permission of Rules Committee

Senate Chamber, April 13, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 1190.

BURTON, Chair

Senate Bill 1380—An act to amend Section 60242 of, and to add Section 60200.1 to, the Education Code, relating to instruction, and making an appropriation therefor.

Bill read second time.

Senate Bill 1816—An act to amend Section 49069.5 of the Education Code, relating to pupil records.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Governmental Organization

Date of Hearing, April 13, 2004

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 1643

SB 1718

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 13, 2004

Mr. President: The Committee on Governmental Organization, to which was referred:

SB 1526

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VINCENT, Chair

Above measure ordered to second reading.

Committee on Natural Resources and Wildlife

Date of Hearing, April 13, 2004

Mr. President: The Committee on Natural Resources and Wildlife, to which was referred:

AB 204

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Transportation.

KUEHL, Chair

Above measure re-referred to the Committee on Transportation.

Date of Hearing, April 13, 2004

Mr. President: The Committee on Natural Resources and Wildlife, to which were referred:

SB 1215

SB 1264

SB 1908

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

KUEHL, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Governmental Organization

Date of Hearing, April 13, 2004

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 1638

SB 1751

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

VINCENT, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 1632

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1632—An act to add Section 12334 to the Government Code, relating to the Treasurer.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Revenue and Taxation

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Revenue and Taxation, to which were referred:

SB 1354

SB 1454

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

CEDILLO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1354—An act to add Sections 17039.2 and 23036.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Senate Bill 1454—An act to add Section 42238.10 to the Education Code, and to add Sections 195.89, 195.90, and 195.91 to the Revenue and

Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which was referred:

SB 1902

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1902—An act to add Section 361.7 to the Welfare and Institutions Code, relating to dependent children.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Public Safety

Date of Hearing, April 13, 2004

Mr. President: The Committee on Public Safety, to which was referred:

SB 1782

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

McPHERSON, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Rules

Senate Chamber, April 13, 2004

Mr. President: The Chair of the Committee on Rules, to which was referred:

SB 1491

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1491—An act to amend Section 54999.3 of the Government Code, relating to capital facilities fees.

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:

Senate Joint Resolution 27: By Senators Perata and Machado—Relative to federal funding of state and local programs.

Senate Joint Resolution 28: By Senators Torlakson, McClintock, and Scott—Relative to gasoline.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1620** was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules; and

SB 1532 was withdrawn from the Committee on Revenue and Taxation and re-referred to the Committee on Rules.

**CONSIDERATION OF DAILY FILE
SECOND READING OF SENATE BILLS**

Senate Concurrent Resolution 68—Relative to John Castro Memorial Interchange.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1385—An act to amend Section 1107 of the Evidence Code, and to amend Section 1473.5 of the Penal Code, relating to battering.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 1285—An act to amend Section 13010.5 of the Penal Code, relating to criminal history reporting.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Concurrent Resolution 67—Relative to Officer John Pedro Memorial Highway.

Resolution read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1189—An act to amend Section 94 of the Streets and Highways Code, relating to transportation.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1210—An act to amend Sections 217, 217.2, 217.4, and 217.6 of the Streets and Highways Code, relating to highways.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1136—An act to amend Sections 1, 2, 4, 5, 6, and 41 of, and to add Section 13.3 to, the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to the Lake County Flood Control and Water Conservation District.

Bill read second time.

The amendments proposed by the Committee on Agriculture and Water Resources were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 1621—An act to amend Sections 44325, 44326, 44328, 44329, and 44830.3 of the Education Code, relating to credentialing.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1177—An act to amend Section 35294.21 of the Education Code, relating to school safety.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 1213—An act to amend Section 5074 of the Vehicle Code, relating to vehicles.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1707—An act to add Section 53159 to the Government Code, relating to emergency response costs.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 1399—An act to add Chapter 9 (commencing with Section 3090) to Title 1 of Part 3 of the Penal Code, and to add Section 1768.5 to the Welfare and Institutions Code, relating to prisoners.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1713—An act to amend Sections 17072, 17132.5, 17152, 17731, 18571, 23701w, and 23712 of, to add Sections 17160.5, 17202.5, and 23703.5 to, and to repeal and amend Section 17144.5 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Senate Bill 1087—An act to amend Section 2333.5 of, and to amend and repeal Sections 2331 and 2333 of, the Streets and Highways Code, relating to highways.

Bill read second time.

The amendments proposed by the Committee on Transportation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 124—An act to amend Section 17052 of the Education Code, relating to school facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 493—An act to add Section 6608.5 to the Welfare and Institutions Code, relating to sexually violent predators.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 493 pursuant to Joint Rule 58.

ASSEMBLY MEMBER SALINAS

Permission of Rules Committee

Senate Chamber, April 13, 2004

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 493.

BURTON, Chair

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Health and Human Services.

Assembly Bill 347—An act to add Section 4158 to the Food and Agricultural Code, relating to district agricultural associations, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

SENATE COMMITTEE ROLL CALLS**Committee on Business and Professions**

SB 1149—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (1)—Senator Brulte.

SB 1301—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (1)—Senator Brulte.

SB 1325—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (1)—Senator Brulte.

SB 1457—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (1)—Senator Brulte.

SB 1580—Do pass

AYES (3)—Senators Cedillo, Figueroa, and Murray.

NOES (1)—Senator Brulte.

Failed passage

SB 1580—Reconsideration granted

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (0)—None.

AB 320—Do pass and re-refer to Committee on Judiciary

AYES (4)—Senators Cedillo, Figueroa, Machado, and Murray.

NOES (1)—Senator Brulte.

AB 932—Do pass and re-refer to Committee on Appropriations
AYES (5)—Senators Brulte, Cedillo, Figueroa, Machado, and Murray.
NOES (0)—None.

Date of Hearing: 4/12/04

Figueroa (Chair)

Committee on Environmental Quality

SB 1211—Do pass and re-refer to Committee on Public Safety
AYES (4)—Senators Chesbro, Kuehl, Romero, and Sher.
NOES (2)—Senators Denham and McPherson.

SB 1397—Do pass as amended and re-refer to Committee on Transportation

AYES (4)—Senators Chesbro, Kuehl, Romero, and Sher.
NOES (1)—Senator Denham.

SB 1446—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Chesbro, Kuehl, Romero, and Sher.
NOES (2)—Senators Denham and McPherson.

SB 1479—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Chesbro, Denham, Kuehl, McPherson, Romero, and Sher.
NOES (0)—None.

SB 1552—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Chesbro, Kuehl, Romero, and Sher.
NOES (2)—Senators Denham and McPherson.

SB 1742—Do pass as amended and re-refer to Committee on Natural Resources and Wildlife, with the recommendation: To Consent Calendar

AYES (6)—Senators Chesbro, Denham, Kuehl, McPherson, Romero, and Sher.
NOES (0)—None.

SB 1889—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (6)—Senators Chesbro, Denham, Kuehl, McPherson, Romero, and Sher.
NOES (0)—None.

Date of Hearing: 4/12/04

Sher (Chair)

Committee on Governmental Organization

SB 1526—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, and Soto.

NOES (0)—None.

SB 1638—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Brulte, Cedillo, Chesbro, Dunn, Karnette, Machado, Margett, Murray, and Soto.

NOES (2)—Senators Johnson and Morrow.

SB 1643—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, and Soto.

NOES (0)—None.

SB 1718—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, and Soto.

NOES (0)—None.

SB 1751—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, and Soto.

NOES (0)—None.

SB 1753—Do pass as amended and re-refer to Committee on Rules

AYES (9)—Senators Brulte, Cedillo, Chesbro, Johnson, Karnette, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

SB 1755—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Brulte, Johnson, Margett, Morrow, and Murray.

NOES (3)—Senators Cedillo, Chesbro, and Soto.

Failed passage

SB 1755—Reconsideration granted

AYES (8)—Senators Brulte, Cedillo, Chesbro, Johnson, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

SB 1757—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Brulte, Chesbro, Johnson, Margett, and Morrow.

NOES (0)—None.

Failed passage

SB 1757—Reconsideration granted

AYES (8)—Senators Brulte, Cedillo, Chesbro, Johnson, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

SB 1837—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Chesbro, Karnette, Murray, and Soto.

NOES (4)—Senators Brulte, Johnson, Margett, and Morrow.

Failed passage

SB 1837—Reconsideration granted

AYES (9)—Senators Brulte, Cedillo, Chesbro, Johnson, Karnette, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

AB 1489—Do pass as amended and re-refer to Committee on Appropriations

AYES (11)—Senators Brulte, Cedillo, Chesbro, Dunn, Johnson, Karnette, Machado, Margett, Morrow, Murray, and Soto.

NOES (0)—None.

Date of Hearing: 4/13/04

Vincent (Chair)

Committee on Natural Resources and Wildlife

SB 1215—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Denham, Hollingsworth, Oller, and Torlakson.

NOES (1)—Senator Kuehl.

SB 1264—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

SB 1294—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Hollingsworth, and Oller.

NOES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

Failed passage

SB 1294—Reconsideration granted

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

SB 1346—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, and Torlakson.

NOES (1)—Senator Sher.

SB 1434—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alpert, Denham, Hollingsworth, Kuehl, Oller, and Torlakson.

NOES (2)—Senators Bowen and Sher.

SB 1459—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

SB 1460—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Hollingsworth, and Oller.

NOES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

Failed passage

SB 1460—Reconsideration granted

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

SB 1807—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Denham, Hollingsworth, and Oller.

NOES (0)—None.

Failed passage

SB 1807—Reconsideration granted

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

SB 1856—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

SB 1908—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Bowen, Denham, Hollingsworth, Kuehl, Oller, Sher, and Torlakson.

NOES (0)—None.

AB 204—Do pass and re-refer to Committee on Transportation

AYES (5)—Senators Alpert, Bowen, Kuehl, Sher, and Torlakson.

NOES (3)—Senators Denham, Hollingsworth, and Oller.

Date of Hearing: 4/13/04

Kuehl (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Florez.

The following Senator was granted leave of absence for the day due to family illness: Senator Vincent.

The following Senators were granted leaves of absence for the day due to illness: Senators Knight, Ortiz, and Vasconcellos.

REQUEST TO ADJOURN IN MEMORIAM

Senator Alarcón requested that when the Senate adjourns this day it do so in memory of Peter Metsos of Toluca Lake.

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ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, April 14, 2004.

WALTER J. LITTLE, Minute Clerk

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CALIFORNIA LEGISLATURE
2003–04 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, April 14, 2004

The Senate met at 9 a.m.
Hon. John L. Burton, of the 3rd District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary David Valverde reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alarcón, Alpert, Ashburn, Battin, Bowen, Brulte,
Burton, Cedillo, Chesbro, Denham, Ducheny, Dunn, Escutia, Figueroa,
Florez, Hollingsworth, Johnson, Karnette, Kuehl, Machado, Margett,
McClintock, McPherson, Morrow, Murray, Oller, Perata, Poochigian,
Romero, Scott, Sher, Soto, Speier, and Torlakson—36.

Quorum present.

(NOTE: Senator Vincent will be excused this day due to family illness and Senators Knight, Ortiz, and Vasconcellos will be excused this day due to illness.)

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 13, 2004

Mr. President: I am directed to inform your honorable body that the Assembly appointed Assemblymember Rick Keene to replace Assemblymember Ken Maddox on the Committee on Conference concerning SB 191, 223, 229, 354, 757, and 899 and AB 1215, 1483, 1578, and 1579.

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 1512

SB 1792

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BURTON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1512—An act to add Section 2081.2 to the Fish and Game Code, relating to fish.

Bill read second time.

Senate Bill 1792—An act to add Section 14105.16 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Veterans Affairs

Date of Hearing, April 13, 2004

Mr. President: The Committee on Veterans Affairs, to which were referred:

SB 1143

SB 1651

AJR 36

Reports the same back with the recommendation: Do pass.

MORROW, Chair

Above bills ordered to second reading.

Above resolution ordered to third reading.

Date of Hearing, April 13, 2004

Mr. President: The Committee on Veterans Affairs, to which was referred:

SB 1193

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MORROW, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 13, 2004

Mr. President: The Committee on Veterans Affairs, to which was referred:

AB 1592

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Rules.

MORROW, Chair

Above measure re-referred to the Committee on Rules.

Committee on Public Employment and Retirement

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Public Employment and Retirement, to which were referred:

SB 1892

AB 979

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SOTO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1892—An act to amend Section 19131 of, and to repeal Section 19132 of, the Government Code, relating to public contracts.

Bill read second time.

Assembly Bill 979—An act to amend Sections 31520.5, 31681.8, 31683, 31704, and 31789.5 of, to add Sections 31762.5, 31763.5, 31764.5, 31764.6, and 31764.7 to, and to repeal Section 31520.3 of, the Government Code, relating to county employees' retirement.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Judiciary

Date of Hearing, April 13, 2004

Mr. President: The Committee on Judiciary, to which was referred:

SB 1181

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

ESCUZIA, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, April 13, 2004

Mr. President: The Committee on Judiciary, to which was referred:

AJR 57

Reports the same back with the recommendation: Be adopted as amended.

ESCUZIA, Chair

Above measure ordered to second reading.

Date of Hearing, April 13, 2004

Mr. President: The Committee on Judiciary, to which were referred:

SB 1173

SB 1860

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

ESCUTIA, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, April 13, 2004

Mr. President: The Committee on Judiciary, to which were referred:

SB 1408

SB 1564

Reports the same back with the recommendation: Do pass and be placed on the Consent Calendar.

ESCUTIA, Chair

Above measures ordered to second reading.

Committee on Transportation

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Transportation, to which was referred:

SB 1507

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

Senate Bill 1507—An act to amend Section 14556.3 and 14556.5 of the Government Code, relating to transportation.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Judiciary

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Judiciary, to which were referred:

SB 1150

SB 1262

SB 1284

AB 129

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ESCUTIA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1150—An act to add Article 2.5 (commencing with Section 14440) to Chapter 3 of Division 6 of the Business and Professions Code, relating to lenders.

Bill read second time.

Senate Bill 1262—An act to amend Section 17510.3 of the Business and Professions Code, and to amend Sections 12581, 12582, 12584, 12585, 12586, 12599, and 12599.1 of, and to add Sections 12598.1, 12599.3, 12599.6, 12599.7, and 12599.8 to, the Government Code, relating to charitable organizations.

Bill read second time.

Senate Bill 1284—An act to add Sections 2103.5 and 3025.5 to the Family Code, relating to family law.

Bill read second time.

Assembly Bill 129—An act to amend Sections 241.1, 387, and 11401 of, and to add Sections 241.2 and 366.5 to, the Welfare and Institutions Code, relating to the juvenile court.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Business and Professions

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Business and Professions, to which were referred:

SB 1307

SB 1865

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

FIGUEROA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1307—An act to amend Sections 4043, 4160, 4164, 4165, 4166, and 4400 of, to amend, repeal, and add Section 4163 of, to add Sections 4021.5, 4034, 4126.5, 4163.5, and 4168 to, to add and repeal Section 4169 of, and to repeal and add Sections 4161 and 4162 of, the Business and Professions Code, relating to drugs.

Bill read second time.

Senate Bill 1865—An act to amend Sections 1631 and 1632 of, to amend and renumber Section 1632.5 of, and to repeal Sections 1633 and 1633.5 of, the Business and Professions Code, relating to dentistry.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Appropriations

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 1318

SB 1319

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ALPERT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1318—An act to add Sections 79574 and 79574.5 to the Water Code, relating to natural resources.

Bill read second time.

Senate Bill 1319—An act to add Division 26.5 (commencing with Section 35500) to the Public Resources Code, relating to natural resources.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Environmental Quality

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Environmental Quality, to which were referred:

SB 1224

SB 1887

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

SHER, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1224—An act to amend Section 25180.5 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

Senate Bill 1887—An act to add Article 8 (commencing with Section 25399.14) to Chapter 6.85 of Division 20 of the Health and Safety Code, relating to hazardous waste.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Local Government

Date of Hearing, April 14, 2004

Mr. President: The Committee on Local Government, to which was referred:

SB 1774

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

TORLAKSON, Chair

Above measure re-referred to the Committee on Appropriations.

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Local Government, to which was referred:

SB 1212

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TORLAKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1212—An act to amend Sections 16265.2 and 29100.6 of the Government Code, to amend Section 10754 of, to amend and repeal Section 11000 of, and to add Article 3.5 (commencing with Section 97.7) to Part 0.5 of Division 1 of, the Revenue and Taxation Code, and to add Section 2129 to the Streets and Highways Code, relating to local government finance, and making an appropriation therefor.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Agriculture and Water Resources

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Agriculture and Water Resources, to which was referred:

SB 1677

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

Senate Bill 1677—An act to amend Section 13 3/4 of the Los Angeles County Flood Control Act (Chapter 755 of the Statutes of 1915), relating to the Los Angeles County Flood Control District.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Governmental Organization

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 1703

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VINCENT, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1703—An act to amend Section 11093 of the Government Code, relating to statistical districts.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Health and Human Services

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Health and Human Services, to which were referred:

SB 1525

SB 1563

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ORTIZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1525—An act to amend Section 104150 of the Health and Safety Code, and to amend Section 14132 of the Welfare and Institutions Code, relating to health care.

Bill read second time.

Senate Bill 1563—An act to add Section 4168 to the Business and Professions Code, relating to drug wholesalers and manufacturers.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Education

Date of Hearing, April 14, 2004

Mr. President: The Committee on Education, to which was referred:

SB 1254

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

VASCONCELLOS, Chair

Above measure ordered to second reading.

Committee on Housing and Community Development

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Housing and Community Development, to which was referred:

SB 1428

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

DUCHENY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1428—An act to amend Section 33334.2 of the Health and Safety Code, relating to redevelopment.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Date of Hearing, April 14, 2004

Mr. President: The Committee on Education, to which was referred:
SB 1208

Reports the same back with the recommendation: Do pass.

VASCONCELLOS, Chair

Above bill ordered to second reading.

Date of Hearing, April 14, 2004

Mr. President: The Committee on Education, to which was referred:
SB 1343

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Health and Human Services.

VASCONCELLOS, Chair

Above measure re-referred to the Committee on Health and Human Services.

Senate Chamber, April 14, 2004

Mr. President: The Chair of the Committee on Education, to which were referred:

SB 1138

SB 1405

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

VASCONCELLOS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1138—An act to amend Sections 37700, 37701, 37702, 37703, 37704, 37706, and 37707 of the Education Code, relating to school districts.

Bill read second time.

Senate Bill 1405—An act to amend Section 60001 of the Education Code, relating to instructional materials.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

Committee on Energy, Utilities and Communications

Date of Hearing, April 13, 2004

Mr. President: The Committee on Energy, Utilities and Communications, to which were referred:

SB 1163 SB 1276 SB 1891

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

BOWEN, Chair

Above measures re-referred to the Committee on Appropriations.

Committee on Rules

State Capitol, April 14, 2004

The Committee on Rules has referred the following measures to committee:

Banking, Commerce and International Trade—SB 1916, SB 1917.

Environmental Quality—AB 2465.

Health and Human Services—AB 2301; AJR 54.

Insurance—SB 1918; AB 1985.

Labor and Industrial Relations—AB 1840.

Public Safety—AB 1884, AB 1901, AB 1931.

Transportation—SR 33; AB 1798; AJR 63.

The Committee on Rules has referred the following measures to two committees:

Transportation and Constitutional Amendments—SCA 20.

Local Government and Constitutional Amendments—SCA 21, SCA 22.

The Committee on Rules has re-referred the following measures to committee:

Agriculture and Water Resources—SB 1620.

Education—SB 1245, SB 1335, SB 1418, SB 1423, SB 1617, SB 1658, SB 1700, SB 1741.

Elections and Reapportionment—SB 1653, SB 1902.

Energy, Utilities and Communications and Local Government—SB 1491.

Environmental Quality—SB 1168, SB 1251, SB 1749.

Environmental Quality and Transportation—SB 1247.

Governmental Organization—SB 1437, SB 1622.

Health and Human Services—SB 1540.

Health and Human Services and Education—SB 1630.
Housing and Community Development—SB 1176, SB 1652, SB 1805.
Judiciary—SB 1509, SB 1581, SB 1605, SB 1769; AB 1592.
Judiciary and Banking, Commerce and International Trade—SB 1451.
Labor and Industrial Relations and Banking, Commerce and International Trade—SB 1492.
Local Government—SB 1497, SB 1529, SB 1532, SB 1767.
Natural Resources and Wildlife—SB 1259, SB 1512.
Public Employment and Retirement—SB 1401, SB 1632.
Public Safety—SB 1289, SB 1352, SB 1468, SB 1640, SB 1642, SB 1660, SB 1715, SB 1731, SB 1737, SB 1744, SB 1768.
Revenue and Taxation—SB 1689, SB 1880, SB 1881, SB 1882.
Transportation—SB 1233, SB 1235, SB 1236, SB 1904.

INTRODUCTION AND FIRST READING OF SENATE MEASURE

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

Senate Joint Resolution 29: By Senator Kuehl—Relative to food marketing and advertising directed to children.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 1632** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules;

SB 1902 was withdrawn from the Committee on Health and Human Services and re-referred to the Committee on Rules; and

SB 1904 was withdrawn from the Committee on Local Government and re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE SECOND READING OF SENATE BILLS

Senate Bill 1526—An act to add Section 8588.12 to the Government Code, relating to emergency services.

Bill read second time.

The amendments proposed by the Committee on Governmental Organization were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

SENATE COMMITTEE ROLL CALLS Committee on Education

SB 1129—Do pass as amended and re-refer to Committee on Rules

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1208—Do pass

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1254—Do pass as amended and re-refer to Committee on Appropriations

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1331—Do pass as amended and re-refer to Committee on Appropriations

AYES (8)—Senators Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1343—Do pass and re-refer to Committee on Health and Human Services

AYES (8)—Senators Alarcón, Alpert, Chesbro, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1467—Do pass

AYES (3)—Senators Chesbro, Denham, and McPherson.

NOES (0)—None.

Failed passage

SB 1467—Reconsideration granted

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1531—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Alpert, Denham, McPherson, and Speier.

NOES (3)—Senators Chesbro, Karnette, and Romero.

Failed passage

SB 1531—Reconsideration granted

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1535—Placed on Education suspense file

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1536—Placed on Education suspense file

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1798—Placed on Education suspense file

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1802—Placed on Education suspense file

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

SB 1875—Placed on Education suspense file

AYES (9)—Senators Alarcón, Alpert, Chesbro, Denham, Karnette, McPherson, Romero, Sher, and Speier.

NOES (0)—None.

Date of Hearing: 4/14/04

Vasconcellos (Chair)

Committee on Energy, Utilities and Communications**SB 1163**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Sher.

NOES (1)—Senator McClintock.

SB 1201—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Sher.

NOES (0)—None.

SB 1276—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Alarcón, Bowen, Dunn, Murray, and Sher.

NOES (1)—Senator McClintock.

SB 1575—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Alarcón and McClintock.

NOES (3)—Senators Bowen, Dunn, and Sher.

Failed passage

SB 1575—Reconsideration granted

AYES (7)—Senators Alarcón, Bowen, Dunn, McClintock, Morrow, Murray, and Sher.

NOES (0)—None.

SB 1624—Do pass as amended

AYES (5)—Senators Bowen, Dunn, McClintock, Murray, and Sher.

NOES (0)—None.

SB 1716—Do pass and re-refer to Committee on Appropriations

AYES (1)—Senator McClintock.

NOES (3)—Senators Bowen, Dunn, and Sher.

Failed passage

SB 1716—Reconsideration granted

AYES (7)—Senators Alarcón, Bowen, Dunn, McClintock, Morrow, Murray, and Sher.

NOES (0)—None.

SB 1858—Do pass as amended

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Sher.

NOES (0)—None.

SB 1891—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Alarcón, Bowen, Dunn, McClintock, Murray, and Sher.

NOES (0)—None.

Date of Hearing: 4/13/04

Bowen (Chair)

Committee on Judiciary**SB 1173**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

SB 1181—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 1246—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

SB 1248—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

SB 1277—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 1279—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Cedillo and Kuehl.

NOES (2)—Senators Ducheny and Morrow.

Failed passage

SB 1279—Reconsideration granted

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

SB 1408—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 1533—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 1564—Do pass, to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 1746—Do pass as amended and re-refer to Committee on Appropriations, with the recommendation: to Consent Calendar

AYES (7)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, Morrow, and Sher.

NOES (0)—None.

SB 1760—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

SB 1801—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Escutia and Kuehl.

NOES (0)—None.

Failed passage

SB 1801—Reconsideration granted

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

SB 1841—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Cedillo, Escutia, Kuehl, and Sher.

NOES (1)—Senator Morrow.

SB 1860—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (0)—None.

AB 782—Do pass as amended and re-refer to Committee on Appropriations

AYES (6)—Senators Ackerman, Cedillo, Ducheny, Escutia, Kuehl, and Morrow.

NOES (0)—None.

AJR 57—Be adopted as amended

AYES (5)—Senators Cedillo, Ducheny, Escutia, Kuehl, and Sher.

NOES (2)—Senators Ackerman and Morrow.

Date of Hearing: 4/13/04

Escutia (Chair)

Committee on Local Government

SB 1774—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Ackerman, Machado, Margett, Perata, and Torlakson.

NOES (1)—Senator Soto.

Date of Hearing: 4/14/04

Torlakson (Chair)

Committee on Public Safety

SB 1152—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Burton, Romero, and Sher.

NOES (2)—Senators Margett and McPherson.

Failed passage

SB 1152—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1167—Do pass as amended and re-refer to Committee on Appropriations

AYES (0)—None.

NOES (3)—Senators Margett, McPherson, and Romero.

Failed passage

SB 1167—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1234—Do pass and re-refer to Committee on Judiciary

AYES (1)—Senator Romero.

NOES (2)—Senators Margett and McPherson.

Failed passage

SB 1234—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1273—Do pass as amended and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Margett, Romero, and Sher.

NOES (0)—None.

SB 1287—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators Burton, Romero, and Sher.

NOES (0)—None.

Failed passage

SB 1287—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1330—Do pass as amended and re-refer to Committee on Appropriations

AYES (3)—Senators McPherson, Romero, and Sher.

NOES (1)—Senator Margett.

Failed passage

SB 1330—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1361—Do pass as amended and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (0)—None.

Failed passage

SB 1361—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1516—Do pass as amended and re-refer to Committee on Appropriations

AYES (5)—Senators Burton, Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1669—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Margett, McPherson, and Romero.

NOES (0)—None.

Failed passage

SB 1669—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1710—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1733—Do pass and re-refer to Committee on Appropriations

AYES (3)—Senators Burton, Romero, and Sher.

NOES (2)—Senators Margett and McPherson.

Failed passage

SB 1733—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1781—Do pass and re-refer to Committee on Appropriations

AYES (2)—Senators Margett and McPherson.

NOES (2)—Senators Romero and Sher.

Failed passage

SB 1781—Reconsideration granted

AYES (4)—Senators Margett, McPherson, Romero, and Sher.

NOES (0)—None.

SB 1782—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Burton, Margett, Romero, and Sher.

NOES (0)—None.

Date of Hearing: 4/13/04

McPherson (Chair)

Committee on Veterans Affairs**SB 1143**—Do pass

AYES (5)—Senators Chesbro, Denham, Dunn, Morrow, and Soto.

NOES (0)—None.

SB 1193—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Chesbro, Denham, Dunn, Morrow, and Soto.

NOES (0)—None.

SB 1651—Do pass

AYES (5)—Senators Chesbro, Denham, Dunn, Morrow, and Soto.

NOES (0)—None.

AB 1592—Do pass and re-refer to Committee on Rules

AYES (5)—Senators Chesbro, Denham, Dunn, Morrow, and Soto.

NOES (0)—None.

AJR 36—Do pass

AYES (5)—Senators Chesbro, Denham, Dunn, Morrow, and Soto.

NOES (0)—None.

Date of Hearing: 4/13/04

Morrow (Chair)

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to family illness: Senator Vincent.

The following Senators were granted leaves of absence for the day due to illness: Senators Knight, Ortiz, and Vasconcellos.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned on call of the President pro Tempore.

WALTER J. LITTLE, Minute Clerk

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