

CALIFORNIA LEGISLATURE

2007–08 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED FIFTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, September 15, 2008

The Senate met at 4 p.m.
Hon. Don Perata, of the 9th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Kipchoge Randall reading.

QUORUM CALL OF THE SENATE

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

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

The roll was called and the following Senators answered to their names:
Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa (waiving per diem), Cox, Denham, Ducheny, Dutton, Florez (waiving per diem), Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee(waiving per diem)—40.

Quorum present.



PRAYER

Prayer was offered by Senator Sheila Kuehl:

Holy God, You created us in Your image and likeness, instilling within us wisdom, understanding and patience. We ask of You this afternoon to look graciously upon our work, to continue to bring us together for the common goal of bettering the lives of those we serve, and to enable us to find satisfaction in all that we accomplish. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 12, 2008

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective September 12, 2008 the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Peter C. Hankwitz Member, Student Aid Commission
Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 9, 2008

Mr. President: The Committee on Rules has examined:

SCR 132 SJR 17

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 9th day of September, 2008, at 3:30 p.m.

PERATA, Chair

September 15, 2008

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

AB 2988 AB 2026 AB 2784

Reports the same back with the recommendation: That the amendments be taken up for consideration.

PERATA, Chair

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Perata:

Senate Chamber, September 15, 2008

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(b)(16) in order that AB 10, AB 88, AB 158, AB 186,

AB 268, AB 519, AB 841, AB 1183, AB 1189, AB 1279, AB 1338, AB 1389, AB 1452, AB 1526, AB 1654, AB 1696, AB 1741, AB 1805, AB 2026, AB 2246, AB 2784, AB 2988, SCA 12 and SCA 13 may be amended after the deadline.

SENATOR PERATA

Recommendation of Rules Committee

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

PERATA, Chair

JOINT RULES DISPENSED WITH

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(b)(16) was dispensed with as requested.

RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION

The following resolution was offered by Senator Perata:

Resolved, That AB 186, AB 1696, and AB 1805 present cases 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 bills be read on three several days in each house is hereby dispensed with, and it is ordered that said bills be read the second and third times and placed upon their passage.

Resolution read and presented by Senator Ducheny.

Without objection the resolution was adopted

MOMENT OF SILENCE

Senators McClintock and Runner requested that the Senate observe a moment in silence in remembrance of the Chatsworth Train Crash victims.

**CONSIDERATION OF DAILY FILE
CONFERENCE COMMITTEE REPORTS**

Assembly Bill 1781—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 .

The report of the Committee on Conference was presented by Senator Ducheny.

Urgency Clause

Urgency clause read.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



THIRD READING OF ASSEMBLY BILLS**Consideration of Assembly Bill 88**

Assembly Bill 88—An act to amend and supplement the Budget Act of 2008 by amending Items 0250-001-0159, 0650-001-0001, 0690-001-0001, 0690-001-0890, 0690-001-1014, 0690-002-0001, 0690-101-0890, 0690-102-0001, 0820-001-0001, 0840-001-0001, 0855-111-0367, 0950-001-0001, 1760-001-0666, 1880-001-0001, 1955-001-9730, 2640-101-0046, 2660-001-0042, 2660-104-6059, 2660-304-6059, 2660-492, 3790-001-0001, 3790-490, 3900-001-0044, 4260-101-0001, 4260-111-0001, 4260-111-0890, 4300-101-0001, 5180-101-0001, 5180-101-0890, 5180-111-0001, 5180-141-0001, 5180-141-0890, 5180-151-0001, 5180-151-0890, 5225-001-0001, 5225-002-0001, 5225-101-0001, 5225-301-0001, 5225-301-0660, 6110-001-0001, 6110-001-0890, 6110-101-0349, 6110-103-0001, 6110-104-0001, 6110-105-0001, 6110-107-0001, 6110-108-0001, 6110-111-0001, 6110-119-0001, 6110-122-0001, 6110-123-0890, 6110-124-0001, 6110-125-0001, 6110-126-0890, 6110-128-0001, 6110-130-0001, 6110-134-0890, 6110-136-0890, 6110-140-0001, 6110-150-0001, 6110-151-0001, 6110-156-0001, 6110-158-0001, 6110-161-0001, 6110-167-0001, 6110-181-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-196-0001, 6110-198-0001, 6110-201-0890, 6110-202-0001, 6110-203-0001, 6110-204-0001, 6110-209-0001, 6110-211-0001, 6110-224-0001, 6110-228-0001, 6110-232-0001, 6110-234-0001, 6110-240-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-267-0001, 6110-488, 6440-001-0001, 6440-302-6041, 6440-304-6048, 6870-101-0001, 7980-001-0001, 7980-001-0890, 7980-101-0001, 7980-101-0890, 8380-001-0001, 8660-001-0042, 8660-001-0046, 8660-001-0412, 8660-001-0461, 8660-001-0462, 8860-001-0001, 8880-001-9737, and 9100-101-0001 of, by adding Items 0820-012-0378, 0820-495, 3790-001-1014, 3790-494, 6440-301-0660, 6610-301-0660, 8660-011-0470, 8660-011-0471, 8660-011-0483, 9210-105-0001, and 9350-104-6065 to, and by repealing Item 6110-135-0890 of, Section 2.00 of, and by amending Sections 4.07, 24.85, and 35.50 of, and by adding Section 35.20 to, that act, relating to the State Budget, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 88.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 88 at this time, as amended, in print, and properly before the Senate.

Consideration of Assembly Bill 88 as Amended

Assembly Bill 88—An act to amend and supplement the Budget Act of 2008 by amending Items 0250-001-0159, 0650-001-0001, 0690-001-0001, 0690-001-0890, 0690-002-0001, 0690-101-0890, 0690-102-0001, 0820-001-0001, 0840-001-0001, 0855-111-0367, 0890-001-0001, 0950-001-0001, 1760-001-0666, 1880-001-0001, 1955-001-9730, 2640-101-0046, 2660-001-0042, 2660-104-6059, 2660-304-6059, 2660-492, 3540-001-0001 3790-490, 3900-001-0044, 4260-101-0001, 4260-101-0890, 4260-111-0001, 4260-111-0890, 4300-101-0001, 4440-101-0001, 5180-101-0001, 5180-101-0890, 5180-111-0001, 5180-141-0001, 5180-141-0890, 5180-151-0001, 5180-151-0890, 5225-001-0001, 5225-002-0001, 5225-101-0001, 5225-301-0001, 5225-301-0660, 6110-001-0001, 6110-001-0890, 6110-101-0349, 6110-103-0001, 6110-104-0001, 6110-105-0001, 6110-107-0001, 6110-108-0001, 6110-111-0001, 6110-119-0001, 6110-122-0001, 6110-123-0890, 6110-124-0001, 6110-125-0001, 6110-126-0890, 6110-128-0001, 6110-130-0001, 6110-134-0890, 6110-136-0890, 6110-140-0001, 6110-150-0001, 6110-151-0001, 6110-156-0001, 6110-158-0001, 6110-161-0001, 6110-167-0001, 6110-181-0001, 6110-189-0001, 6110-190-0001, 6110-193-0001, 6110-196-0001, 6110-198-0001, 6110-201-0890, 6110-202-0001, 6110-203-0001, 6110-204-0001, 6110-209-0001, 6110-211-0001, 6110-224-0001, 6110-228-0001, 6110-232-0001, 6110-234-0001, 6110-240-0001, 6110-243-0001, 6110-244-0001, 6110-245-0001, 6110-246-0001, 6110-247-0001, 6110-248-0001, 6110-260-0001, 6110-265-0001, 6110-267-0001, 6110-488, 6120-011-6029, 6440-001-0001, 6440-302-6041, 6440-304-6048, 6870-101-0001, 7980-001-0001, 7980-001-0890, 7980-101-0001, 7980-101-0890, 8380-001-0001, 8660-001-0042, 8660-001-0046, 8660-001-0412, 8660-001-0461, 8660-001-0462, 8860-001-0001, 8880-001-9737, 8940-001-0001, and 9210-101-0001 of, by adding Items 0820-012-0378, 0820-495, 3790-494, 6440-301-0660, 6610-301-0660, 6610-491, 8660-011-0470, 8660-011-0471, 8660-011-0483, 9210-105-0001, and 9350-104-6065 to, and by repealing Items 0690-001-1014, 3540-001-1014, and 6110-135-0890 of, Section 2.00 of, and by amending Sections 4.07, 12.32, 24.85, and 35.50 of, and by adding Section 35.20 to, that act, relating to the State Budget, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

Assembly Bill 1452—An act to amend Section 6248 of, to add Sections 6051.7, 6201.7, 17276.9, 17276.10, 19137, 24416.9, and 24416.10 to, and to add Chapter 9.2 (commencing with Section 19740) to Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read and presented by Senator Ducheny.

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1452.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1452 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1452 as Amended

Assembly Bill 1452—An act to amend Sections 6248, 17276, 17942, and 24416 of, to add Sections 17039.2, 17276.9, 17276.10, 19137, 23036.2, 23663, 24416.9, and 24416.10 to, and to add Chapter 9.2 (commencing with Section 19740) to Part 10.2 of Division 2 of, the Revenue and Taxation Code, relating to taxation, 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 Cogdill moved a call of the Senate.

Motion carried.

THIRD READING OF SENATE BILLS**Consideration of Senate Constitutional Amendment 13**

Senate Constitutional Amendment 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, and by amending Section 20 of, and adding Section 21 to, Article XVI thereof, relating to state finance.

Resolution read and presented by Senator Ducheny.

Motion to Amend

Senator Ducheny moved the adoption of amendments to SCA 13.

Amendments read and adopted.



MOTION TO SUSPEND SENATE RULE 29.3

Senator Perata moved to suspend Senate Rule 29.3 to permit consideration of SCA 13 at this time, as amended, in print, and properly before the Senate.

Motion carried.

**Consideration of Senate Constitutional Amendment 13
as Amended**

Senate Constitutional Amendment 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, and by amending Section 20 of, and adding Section 21 to, Article XVI thereof, relating to state finance.

Resolution read.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 519)

Senator Ducheny asked for and was granted unanimous consent that AB 519 be withdrawn from committee and taken up at this time, without reference to file.

Assembly Bill 519—An act to add and repeal Section 7362.01 of the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.

Bill read and presented by Senator Ducheny.

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 519.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 519 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 519 as Amended

Assembly Bill 519—An act to amend Sections 2558.46, 41203.1, 42238.146, 52052, 52055.57, 52059, 56836.155, 60604, 60605, 60605.6, 60606, 60616, 60630, 60640, 60641, 60642.5, 60643, 60645, 60647, 69521.3, 69521.4, 69521.5, 69521.10, 69521.11, 69522, 69561, and 76300 of, to add Sections 12143 and 52055.59 to, and to repeal Sections 60642 and 60644 of, the Education Code, relating to education finance, 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 Cogdill moved a call of the Senate.

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (AB 1338)

Senator Ducheny asked for and was granted unanimous consent that AB 1338 be withdrawn from committee and taken up at this time, without reference to file.

THIRD READING OF ASSEMBLY BILLS (RESUMED)**Consideration of Assembly Bill 1338**

Assembly Bill 1338—An act to amend Section 5067 of the Vehicle Code, relating to vehicles.

Bill read third time.

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1338.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1338 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1338 as Amended

Assembly Bill 1338—An act to add Section 12841.3 to the Food and Agricultural Code, to amend Section 12892 of the Government Code, to amend Section 85.2 of the Harbors and Navigation Code, to amend Sections 13138, 13146.1, 13146.2, 25173.6, 25174, 39625.1, and 39626 of, to add Sections 43022.5 and 44274.7 to, and to add Article 8.6 (commencing with Section 25395.35) to Chapter 6.8 of Division 20 of, the Health and Safety Code, to amend Sections 3258, 6217.3, 30620, and 37036 of, and to add Sections 30620.1 and 30620.2 to, the Public Resources Code, to add Section 326.5 to, and to add and repeal Section 343 of, the Public Utilities Code, and to amend Sections 12561, 13385.1, and 79441 of the Water Code, relating to public resources, 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 Cogdill moved a call of the Senate.

Motion carried.



UNANIMOUS CONSENT GRANTED (AB 1526)

Senator Ducheny asked for and was granted unanimous consent that AB 1526 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1526

Assembly Bill 1526—An act to amend Section 50800 of the Health and Safety Code, relating to housing.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1526 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET**Permission of Rules Committee**

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1526.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1526.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1526 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1526 as Amended

Assembly Bill 1526—An act to repeal Sections 8483.5 and 8483.6 of the Education Code, and to amend Section 14 of Proposition 49 of the 2002 statewide general election, relating to before and after school programs, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 1654)

Senator Ducheny asked for, and was granted, unanimous consent that AB 1654 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1654

Assembly Bill 1654—An act add Sections 75004.5, 75026.3, 75051.2, and 75070.7 to the Public Resources Code, and to repeal and add



Part 2.2 (commencing with Section 10530) of Division 6 of the Water Code, relating to water.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1654 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1654.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1654.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1654 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1654 as Amended

Assembly Bill 1654—An act to amend Sections 8880.1, 8880.4, 8880.5, 8880.25, 8880.26, 8880.321, 8880.38, 8880.48, 8880.56, 8880.62, 8880.64, and 8880.65 of, to add Sections 8880.4.5 and 8880.5.5 to, and to repeal Section 8880.63 of, the Government Code, and to amend Section 5 of the California State Lottery Act of 1984, relating to the California State Lottery, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 1741)

Senator Ducheny asked for, and was granted, unanimous consent that AB 1741 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1741

Assembly Bill 1741—An act to add Section 12012.7 to the Government Code, relating to gaming.

Bill read third time.



Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1741 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1741.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1741.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1741 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1741 as Amended

Assembly Bill 1741—An act to add Article 6.7 (commencing with Section 63048.91) to Chapter 2 of Division 1 of Title 6.7 of the Government Code, relating to the California State Lottery, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (SCA 12)

Senator Ducheny asked for and was granted unanimous consent that SCA 12 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Constitutional Amendment 12

Senate Constitutional Amendment 12—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 6 of Article XIII D thereof, relating to local government finance.

Resolution read third time.

Motion to Amend

Senator Ducheny moved the adoption of amendments to SCA 12.

Amendments read and adopted.



MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of SCA 12 at this time, as amended, in print, and properly before the Senate.

Motion carried.

**Consideration of Senate Constitutional Amendment 12
as Amended**

Senate Constitutional Amendment 12—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 the California State Lottery.

Resolution read and presented by Senator Ducheny.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 1805)

Senator Ducheny asked for, and was granted, unanimous consent that AB 1805 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1805

Assembly Bill 1805—An act relating to the Budget Act of 2008.

Bill read second time.

Assembly Bill 1805—An act relating to the Budget Act of 2008.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1805 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET**Permission of Rules Committee**

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1805.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1805.

Amendments read and adopted.



MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1805 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1805 as Amended

Assembly Bill 1805—An act to amend Section 18350 of, and to add Section 18350.5 to, the Welfare and Institutions Code, relating to foster care, 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 Cogdill moved a call of the Senate.

Motion carried.

RECESS

At 10:59 p.m., on motion of Senator Perata the Senate recessed in order to convene the third extraordinary session.

REASSEMBLED

At 11:03 p.m., the Senate reconvened.

Hon. Don Perata, of the 9th District, presiding.

UNANIMOUS CONSENT GRANTED (AB 1279)

Senator Ducheny asked for and was granted unanimous consent that AB 1279 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1279

Assembly Bill 1279—An act to amend Sections 8223 and 8450 of the Education Code, relating to child care.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1279 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET**Permission of Rules Committee**

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1279.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1279.

Amendments read and adopted.



MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1279 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1279 as Amended

Assembly Bill 1279—An act to amend Sections 8206.1, 8222, 8223, 8357, and 8447 of, and to add Section 8275.5 to, the Education Code, to amend Sections 9205, 17560, and 17706 of, and to amend, repeal, and add Sections 8807, 8808, 8810, and 8820 of, the Family Code, to amend Sections 1522, 1596.871, 11758.42, 11758.421, and 11758.46 of the Health and Safety Code, and to amend Sections 10082, 10823, 11320.32, 11402.6, 11453, 12201, 12305.82, 12317, 14021.6, 14124.93, and 18939 of, to add Sections 10080.5 and 10553.15 to, to add Chapter 10.1 (commencing with Section 15525) to Part 3 of Division 9 of, and to repeal Section 10083 of, the Welfare and Institutions Code, relating to human services, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 1389)

Senator Ducheny asked for and was granted unanimous consent that AB 1389 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1389

Assembly Bill 1389—An act to amend Sections 12712, 12715, 12716, and 12718 of the Government Code, relating to gaming.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1389 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET**Permission of Rules Committee**

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1389.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1389.

Amendments read and adopted.



MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1389 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1389 as Amended

Assembly Bill 1389—An act to amend Section 23320 of the Business and Professions Code, to amend Sections 22664, 22954, 22954.1, 22955, 22955.5, 24412, 24415, 24416, 24417, and 24600 of, to add Sections 8277.65, 8277.66, and 24415.5 to, to repeal Section 24411 of, and to repeal and add Section 22954.5 of, the Education Code, to amend Section 13001 of the Fish and Game Code, to add Section 4101.4 to the Food and Agricultural Code, to amend Sections 8544.5, 11032, 11033, 11270, 11271, 11272, 11274, 11276, 11277, 13300, 13302, 13332.02, 13332.03, 15849.6, 16142, 16142.1, 16144, 22877, 22883, 30061, 63035, and 76104.6 of, to add Sections 11270.1, 13311, 13312, 15814.28, and 19816.22 to, to add Chapter 7 (commencing with Section 15849.20) to Part 10b of Division 3 of Title 2 of, and to repeal Section 13997.4 of, the Government Code, to amend Sections 33675 and 33680 of, and to add Sections 17928, 33684, 33685, 33686, 33687, 33688, and 33689 to, the Health and Safety Code, to amend Section 1060 of the Insurance Code, to amend Sections 62.5, 62.9, and 139.48 of the Labor Code, to add Section 69.9 to the Military and Veterans Code, to amend Section 25416 of the Public Resources Code, to amend Section 281 of the Public Utilities Code, to amend Sections 18535, 18536, 19280, and 30131.4 of, and to add Sections 19011.5 and 19290.1 to, the Revenue and Taxation Code, to amend Section 5891 of the Welfare and Institutions 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.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 268)

Senator Ducheny asked for and was granted unanimous consent that AB 268 be withdrawn from committee and taken up at this time, without reference to file.

THIRD READING OF ASSEMBLY BILLS (RESUMED)**Consideration of Assembly Bill 268**

Assembly Bill 268—An act to amend Section 20822 of, to add Sections 19858.8 and 20281.7 to, and to add Chapter 19 (commencing with



Section 21710) to Part 3 of Division 5 of Title 2 of, the Government Code, relating to public employees' retirement.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 268 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 268.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 268.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 268 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 268 as Amended

Assembly Bill 268—An act to amend Sections 8879.55, 8879.56, 14556.7, 14556.75, 14556.8, and 16965 of, to add Articles 2.5 (commencing with Section 8879.52) and 11 (commencing with Section 8879.66) to Chapter 12.491 of Division 1 of Title 2 of, and to add and repeal Section 14556.85 of, the Government Code, to amend Section 99312 of the Public Utilities Code, to amend Sections 7102, 7103, 7104, and 7104.2 of the Revenue and Taxation Code, to amend Sections 182.6 and 182.7 of, and to add Article 3.7 (commencing with Section 157) to Chapter 1 of Division 1 of, the Streets and Highways Code, and to amend Sections 1678, 9250.13, and 9553.5 of, to amend, repeal, and add Sections 9554 and 9554.5 of, and to add Section 9553.7 to, the Vehicle Code, relating to transportation, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 1696)

Senator Kuehl asked for and was granted unanimous consent that AB 1696 be withdrawn from committee and taken up at this time, without reference to file.



Consideration of Assembly Bill 1696

Assembly Bill 1696—An act to add and repeal Section 14998.15 of the Government Code, relating to the California Film Commission.

Bill read second time.

Assembly Bill 1696—An act to add and repeal Section 14998.15 of the Government Code, relating to the California Film Commission.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1696 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BASS

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1696.

PERATA, Chair

Motion to Amend

Senator Kuehl moved the adoption of amendments to AB 1696.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Kuehl moved to suspend Senate Rule 29.3 to permit consideration of AB 1696 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 1696 as Amended

Assembly Bill 1696—An act to add and repeal Section 14998.15 of the Government Code, relating to the California Film Commission, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 158)

Senator Florez asked for and was granted unanimous consent that AB 158 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 158

Assembly Bill 158—An act to amend Section 2191 of the Business and Professions Code, relating to medicine.

Bill read third time.



Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 158 pursuant to Joint Rule 58.

ASSEMBLY MEMBER TORRICO

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 158.

PERATA, Chair

Motion to Amend

Senator Florez moved the adoption of amendments to AB 158.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Florez moved to suspend Senate Rule 29.3 to permit consideration of AB 158 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 158 as Amended

Assembly Bill 158—An act to amend Sections 12712, 12715, 12716, and 12718 of the Government Code, relating to gaming, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 2784)

Senator Aanestad asked for and was granted unanimous consent that AB 2784 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 2784

Assembly Bill 2784—An act to amend Section 25214.10.1 of, and to add Section 25214.10.3 to, the Health and Safety Code, relating to hazardous waste.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 2784 pursuant to Joint Rule 58.

ASSEMBLY MEMBER LA MALFA



Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 2784.

PERATA, Chair

Motion to Amend

Senator Aanestad moved the adoption of amendments to AB 2784.
Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Florez moved to suspend Senate Rule 29.3 to permit consideration of AB 2784 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 2784 as Amended

Assembly Bill 2784—An act to amend, repeal, and add Section 14166.245 of the Welfare and Institutions Code, relating to Medi-Cal, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 186)

Senator Denham asked for and was granted unanimous consent that AB 186 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 186

Assembly Bill 186—An act to amend Section 14175 of the Penal Code, relating to crime prevention.

Bill read second time.

Assembly Bill 186—An act to amend Section 14175 of the Penal Code, relating to crime prevention.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 186 pursuant to Joint Rule 58.

ASSEMBLY MEMBER MAZE

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 186.

PERATA, Chair



Motion to Amend

Senator Denham moved the adoption of amendments to AB 186.
Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Denham moved to suspend Senate Rule 29.3 to permit consideration of AB 186 at this time, as amended, in print, and properly before the Senate.
Motion carried.

Consideration of Assembly Bill 186 as Amended

Assembly Bill 186—An act to amend Section 14175 of the Penal Code, relating to crime prevention, 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 Denham moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 2026)

Senator Dutton asked for and was granted unanimous consent that AB 2026 be withdrawn from committee and taken up at this time, without reference to file.

Assembly Bill 2026—An act to amend Section 5443.5 of the Business and Professions Code, relating to outdoor advertising.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 2026 pursuant to Joint Rule 58.

ASSEMBLY MEMBER VILLINES

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 2026.

PERATA, Chair

Motion to Amend

Senator Dutton moved the adoption of amendments to AB 2026.
Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Dutton moved to suspend Senate Rule 29.3 to permit consideration of AB 2026 at this time, as amended, in print, and properly before the Senate.
Motion carried.



Consideration of Assembly Bill 2026 as Amended

Assembly Bill 2026—An act to add Sections 5003.16 and 5080.41 to the Public Resources Code, and to amend Section 9 of Chapter 731 of the Statutes of 1998, relating to state property, 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 Cogdill moved a call of the Senate.

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 2246)

Senator Cogdill asked for and was granted unanimous consent that AB 2246 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 2246

Assembly Bill 2246—An act to amend Section 47612.7 of, and to add Section 42238.20 to, the Education Code, relating to charter schools, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Cogdill moved the adoption of amendments to AB 2246.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Cogdill moved to suspend Senate Rule 29.3 to permit consideration of AB 2246 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 2246 as Amended

Assembly Bill 2246—An act to amend and repeal Section 47612.7 of, and to add and repeal Section 42238.20 of, the Education Code, relating to charter schools, 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 Cogdill moved a call of the Senate.

Motion carried.



UNANIMOUS CONSENT GRANTED (AB 1183)

Senator Ducheny asked for and was granted unanimous consent that AB 1183 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 1183

Assembly Bill 1183—An act to amend Section 65962.5 of the Government Code, and to add Section 144.6.5 to the Labor Code, relating to hazardous materials.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1183 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET**Permission of Rules Committee**

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1183.

PERATA, Chair

Motion to Amend

Senator Ducheny moved the adoption of amendments to AB 1183.

Amendments read and adopted.

Assembly Bill 1183—An act to amend Sections 1266, 1279, 1324.21, 1324.23, 1324.28, 1324.29, 1324.30, 2805, 106925, 123853, 125191, 130501, 130506, and 130542 of, and to add Section 130542.1 to, the Health and Safety Code, to amend Sections 12693.43, 12693.63, and 12693.65 of, and to add Section 12693.271 to, the Insurance Code, and to amend Sections 4061, 4783, 4860, 5777, 14005.11, 14007.9, 14011.16, 14080, 14105.19, 14105.3, 14105.86, 14126.027, 14126.033, 14154, 14154.5, 14166.9, 14166.12, 14166.20, 14166.25, 14301.1, 14526.1, and 16809 of, to amend, repeal, and add Sections 14005.25 and 14166.245 of, to add Sections 4100.2, 4646.4, 7502.5, 14005.42, 14011.17, 14011.18, 14053.3, 14104.93, 14105.191, 14124.11, 14126.034, and 17605.051 to, and to add and repeal Article 2.93 (commencing with Section 14091.3), and Article 6.6 (commencing with Section 14199) of, Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Senator Aanestad moved the adoption of amendments to AB 1183.

Amendments read.



MOTION TO LAY ON THE TABLE

Senator Romero moved that the amendments to AB 1183 be laid on the table.

Roll Call

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

AYES (25)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

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

Assembly Bill 1183—An act to amend Sections 1266, 1279, 1324.21, 1324.23, 1324.28, 1324.29, 1324.30, 2805, 106925, 123853, 125191, 130501, 130506, and 130542 of, and to add Section 130542.1 to, the Health and Safety Code, to amend Sections 12693.43, 12693.63, and 12693.65 of, and to add Section 12693.271 to, the Insurance Code, and to amend Sections 4061, 4783, 4860, 5777, 14005.11, 14007.9, 14011.16, 14080, 14105.19, 14105.3, 14105.86, 14126.027, 14126.033, 14154, 14154.5, 14166.9, 14166.12, 14166.20, 14166.25, 14301.1, 14526.1, and 16809 of, to amend, repeal, and add Sections 14005.25 and 14166.245 of, to add Sections 4100.2, 4646.4, 7502.5, 14005.42, 14011.17, 14011.18, 14053.3, 14104.93, 14105.191, 14124.11, 14126.034, and 17605.051 to, and to add and repeal Article 2.93 (commencing with Section 14091.3), and Article 6.6 (commencing with Section 14199) of, Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Senator Hollingsworth moved the adoption of amendments to AB 1183. Amendments read.

MOTION TO LAY ON THE TABLE

Senator Romero moved that the amendments to AB 1183 be laid on the table.

Roll Call

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

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

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



Assembly Bill 1183—An act to amend Sections 1266, 1279, 1324.21, 1324.23, 1324.28, 1324.29, 1324.30, 2805, 106925, 123853, 125191, 130501, 130506, and 130542 of, and to add Section 130542.1 to, the Health and Safety Code, to amend Sections 12693.43, 12693.63, and 12693.65 of, and to add Section 12693.271 to, the Insurance Code, and to amend Sections 4061, 4783, 4860, 5777, 14005.11, 14007.9, 14011.16, 14080, 14105.19, 14105.3, 14105.86, 14126.027, 14126.033, 14154, 14154.5, 14166.9, 14166.12, 14166.20, 14166.25, 14301.1, 14526.1, and 16809 of, to amend, repeal, and add Sections 14005.25 and 14166.245 of, to add Sections 4100.2, 4646.4, 7502.5, 14005.42, 14011.17, 14011.18, 14053.3, 14104.93, 14105.191, 14124.11, 14126.034, and 17605.051 to, and to add and repeal Article 2.93 (commencing with Section 14091.3), and Article 6.6 (commencing with Section 14199) of, Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read.

Motion to Amend

Senator Runner moved the adoption of amendments to AB 1183.

Amendments read.

MOTION TO LAY ON THE TABLE

Senator Romero moved that the amendments to AB 1183 be laid on the table.

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (16)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ducheny moved to suspend Senate Rule 29.3 to permit consideration of AB 1183 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Daily Assembly Bill 1183 as Amended

Assembly Bill 1183—An act to amend Sections 1266, 1279, 1324.21, 1324.23, 1324.28, 1324.29, 1324.30, 2805, 106925, 123853, 125191, 130501, 130506, and 130542 of, and to add Section 130542.1 to, the Health and Safety Code, to amend Sections 12693.43, 12693.63, and 12693.65 of,



and to add Section 12693.271 to, the Insurance Code, and to amend Sections 4061, 4783, 4860, 5777, 14005.11, 14007.9, 14011.16, 14080, 14105.19, 14105.3, 14105.86, 14126.027, 14126.033, 14154, 14154.5, 14166.9, 14166.12, 14166.20, 14166.25, 14301.1, 14526.1, and 16809 of, to amend, repeal, and add Sections 14005.25 and 14166.245 of, to add Sections 4100.2, 4646.4, 7502.5, 14005.42, 14011.17, 14011.18, 14053.3, 14104.93, 14105.191, 14124.11, 14126.034, and 17605.051 to, and to add and repeal Article 2.93 (commencing with Section 14091.3), and Article 6.6 (commencing with Section 14199) of, Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to public health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

CALL OF THE SENATE

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

Motion carried.

UNANIMOUS CONSENT GRANTED (AB 10)

Senator Alquist asked for and was granted unanimous consent that AB 10 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Assembly Bill 10

Assembly Bill 10—An act to amend Section 56.05 of the Civil Code, and to add Section 128053 to the Health and Safety Code, relating to health care .

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 10 pursuant to Joint Rule 58.

COMMITTEE ON BUDGET

Permission of Rules Committee

Senate Chamber, September 15, 2008

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 10.

PERATA, Chair

Motion to Amend

Senator Alquist moved the adoption of amendments to AB 10.

Amendments read and adopted.



MOTION TO SUSPEND SENATE RULE 29.3

Senator Alquist moved to suspend Senate Rule 29.3 to permit consideration of AB 10 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 10 as Amended

Assembly Bill 10—An act to amend Section 515.5 of the Labor Code, relating to employment, 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 Cogdill moved a call of the Senate.

Motion carried.

IN SENATE

Senate Chamber, Sacramento
Tuesday, September 16, 2008

THIRD READING OF SENATE BILLS (RESUMED)

Senate Constitutional Amendment 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, and by amending Section 20 of, and adding Section 21 to, Article XVI thereof, relating to state finance.

Resolution read third time and presented by Senator Perata.

Roll Call

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

AYES (39)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 519)**

On the motion of Senator Cogdill, 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 519 was adopted by the following vote:

AYES (30)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

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

Roll Call

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

AYES (30)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1338)**

On the motion of Senator Cogdill, 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 1338 was adopted by the following vote:

AYES (31)—Senators Aanestad, Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (9)—Senators Ackerman, Ashburn, Cox, Denham, Hollingsworth, Maldonado, Margett, Runner, and Wyland.

Roll Call

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

AYES (31)—Senators Aanestad, Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (9)—Senators Ackerman, Ashburn, Cox, Denham, Hollingsworth, Maldonado, Margett, Runner, and Wyland.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1526)**

On the motion of Senator Cogdill, 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 1526 was adopted by the following vote:

AYES (30)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Machado, Margett, McClintock, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Runner, Steinberg, Vincent, Wiggins, and Wyland.

NOES (7)—Senators Correa, Lowenthal, Maldonado, Romero, Simitian, Torlakson, and Yee.

Roll Call

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

AYES (30)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Machado, Margett, McClintock, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Runner, Steinberg, Vincent, Wiggins, and Wyland.

NOES (7)—Senators Correa, Lowenthal, Maldonado, Romero, Simitian, Torlakson, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1654)**

On the 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 1654 was adopted by the following vote:

AYES (28)—Senators Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kuehl, Lowenthal, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (9)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Machado, Margett, McClintock, Simitian, and Yee.

Roll Call

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

AYES (28)—Senators Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kuehl, Lowenthal, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla,



Perata, Ridley-Thomas, Romero, Runner, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (9)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Machado, Margett, McClintock, Simitian, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1741)**

On the 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 1741 was adopted by the following vote:

AYES (28)—Senators Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kuehl, Lowenthal, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (9)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Machado, Margett, McClintock, Simitian, and Yee.

Roll Call

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

AYES (28)—Senators Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kuehl, Lowenthal, Maldonado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (9)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Machado, Margett, McClintock, Simitian, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SCA 12)**

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

Roll Call

The names of the absentees were called and SCA 12 was adopted by the following vote:

AYES (27)—Senators Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Correa, Cox, Dutton, Florez, Harman, Kuehl, Lowenthal, Maldonado, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (9)—Senators Aanestad, Ackerman, Denham, Hollingsworth, Machado, Margett, McClintock, Simitian, and Yee.

Resolution ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1805)**

On the motion of Senator Cogdill, 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 1805 was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1279)**

On the motion of Senator Cogdill, 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 1279 was adopted by the following vote:

AYES (33)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (6)—Senators Ackerman, Battin, Denham, Hollingsworth, Runner, and Wyland.

Roll Call

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden,



Negrete McLeod, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (6)—Senators Ackerman, Battin, Denham, Hollingsworth, Runner, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1389)**

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

Urgency Clause

The names of the absentees were called and AB 1389 was adopted by the following vote:

AYES (28)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

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

Roll Call

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

AYES (28)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 268)**

On the motion of Senator Cogdill, 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 268 was adopted by the following vote:

AYES (29)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata,



Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

Roll Call

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

AYES (29)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (10)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

Above bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 158)

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

Urgency Clause

The names of the absentees were called and the urgency clause to AB 158 was adopted by the following vote:

AYES (39)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Roll Call

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

AYES (39)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 2784)

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



Roll Call

The names of the absentees were called and AB 2784 was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 186)**

On the motion of Senator Denham, 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 186 was adopted by the following vote:

AYES (40)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Roll Call

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

AYES (40)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2026)**

On the motion of Senator Cogdill, 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 2026 was adopted by the following vote:

AYES (29)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Cedillo, Cogdill, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Perata, Ridley-Thomas, Runner, Scott, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (9)—Senators Calderon, Corbett, Kehoe, Kuehl, Lowenthal, Machado, Romero, Simitian, and Yee.

Roll Call

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

AYES (29)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Cedillo, Cogdill, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Maldonado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Perata, Ridley-Thomas, Runner, Scott, Steinberg, Torlakson, Vincent, Wiggins, and Wyland.

NOES (9)—Senators Calderon, Corbett, Kehoe, Kuehl, Lowenthal, Machado, Romero, Simitian, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2246)**

On the motion of Senator Cogdill, 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 2246 was adopted by the following vote:

AYES (27)—Senators Ackerman, Alquist, Battin, Calderon, Cedillo, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman, Maldonado, Margett, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Vincent, and Wyland.

NOES (11)—Senators Aanestad, Ashburn, Corbett, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Negrete McLeod, and Yee.

Roll Call

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

AYES (27)—Senators Ackerman, Alquist, Battin, Calderon, Cedillo, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Florez, Harman,



Maldonado, Margett, Migden, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Steinberg, Torlakson, Vincent, and Wyland.

NOES (11)—Senators Aanestad, Ashburn, Corbett, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, McClintock, Negrete McLeod, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1183)**

On the motion of Senator Cogdill, 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 1183 was adopted by the following vote:

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Corbett, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (3)—Senators Correa, Hollingsworth, and Maldonado.

Roll Call

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

AYES (36)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cedillo, Corbett, Cox, Denham, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Margett, McClintock, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (3)—Senators Correa, Hollingsworth, and Maldonado.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 10)**

On the motion of Senator Alquist, 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 10 was adopted by the following vote:

AYES (28)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Machado, Maldonado, Margett, McClintock, Migden, Padilla, Perata, Runner, Scott, Simitian, Steinberg, Vincent, Wiggins, and Wyland.

NOES (8)—Senators Cedillo, Corbett, Kehoe, Kuehl, Oropeza, Romero, Torlakson, and Yee.



Roll Call

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

AYES (28)—Senators Aanestad, Ackerman, Alquist, Ashburn, Battin, Calderon, Cogdill, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Machado, Maldonado, Margett, McClintock, Migden, Padilla, Perata, Runner, Scott, Simitian, Steinberg, Vincent, Wiggins, and Wyland.

NOES (8)—Senators Cedillo, Corbett, Kehoe, Kuehl, Oropeza, Romero, Torlakson, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1781)**

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 1781 was adopted by the following vote:

AYES (29)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, Simitian, and Wyland.

Roll Call

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

AYES (29)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (11)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, Simitian, and Wyland.

Above bill ordered transmitted to the Assembly.

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

On the 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 88 was adopted by the following vote:

AYES (28)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Steinberg, Torlakson, Vincent, and Wiggins.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, Simitian, Wyland, and Yee.

Roll Call

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

AYES (28)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Steinberg, Torlakson, Vincent, and Wiggins.

NOES (12)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, Simitian, Wyland, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1452)**

On the 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 1452 was adopted by the following vote:

AYES (27)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl, Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Steinberg, Vincent, and Wiggins.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, Simitian, Torlakson, Wyland, and Yee.

Roll Call

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

AYES (27)—Senators Alquist, Battin, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Ducheny, Dutton, Florez, Harman, Kehoe, Kuehl,



Lowenthal, Machado, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Steinberg, Vincent, and Wiggins.

NOES (13)—Senators Aanestad, Ackerman, Ashburn, Denham, Hollingsworth, Maldonado, Margett, McClintock, Runner, Simitian, Torlakson, Wyland, and Yee.

Bill ordered transmitted to the Assembly.

RECESS

At 12:37 a.m., on motion of Senator Perata the Senate recessed in order to convene the third extraordinary session.

REASSEMBLED

At 12:41 a.m., the Senate reconvened.

Hon. Gloria Romero, of the 24th District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS

Consideration of Governor's Appointments

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

John H. Hayashi, Member, California Regional Water Quality Control Board, Central Coastal Region.

Dan B. Odenweller, Member, California Regional Water Quality Control Board.

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

Wayne F. Rayfield, Member, California Regional Water Quality Control Board, San Diego Region.

Kris J. Weber, 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 (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.



Consideration of Governor's Appointments

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

Patrick Johnston, Member, California Bay-Delta Authority.

James W. Barthman, Member, State Building Standards Commission.

Isam Hasenin, Member, State Building Standards Commission.

John L. Littrell, Member, Alfred E. Alquist Seismic Safety Commission.

Thomas J. Davis, Member, California Regional Water Quality Control Board, Colorado River Basin Region.

Edward J. Muzik, Member, California Regional Water Quality Control Board, Colorado River Basin Region.

Mike A. Dispenza, Member, California Regional Water Quality Control Board, Lahontan Region.

James P. McGrath, Member, California Regional Water Quality Control Board, San Francisco Bay Region.

Rameshwar Singh, Ph.D., Member, California Regional Water Quality Control Board, San Francisco Bay Region.

William A. Ruh, Member, California Regional Water Quality Control Board, Santa Ana Region.

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

Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

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

Alan L. Welsh, Division Chief, Occupational Safety and Health.

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

Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza, Padilla,



Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointment

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

Carole A. Hood, Chief Deputy Secretary for Adult Programs, Department of Corrections and Rehabilitation.

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

Roll Call

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

AYES (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.

Consideration of Governor's Appointments

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

Linda Ng, Member, Fair Employment and Housing Commission.

Peter N. Carey, Member, California Housing Finance Agency, Board of Directors.

Jack B. Shine, Member, California Housing Finance Agency, Board of Directors.

Joan M. Hancock, Member, Contractors' State License Board.

Lisa E. Miller-Strunk, Member, Contractors' State License Board.

Geoffrey C. Brown, Member, California Housing Partnership Corporation, Board of Directors.

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 (37)—Senators Aanestad, Ackerman, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Dutton, Harman, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Runner, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, Wyland, and Yee.

NOES (0)—None.



Senator Perata Presiding**UNANIMOUS CONSENT GRANTED (AB 2988)**

Senator Ridley-Thomas asked for and was granted unanimous consent that AB 2988 taken up at this time, without reference to file.

Consideration of Assembly Bill 2988

Assembly Bill 2988—An act relating to whistleblower protections, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Senator Ridley-Thomas moved the adoption of amendments to AB 2988.

Amendments read and adopted.

MOTION TO SUSPEND SENATE RULE 29.3

Senator Ridley-Thomas moved to suspend Senate Rule 29.3 to permit consideration of AB 2988 at this time, as amended, in print, and properly before the Senate.

Motion carried.

Consideration of Assembly Bill 2988 as Amended

Assembly Bill 2988—An act to add Sections 5272.2, 5272.3, 5442.1, 5442.6, and 5442.14 to the Business and Professions Code, relating to outdoor advertising, 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 Ridley-Thomas moved a call of the Senate.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1696)**

On the motion of Senator Kuehl, 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 1696 was refused adoption by the following vote:

AYES (23)—Senators Alquist, Cedillo, Corbett, Cox, Ducheny, Florez, Harman, Kuehl, Lowenthal, Migden, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Vincent, Wiggins, and Yee.

NOES (14)—Senators Aanestad, Ackerman, Ashburn, Battin, Calderon, Correa, Denham, Hollingsworth, Machado, Maldonado, Margett, McClintock, Runner, and Wyland.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 2988)**

On the motion of Senator Ridley-Thomas, 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 2988 was refused adoption by the following vote:

AYES (17)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Correa, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Ridley-Thomas, Steinberg, Torlakson, Vincent, and Yee.

NOES (17)—Senators Aanestad, Ackerman, Battin, Corbett, Cox, Hollingsworth, Kehoe, Kuehl, Lowenthal, Machado, Maldonado, Margett, McClintock, Romero, Scott, Simitian, and Wiggins.

REQUEST FOR UNANIMOUS CONSENT (AB 2753)

Senator Battin asked that AB 2753 be taken from the inactive file and taken up at this time.

Roll Call

The roll was called and the motion was refused adoption by the following vote:

AYES (15)—Senators Aanestad, Ackerman, Ashburn, Battin, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Maldonado, Margett, McClintock, Runner, and Wyland.

NOES (22)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Florez, Kehoe, Kuehl, Lowenthal, Machado, Negrete McLeod, Oropeza, Padilla, Perata, Ridley-Thomas, Romero, Scott, Simitian, Steinberg, Torlakson, Wiggins, and Yee.

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

At 1:15 a.m., on motion of Senator Perata, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Perata moved that the Senate stand in recess until the hour of 1:15 a.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 1:15 a.m., the Senate will adjourn until upon call of President pro Tempore.

Motion carried.



REQUESTS TO ADJOURN IN MEMORIAM

Senator McClintock requested that when the Senate adjourns this day it do so in memory of Christopher Aiken and Ernest Kish of Thousand Oaks, Dennis Arnold, Aida Magdaleno, and Doyle Souser of Camarillo, Dean Brower of Ventura, Alan Buckley, Yi Chao, Spree Desha, Walt Fuller, Ronald Grace, Michael Hammersly, Kari Hsieh, Gregory Lintner, Donna Remata, Roger Spacey, and Atul Vyas of Simi Valley, Paul Long, Beverly Mosely, Howard Pompel, and Maria Villalobos of Moorpark, and Charles Peck of Salt Lake City.

Senators McClintock and Runner requested that when the Senate adjourns this day it do so in memory of Jacob Hefter of Palmdale and Manuel Macias, Jr. of Santa Paula.

Senators McClintock and Margett requested that when the Senate adjourns this day it do so in memory of Robert Sanchez of La Crescenta.

Senators McClintock and Dutton requested that when the Senate adjourns this day it do so in memory of George Putnam of Chino.

Senator Migden requested that when the Senate adjourns this day it do so in memory of Robert McCarthy of San Francisco.

Senator Ridley-Thomas requested that when the Senate adjourns this day it do so in memory of Tina Allen of Los Angeles.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Marvin Loeb.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Gladys Cannon of West Covina.

Senators Hollingsworth and Battin requested that when the Senate adjourns this day it do so in memory of Jeanne Kelley of Hemet.

Senators Cox and McClintock requested that when the Senate adjourns this day it do so in memory of Peter Camejo of Folsom.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Mary E. Martin of Falls City, Nebraska.

ADJOURNMENT

At 1:15 a.m., the President declared the Senate adjourned upon call of the President pro Tempore.

PAULA K. ROSSETTO, Minute Clerk

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