

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED THIRTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, September 10, 2009

The Senate met at 9:30 a.m.
Hon. S. Joseph Simitian, of the 11th District, presiding.
Secretary Greg Schmidt at the Desk.
Assistant Secretary Zach Twilla 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, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee—40.

Quorum present.



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

“What is life’s heaviest burden?” asked a youth of a sad and lonely old man. “To have nothing to carry,” he answered. (E. Scott O’Conner)

To care for others, to carry their concerns with our own, is not one of life’s burdens, but a privilege. To stand separate and apart from the community, to carry none of the load in our arms, or in our hearts, is to carry the greatest burden of all. To participate in both the struggles and celebrations of others is to live a life of meaning.

May the Holy One grant us the ability to see our burdens as blessings, our responsibilities as the source of our strength, and our work as meaningful.

May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 8, 2009

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

SB 555

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

Above measure ordered to unfinished business file.

Assembly Chamber, September 9, 2009

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

SB 167

Above measure ordered enrolled.

Assembly Chamber, September 9, 2009

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

SJR 10

Above resolution ordered enrolled.

Assembly Chamber, September 9, 2009

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

SB 83	SB 585	SB 702	SB 816
SB 519	SB 630	SB 792	SB 820
SB 541	SB 660	SB 802	

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

Above measures ordered to unfinished business file.

Assembly Chamber, September 9, 2009

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

ACR 88

ACR 89

ACR 94

Assembly Chamber, September 9, 2009

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

AB 14	AB 245	AB 750	AB 1175
AB 24	AB 282	AB 753	AB 1186
AB 43	AB 287	AB 764	AB 1200
AB 45	AB 311	AB 798	AB 1269
AB 91	AB 322	AB 805	AB 1295
AB 94	AB 335	AB 807	AB 1312
AB 101	AB 361	AB 828	AB 1325
AB 131	AB 382	AB 845	AB 1351
AB 132	AB 395	AB 851	AB 1366
AB 138	AB 402	AB 852	AB 1385
AB 146	AB 423	AB 882	AB 1394
AB 147	AB 473	AB 914	AB 1396
AB 154	AB 513	AB 943	AB 1398
AB 166	AB 567	AB 1003	AB 1440
AB 175	AB 666	AB 1007	AB 1462
AB 215	AB 671	AB 1025	AB 1559
AB 236	AB 685	AB 1070	
AB 243	AB 719	AB 1085	
AB 244	AB 730	AB 1172	

Assembly Chamber, September 10, 2009

The Honorable Greg Schmidt

Secretary of the Senate

Dear Greg: The Assembly on this day had AB 172 returned from the Governor.

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.



FIRST READING OF ASSEMBLY MEASURES

The following measures were read the first time and referred to the Committee on Rules:

Assembly Concurrent Resolution 88—Relative to Education.

Assembly Concurrent Resolution 89—Relative to Italian American Heritage Month.

Assembly Concurrent Resolution 94—Relative to the CHP Officer Joseph P. Sanders Memorial Highway.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, September 10, 2009

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

Human Services—AB 1260.

State Capitol, September 10, 2009

Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3–0, has referred the following bill: SB 400 (Corbett) to the Health Committee.

STEINBERG, Chair

Senate Chamber, September 10, 2009

Mr. President: The Committee on Rules has examined:

SB 11	SB 215	SB 308	SB 589
SB 48	SB 219	SB 314	SB 605
SB 52	SB 224	SB 318	SB 636
SB 102	SB 237	SB 320	SB 644
SB 103	SB 239	SB 325	SB 671
SB 109	SB 247	SB 345	SB 739
SB 115	SB 257	SB 431	SB 743
SB 133	SB 272	SB 469	SB 783
SB 166	SB 283	SB 470	SB 818
SB 169	SB 288	SB 481	SB 831
SB 209	SB 305	SB 571	

And reports that the same have been correctly enrolled, and presented to the Governor on the 10th day of September, 2009, at 11 a.m.

STEINBERG, Chair

Committee on Local Government

September 9, 2009

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

SB 43

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

WIGGINS, Chair

Above measure ordered to unfinished business.

Committee on Rules

Senate Chamber, September 10, 2009

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

AB 196

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 196—An act to add Sections 8587.3 and 8587.4 to the Government Code, and to add Section 16031 to the Insurance Code, relating to emergency services, 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 10, 2009

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

AB 411

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

KEHOE, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 411—An act to amend Sections 1324.20, 1324.21, and 1324.27 of the Health and Safety Code, and to amend Section 14126.033 of the Welfare and Institutions Code, relating to skilled nursing 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, September 10, 2009

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

AB 1568



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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1568—An act to amend Sections 218, 17207, and 24347.5 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 Human Services

Date of Hearing, September 10, 2009

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

AB 1260

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

LIU, Chair

Above measure re-referred to the Committee on Appropriations.

Committee on Rules

Senate Chamber, September 10, 2009

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

AB 122

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 122—An act to add and repeal Chapter 3.2 (commencing with Section 58530) of Part 31 of Division 4 of Title 2 of the Education Code, relating to small schools.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 122 pursuant to Joint Rule 58.

ASSEMBLY MEMBER COTO



Permission of Rules Committee

Senate Chamber, September 10, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 122.

STEINBERG, Chair

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

Senate Chamber, September 10, 2009

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

AB 1576

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1576—An act to add Title 16.5 (commencing with Section 98020) to, to repeal Sections 12012.25, 12012.30, 12012.35, 12012.40, 12012.45, 12012.46, 12012.465, 12012.47, 12012.475, 12012.48, 12012.485, 12012.49, 12012.495, 12012.5, 12012.51, 12012.515, 12012.52, 12012.53, 12012.75, 12012.85, and 12012.90 of, to repeal Chapter 7.5 (commencing with Section 12710) of Part 2 of Division 3 of Title 2 of, and to repeal Chapter 3 (commencing with Section 98055) of Title 16.5 of, the Government Code, relating to gaming.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1576 pursuant to Joint Rule 58.

ASSEMBLY MEMBER COTO

Permission of Rules Committee

Senate Chamber, September 10, 2009

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1576.

STEINBERG, Chair

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

Senate Chamber, September 10, 2009

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

AB 569

AB 717

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

STEINBERG, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 569—An act to add Section 6612 to, and to add and repeal Sections 10186 and 10187 of, the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 717—An act to amend Section 51221.4 of the Education Code, relating to public school instruction.

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 Concurrent Resolution 60: By Senator Negrete McLeod—Relative to public safety.

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

Assembly Bill 813—An act to add Section 25503.42 to the Business and Professions Code, relating to alcoholic beverages, 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 1130—An act to add Section 52052.6 to the Education Code, relating to education.

Bill read second time and ordered to third reading.

Assembly Bill 88—An act relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 320—An act to amend Section 15820.917 of the Government Code, relating to county jails, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Assembly Bill 896—An act to amend and repeal Section 14105.18 of the Welfare and Institutions Code, relating to health care.

Bill read second time and ordered to third reading.

MEASURES GIVEN SECOND READING

Without objection, all bills reported out of committees this day will be given their second reading upon being reported.



MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 75**, **ACR 76**, **ACR 77**, and **ACR 93** were withdrawn from Committee and placed on today's Special Consent Calendar.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 400** and **SB 519** were re-referred to the Committee on Rules.

MOTION TO RE-REFER TO COMMITTEE

Without objection, **AB 896** and **SB 88** were re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 10, 2009

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

AB 896

AB 1536

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 896—An act to amend and repeal Section 14105.18 of the Welfare and Institutions Code, relating to health care.

Bill read second time.

Assembly Bill 1536—An act to add and repeal Sections 6245 and 6246 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 measures ordered printed and re-referred to the committee.

CONSENT CALENDAR**Objections Raised**

Senator Romero objected to **AB 46** being on the Special Consent Calendar.

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

Senator Cox objected to **AB 754** being on the Special Consent Calendar and requested that the measure be placed on the inactive file.

The President ordered the above measure placed on the inactive file.



MOTIONS TO REFER MEASURES TO INACTIVE FILE

Senator Liu moved that **SB 629** be placed on the inactive file.

Senator Correa moved that **AB 519** be placed on the inactive file.

Senator Simitian moved that **AB 572** be placed on the inactive file.

Senator Lowenthal moved that **AB 291** be placed on the inactive file.

Senator Wolk moved that **AB 759** be placed on the inactive file.

Senator Cedillo moved that **AB 1405**, **AB 1511** and **AB 1235** be placed on the inactive file.

Senator Kehoe moved that **AB 226** be placed on the inactive file.

Senator Simitian moved that **AB 499** be placed on the inactive file.

Motions carried.

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Lowenthal, SB 193 was returned to the Assembly for further action.

SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was suspended to permit AB 122 to be amended in the Committee on Education.

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

Assembly Bill 1173—An act to amend Section 25210.9 of the Health and Safety Code, and to add Chapter 7.3 (commencing with Section 42420) to Part 3 of Division 30 of the Public Resources Code, relating to hazardous materials.

Bill read third time and presented by Senator DeSaulnier.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 938—An act to amend Sections 309 and 628 of the Welfare and Institutions Code, relating to children.

Bill read third time and presented by Senator Liu.

Roll Call

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

AYES (36)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton,



Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.
NOES (0)—None.

Bill ordered transmitted to the Assembly.

UNFINISHED BUSINESS

Consideration of Assembly Amendments

Senate Bill 676—An act to amend Section 2103 of the Code of Civil Procedure, to amend Sections 27361 and 54985 of the Government Code, to amend Sections 987.5, 1203.1, 1203.1b, 1203.4, 1203.45, 1205, and 13300 of the Penal Code, and to amend Sections 903 and 903.3 of the Welfare and Institutions Code, relating to local fees.

Bill presented by Senator Wolk.

The question being: Shall the Senate concur in the Assembly amendments to SB 676?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 679—An act to add Section 5013.2 to the Public Resources Code, relating to state parks.

Bill presented by Senator Wolk.

The question being: Shall the Senate concur in the Assembly amendments to SB 679?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 716—An act to amend Sections 99400 and 99401.5 of, and to add Sections 99232.1, 99232.2, and 99232.3 to, the Public Utilities Code, relating to transportation.

Bill presented by Senator Wolk.

The question being: Shall the Senate concur in the Assembly amendments to SB 716?



Roll Call

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

AYES (22)—Senators Alquist, Calderon, Corbett, Correa, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Walters, and Wyland.

Above bill ordered enrolled.

Senate Bill 41—An act to amend Sections 11106, 12030, 12076, 12077, and 12078 of the Penal Code, relating to firearms.

Bill presented by Senator Lowenthal.

The question being: Shall the Senate concur in the Assembly amendments to SB 41?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 72—An act to repeal and add Sections 12472.5 and 13302 of, and to repeal, add, and repeal Section 22864.1 of, the Government Code, relating to state employees.

Bill presented by Senator Ducheny.

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

Roll Call

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

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.



Senate Bill 73—An act to repeal and add Sections 17031.8, 17036, and 18114 of, to repeal, add, and repeal Section 18502 of, the Health and Safety Code, and to repeal and add Section 62.5 of the Labor Code, relating to state fees.

Bill presented by Senator Ducheny.

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

Roll Call

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

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (15)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

Senate Bill 75—An act to amend Sections 68085.3, 68085.4, and 69957 of, and to add Section 20969.1 to, the Government Code, and to amend Section 1465.8 of the Penal Code, relating to the judiciary.

Bill presented by Senator Ducheny.

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 (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, DeSaulnier, Ducheny, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (4)—Senators Denham, Dutton, Hollingsworth, and Strickland.

Above bill ordered enrolled.

Senate Bill 86—An act to add Section 89500.5 to, and to add Article 2 (commencing with Section 92010) to Chapter 1 of Part 57 of Division 9 of Title 3 of, the Education Code, relating to public postsecondary education.

Bill presented by Senator Yee.

The question being: Shall the Senate concur in the Assembly amendments to SB 86?



Roll Call

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

AYES (32)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Leno, Lowenthal, Maldonado, Negrete McLeod, Padilla, Price, Romero, Runner, Steinberg, Strickland, Walters, Wiggins, Wright, Wyland, and Yee.

NOES (5)—Senators Cedillo, Liu, Pavley, Simitian, and Wolk.

Above bill ordered enrolled.

Senate Bill 99—An act to amend Section 6547 of, to add Sections 6503.6, 6548.5, 6592.1, and 53895.7 to, and to add Chapter 10.7 (commencing with Section 5870) to Division 6 of Title 1 of, the Government Code, relating to joint exercise of powers.

Bill presented by Senator Wiggins.

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 (37)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 111—An act to amend Section 798.44 of, to amend and renumber Sections 798.29.5, 798.38, 798.40, and 798.42 of, to amend and renumber the heading of Article 4 (commencing with Section 798.30) of Chapter 2.5 of Title 2 of Part 2 of Division 2 of, and to add the heading of Article 4 (commencing with Section 798.40) to Chapter 2.5 of Title 2 of Part 2 of Division 2 of, the Civil Code, relating to mobilehome parks.

Bill presented by Senator Correa.

The question being: Shall the Senate concur in the Assembly amendments to SB 111?

Roll Call

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny,



Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (4)—Senators Dutton, Hollingsworth, Huff, and Walters.

Above bill ordered enrolled.

Senate Bill 117—An act to amend Sections 14525.1, 14526.1, and 14571.2 of the Welfare and Institutions Code, relating to adult day health care.

Bill presented by Senator Corbett.

The question being: Shall the Senate concur in the Assembly amendments to SB 117?

Roll Call

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

AYES (28)—Senators Alquist, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (8)—Senators Aanestad, Benoit, Cox, Dutton, Hollingsworth, Huff, Runner, and Walters.

Above bill ordered enrolled.

Senate Bill 140—An act to add Article 3 (commencing with Section 6940) to Chapter 2 of Part 3 of Division 4 of the Food and Agricultural Code, relating to nurseries, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Corbett.

The question being: Shall the Senate concur in the Assembly amendments to SB 140?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 118—An act to amend Section 16501.1 of, and to add Section 16501.8 to, the Welfare and Institutions Code, relating to child welfare services.

Bill presented by Senator Liu.

The question being: Shall the Senate concur in the Assembly amendments to SB 118?



Roll Call

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

AYES (35)—Senators Aanestad, Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 161—An act to add Section 1367.655 to the Health and Safety Code, and to add Section 10123.205 to the Insurance Code, relating to health care coverage.

Bill presented by Senator Wright.

The question being: Shall the Senate concur in the Assembly amendments to SB 161?

Roll Call

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

AYES (31)—Senators Aanestad, Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Hancock, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (3)—Senators Benoit, Dutton, and Walters.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 676)**

On motion of Senator Wolk, 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 676 by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (16)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Negrete McLeod, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 41)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 41 by the following vote:

AYES (23)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1173)**

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

Roll Call

The names of the absentees were called and AB 1173 was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (17)—Senators Aanestad, Ashburn, Benoit, Cedillo, Cogdill, Correa, Cox, Denham, Dutton, Hollingsworth, Huff, Negrete McLeod, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 679)**

On motion of Senator Wolk, 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 679 by the following vote:

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado,



Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (15)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 251—An act to amend Sections 65584.05 and 66412 of the Government Code, to amend Sections 18031.7, 18062.9, 33334.14, and 53545.9 of the Health and Safety Code, and to amend Sections 3692.4, 12206, 17058, and 23610.5 of the Revenue and Taxation Code, relating to housing.

Bill presented by Senator Lowenthal.

The question being: Shall the Senate concur in the Assembly amendments to SB 251?

Roll Call

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

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 303—An act to amend Sections 1418.9 and 1599.1 of, and to add Section 1599.15 to, the Health and Safety Code, relating to nursing facility residents.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 303?

Roll Call

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

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (13)—Senators Aanestad, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, and Walters.

Above bill ordered enrolled.



Senate Bill 397—An act to amend Sections 789.10 and 10127.7 of the Insurance Code, relating to life insurance.

Bill presented by Senator Calderon.

The question being: Shall the Senate concur in the Assembly amendments to SB 397?

Roll Call

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

AYES (33)—Senators Aanestad, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wright, Wyland, and Yee.

NOES (1)—Senator Alquist.

Above bill ordered enrolled.

Senate Bill 471—An act to add Article 13 (commencing with Section 33475) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to education.

Bill presented by Senator Romero.

The question being: Shall the Senate concur in the Assembly amendments to SB 471?

Roll Call

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

AYES (23)—Senators Alquist, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, and Walters.

Above bill ordered enrolled.

Senate Bill 597—An act to amend Section 8545 of the Family Code, to amend Section 1506 of the Health and Safety Code, and to amend Sections 4094, 11462, 11463, 16119, 16120.1, 16121, 16121.05, and 16501.1 of, and to add Sections 366.215 and 16010.2 to, the Welfare and Institutions Code, relating to services for children.

Bill presented by Senator Liu.

The question being: Shall the Senate concur in the Assembly amendments to SB 597?



Roll Call

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

AYES (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, Ducheny, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.

Senator Romero Presiding

Senate Bill 598—An act to amend Sections 13352, 13352.5, 23109, 23550, 23550.5, 23552, 23566, and 23568 of the Vehicle Code, relating to vehicles.

Bill presented by Senator Huff.

The question being: Shall the Senate concur in the Assembly amendments to SB 598?

Roll Call

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

AYES (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 614—An act to amend Sections 72401, 72420.1, 72421, 72430, and 72441 of, and to amend and repeal Section 72440 of, the Public Resources Code, relating to vessels.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 614?

Roll Call

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

AYES (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno,



Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 788—An act to amend Sections 728 and 4990 of, to add Chapter 16 (commencing with Section 4999.10) to Division 2 of, and to repeal Sections 4999.32, 4999.56, 4999.58, and 4999.101 of, the Business and Professions Code, relating to professional clinical counselors.

Bill presented by Senator Wyland.

The question being: Shall the Senate concur in the Assembly amendments to SB 788?

Roll Call

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

AYES (26)—Senators Aanestad, Alquist, Benoit, Cedillo, Cogdill, Corbett, Cox, Denham, Ducheny, Hancock, Harman, Kehoe, Leno, Liu, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Steinberg, Strickland, Wiggins, Wolk, Wright, and Wyland.

NOES (1)—Senator Yee.

Above bill ordered enrolled.

Senate Bill 833—An act to amend Sections 51177 and 51182 of the Government Code, to amend Sections 2772.7, 4291, 5096.518, 5097.98, and 30716 of the Public Resources Code, to amend Sections 7 and 12 of Chapter 543 of the Statutes of 2004, and to amend Sections 1 and 15 of Chapter 660 of the Statutes of 2007, relating to natural resources.

Bill presented by Senator Steinberg.

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 (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.



Senate Bill 213—An act to amend Sections 19962 and 19963 of the Business and Professions Code, relating to gambling.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 213?

Roll Call

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

AYES (31)—Senators Aanestad, Alquist, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Huff, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Steinberg, Strickland, Walters, Wolk, Wright, and Yee.

NOES (3)—Senators Ashburn, Hollingsworth, and Wiggins.

Above bill ordered enrolled.

Senate Bill 517—An act to amend Section 19601.01 of the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Florez.

The question being: Shall the Senate concur in the Assembly amendments to SB 517?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 429—An act to amend Section 52052.5 of the Education Code, relating to public school accountability.

Bill read third time and presented by Senator Liu.

Roll Call

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

AYES (35)—Senators Aanestad, Alquist, Ashburn, Benoit, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Dutton, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 295—An act to amend Section 16124 of the Welfare and Institutions Code, relating to public social services.

Bill read third time and presented by Senator Liu.



Roll Call

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

AYES (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Bill 1575—An act to amend Sections 19510, 19513, 19605.7, 19605.71, 19605.9, and 19606.3 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Bill read third time and presented by Senator Price.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 410—An act to amend Sections 9600.5, 14000, and 14230 of, and to add Section 14230.7 to, the Unemployment Insurance Code, relating to workforce investment.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 410?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 49—Relative to spending federal economic recovery plan funds.

Resolution read third time and presented by Senator DeSaulnier.

The roll was called.

CALL OF THE SENATE

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

Motion carried.



Senator Steinberg Presiding**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Resolution 27—Relative to employment discrimination.

Resolution read third time and presented by Senator DeSaulnier.

Roll Call

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

AYES (15)—Senators Alquist, Cedillo, DeSaulnier, Hancock, Kehoe, Leno, Liu, Lowenthal, Padilla, Price, Romero, Simitian, Steinberg, Wolk, and Wright.

NOES (10)—Senators Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, and Strickland.

Senator Simitian Presiding**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Concurrent Resolution 86—Relative to Sonoma Wine Country Weekend.

Resolution read third time and presented by Senator Wiggins.

Roll Call

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

AYES (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Negrete McLeod, Oropeza, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

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

Senate Bill 24—An act to amend Section 487h of the Penal Code, relating to theft.

Bill presented by Senator Oropeza.

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 (33)—Senators Aanestad, Alquist, Ashburn, Benoit, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Hollingsworth.

Above bill ordered enrolled.



Senate Bill 104—An act to amend Section 38505 of the Health and Safety Code, relating to air pollution.

Bill presented by Senator Oropeza.

The question being: Shall the Senate concur in the Assembly amendments to SB 104?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 201—An act to amend Section 21100.4 of the Vehicle Code, relating to vehicles.

Bill presented by Senator Oropeza.

The question being: Shall the Senate concur in the Assembly amendments to SB 201?

Roll Call

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

AYES (21)—Senators Alquist, Calderon, Corbett, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (16)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Negrete McLeod, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 773—An act to amend Section 1429 of the Health and Safety Code, relating to health facilities.

Bill read third time and presented by Senator Oropeza.

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Corbett, Correa, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.



RECOGNITION OF SERVICE

Senator Steinberg requested that the Senate extend special recognition to Chief Assistant Secretary of the Senate, David Valverde, as his retirement approaches after 30 plus years of service to the Senate.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1121—An act to add and repeal Chapter 2 (commencing with Section 10050) to Part 1 of Division 10 of the Elections Code, relating to elections.

Bill read third time and presented by Senator Hancock.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Padilla:

Senate Chamber, September 10, 2009

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rules 61(a)(12) and 62(a) in order that AB 64 and AB 1260 may be heard and reported by committee after the deadline.

SENATOR PADILLA

Recommendation of Rules Committee

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

STEINBERG, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rules 61(a)(12) and 62(a) be dispensed with as requested.

Resolution read and presented by Senator Padilla.

SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was waived in order for committee amendments to be processed on the following bills AB 196, AB 411, AB 569, AB 717, AB 896, AB 1318, AB 1568, and AB 1576.

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

Assembly Bill 758—An act to add Section 25943 to the Public Resources Code, and to add Sections 381.2 and 385.2 to the Public Utilities Code, relating to energy.

Bill read third time and presented by Senator Hancock.



Roll Call

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

AYES (27)—Senators Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Cox, DeSaulnier, Ducheny, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Romero, Simitian, Steinberg, Strickland, Wiggins, Wolk, and Yee.

NOES (8)—Senators Aanestad, Denham, Dutton, Hollingsworth, Huff, Runner, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

Assembly Bill 1053—An act to add Section 1766.2 to, to add and repeal Chapter 4 (commencing with Section 1400) of Part 1 of Division 2 of, and to repeal Chapter 4 (commencing with Section 1300) of Part 1 of Division 2 of, the Welfare and Institutions Code, relating to juveniles.

Bill read third time and presented by Senator Hancock.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

Senator Romero Presiding**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Bill 541—An act to amend Sections 13002, 13004, 13005, 13006, 18400, 19202, 19214, and 19214.5 of, to add Section 19212.5 to, and to repeal Section 13007 of, the Elections Code, relating to elections.

Bill presented by Senator Pavley.

The question being: Shall the Senate concur in the Assembly amendments to SB 541?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 585—An act to add Section 4132 to the Food and Agricultural Code, relating to Agricultural District 1-A.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 585?

The roll was called.



CALL OF THE SENATE

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

Motion carried.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 172)**

Senator Oropeza requested and was granted unanimous consent that the action be rescinded whereby AB 172 was passed to the Assembly.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 985)**

Senator Oropeza requested and was granted unanimous consent that the action be rescinded whereby AB 985 was passed to the Assembly.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Oropeza:

Senate Chamber, September 10, 2009

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(13) in order that AB 172 and AB 985 may be amended after the deadline.

SENATOR OROPEZA

Recommendation of Rules Committee

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

STEINBERG, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(13) be dispensed with as requested.

Resolution read and presented by Senator Oropeza.

Roll Call

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

AYES (28)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Corbett, Correa, Cox, DeSaulnier, Ducheny, Dutton, Hancock, Harman, Hollingsworth, Kehoe, Leno, Maldonado, Negrete McLeod, Oropeza, Pavley, Romero, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, and Wright.

NOES (0)—None.

**CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1053)**

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



Roll Call

The names of the absentees were called and AB 1053 was passed by the following vote:

AYES (24)—Senators Alquist, Benoit, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

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

Senate Bill 702—An act to amend, repeal, and add Section 1596.60 of, and to add Sections 1596.616 and 1596.656 to, the Health and Safety Code, relating to child day care, and making an appropriation therefor.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 702?

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Corbett, Correa, DeSaulnier, Dutton, Florez, Hancock, Hollingsworth, Kehoe, Leno, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Wyland.

NOES (5)—Senators Aanestad, Cox, Denham, Harman, and Walters.

Above bill ordered enrolled.

Senate Bill 43—An act to add Section 6532 to the Government Code, relating to joint powers agencies.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 43?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 792—An act to repeal Section 5006.8 of the Public Resources Code, to repeal Section 3 of Chapter 2 of the Statutes of 1958 of the First Extraordinary Session, to repeal Chapter 1046 of the Statutes



of 1998, to repeal Chapter 464 of the Statutes of 2002, and to repeal Chapter 435 of the Statutes of 2003, relating to tidelands and submerged lands.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 792?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 802—An act to amend Section 7108.5 of the Business and Professions Code, to amend Section 3252 of the Civil Code, and to amend Sections 10262 and 10262.5 of, to amend, repeal, and add Section 10261 of, and to add and repeal Section 7201 of, the Public Contract Code, relating to works of improvement.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 802?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 816—An act to amend Sections 408, 480.1, 480.2, 482, and 483 of, and to add Section 11935 to, the Revenue and Taxation Code, relating to taxation.

Bill presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 816?

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 Assembly Amendments

Senate Bill 820—An act to amend Sections 800, 803.1, 805, 805.1, 805.5, 821.5, and 2027 of, to add Sections 805.01 and 821.4 to, and to



repeal Section 821.6 of, the Business and Professions Code, relating to healing arts.

Bill presented by Senator Negrete McLeod.

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

Roll Call

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

AYES (40)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

Senate Bill 555—An act to add Section 1240.055 to the Code of Civil Procedure, relating to eminent domain.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 555?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 83—An act to add Section 65089.20 to the Government Code, and to add Section 9250.4 to the Vehicle Code, relating to traffic congestion.

Bill presented by Senator Hancock.

The question being: Shall the Senate concur in the Assembly amendments to SB 83?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 962—An act to amend Section 12316 of, to add Sections 12317 and 12318 to, to add Article 3.5 (commencing with Section



12060) to Chapter 1 of, to add a heading for Chapter 2.6 (commencing with Section 12316) to, and to repeal the heading of Chapter 2.6 (commencing with Section 12320) of, Title 2 of Part 4 of, the Penal Code, relating to ammunition.

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.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 410)

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 410 by the following vote:

AYES (26)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SCR 49)

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

Roll Call

The names of the absentees were called and SCR 49 was adopted by the following vote:

AYES (26)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (13)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, and Walters.

Above resolution ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 104)**

On motion of Senator Oropeza, 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 104 by the following vote:

AYES (22)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (17)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 541)**

On motion of Senator Pavley, 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 541 by the following vote:

AYES (26)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 43)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 43 by the following vote:

AYES (34)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Lowenthal,



Maldonado, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wiggins, Wolk, Wright, and Wyland.

NOES (4)—Senators Correa, Leno, Walters, and Yee.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 792)**

On motion of Senator Leno, 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 792 by the following vote:

AYES (38)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, and Wyland.

NOES (1)—Senator Yee.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 802)**

On motion of Senator Leno, 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 802 by the following vote:

AYES (39)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 816)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 816 by the following vote:

AYES (28)—Senators Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Cox, DeSaulnier, Ducheny, Florez, Hancock, Kehoe,



Leno, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (11)—Senators Aanestad, Correa, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 555)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 555 by the following vote:

AYES (27)—Senators Alquist, Benoit, Calderon, Cedillo, Cogdill, Corbett, Cox, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (11)—Senators Aanestad, Ashburn, Correa, Denham, Dutton, Harman, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 83)**

On motion of Senator Hancock, 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 83 by the following vote:

AYES (23)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (17)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Negrete McLeod, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

SPECIAL CONSENT CALENDAR

Assembly Concurrent Resolution 75—Relative to promotores and community health workers.

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

(NOTE: See Consent Calendar Roll Call)



Assembly Concurrent Resolution 76—Relative to Day of Inclusion.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 77—Relative to the California Global Warming Solutions Act of 2006.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 93—Relative to Red Ribbon Week.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 359—An act to amend Section 30461.6 of the Revenue and Taxation Code, relating to cancer.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1291—An act to amend Sections 1513, 1513.5, 1514, 1516, 1520, 1532, 1560, and 1577 of the Code of Civil Procedure, relating to unclaimed property.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 1132—An act to amend Section 12811 of, and to add Section 4150.3 to, the Vehicle Code, relating to anatomical gifts.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 623—An act to amend Section 5600 of, and to add Section 5600.05 to, the Business and Professions Code, relating to architects.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Bill 926—An act to amend Section 14837 of the Government Code, to amend Section 999 of the Military and Veterans Code, and to amend Sections 10111, 10302, 10344, and 12104.5 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 386—An act to amend Section 67302 of, and to add Section 67302.5 to, the Education Code, relating to postsecondary education.

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, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 566—An act to amend Section 66427.5 of the Government Code, relating to mobilehome parks.

Bill read third time and presented by Senator Wolk.

Roll Call

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

AYES (21)—Senators Alquist, Ashburn, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Lowenthal, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, and Wolk.

NOES (14)—Senators Aanestad, Calderon, Cogdill, Cox, Denham, Dutton, Hollingsworth, Huff, Maldonado, Runner, Strickland, Walters, Wyland, and Yee.

Bill ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, September 10, 2009

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

SB 519 (Ashburn) to the Public Employment and Retirement Committee.

STEINBERG, Chair



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

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

JEROME HORTON, Member, Board of Equalization (Ayes 5. Noes 0.)
Final date the Senate may act on confirmation: October 15, 2009.

Vote required: 21; 2009 Sept. 9—From Committee on Rules with the recommendation: Be confirmed.

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 (40)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 140)

On motion of Senator Corbett, 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 140 was refused adoption by the following vote:

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (6)—Senators Aanestad, Correa, Dutton, Hollingsworth, Runner, and Walters.

Motion to Reconsider

Senator Corbett moved to reconsider the vote whereby the urgency clause to SB 140 was refused passage.

Roll Call

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

AYES (40)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno,



Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered returned to

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 517)**

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

Urgency Clause

The names of the absentees were called and the urgency clause to SB 517 was refused adoption by the following vote:

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (2)—Senators DeSaulnier and Hollingsworth.

Motion to Reconsider

Senator Florez moved to reconsider the vote whereby the urgency clause to SB 517 was refused adoption.

Roll Call

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

AYES (40)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered returned to unfinished business file.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1575)**

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

Roll Call

The names of the absentees were called and AB 1575 was refused passage by the following vote:

AYES (24)—Senators Alquist, Calderon, Cedillo, Corbett, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete



McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (8)—Senators Benoit, Correa, Cox, Denham, DeSaulnier, Dutton, Hollingsworth, and Huff.

Motion to Reconsider

Senator Price moved to reconsider the vote whereby AB 1575 was refused passage.

Roll Call

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

AYES (40)—Senators Aanestad, Alquist, Ashburn, Benoit, Calderon, Cedillo, Cogdill, Corbett, Correa, Cox, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wiggins, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1121)**

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

Roll Call

The names of the absentees were called and AB 1121 was refused passage by the following vote:

AYES (20)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (19)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Florez, Harman, Hollingsworth, Huff, Maldonado, Romero, Runner, Strickland, Walters, Wright, and Wyland.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 585)**

On motion of Senator Leno, 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 585 by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (18)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Maldonado, Negrete McLeod, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered enrolled.

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

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 962 was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Cedillo, Corbett, DeSaulnier, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, and Yee.

NOES (18)—Senators Aanestad, Ashburn, Benoit, Cogdill, Correa, Cox, Denham, Ducheny, Dutton, Hollingsworth, Huff, Maldonado, Negrete McLeod, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SCR 58)

Senator Cedillo asked for, and was granted, unanimous consent that SCR 58 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Concurrent Resolution 58

Senate Concurrent Resolution 58—Relative to hate speech.

Resolution read third time and presented by Senator Cedillo.

Roll Call

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

AYES (26)—Senators Alquist, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Maldonado, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (9)—Senators Ashburn, Cogdill, Denham, Dutton, Hollingsworth, Huff, Runner, Walters, and Wyland.

Resolution ordered transmitted to the Assembly



REQUEST FOR UNANIMOUS CONSENT (SJR 19)

Senator Cedillo asked for, and was granted, unanimous consent that SJR 19 be withdrawn from committee and taken up at this time, without reference to file.

Consideration of Senate Joint Resolution 19

Senate Joint Resolution 19—Relative to immigration.

Resolution read third time and presented by Senator Cedillo.

Roll Call

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

AYES (23)—Senators Alquist, Calderon, Cedillo, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Oropeza, Padilla, Pavley, Price, Romero, Steinberg, Wiggins, Wolk, Wright, and Yee.

NOES (14)—Senators Aanestad, Ashburn, Benoit, Cogdill, Cox, Denham, Dutton, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

Resolution ordered transmitted to the Assembly

REQUEST TO BE ADDED TO ROLL CALL

September 10, 2009

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 679—Aye	SB 73—Aye	SB 75—Aye
SB 86—Aye	SB 99—Aye	SB 111—Aye
SB 117—Aye	SB 118—Aye	SB 161—Aye
SB 251—Aye	SB 303—Aye	SB 397—Aye
SB 471—Aye	SB 597—Aye	SB 788—Aye
SB 213—Aye	AB 429—Aye	ACR 86—Aye
SB 24—Aye	AB 758—Aye	AB 1053—Aye
SB 792—Aye	SB 802—Aye	SB 816—Aye
SB 555—Aye	SB 83—Aye	

DARRELL STEINBERG, President pro Tempore

September 10, 2009

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 716—No	SB 597—No	SB 213—No
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DENNIS HOLLINGSWORTH, Minority Floor Leader

MOTION TO PRINT IN JOURNAL

Senator Leno moved that the following letter be printed in the Journal.
Motion carried.

September 10, 2009

Mr. Gregory Schmidt
Secretary of the Senate

Dear Greg:

I submit this letter to the Senate Journal to clarify my legislative intent for Assembly Bill 631, Chapter 544, Statutes of 2006, which addresses mobile narcotic treatment programs.

My intent in authoring the measure was to create a category of licensure for mobile methadone maintenance treatment programs, making them eligible for Medi-Cal reimbursement. It was not the intent of the bill to outlaw already established mobile methadone treatment programs as of December 31, 2009.

Sincerely,

MARK LENO
Senator, 3rd District

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

At 5:30 p.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Simitian moved that the Senate stand in recess until the hour of 5:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 5:30 p.m., the Senate will adjourn until Friday, September 11, 2009.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Public Employment and Retirement

September 10, 2009

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

SB 519

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

CORREA, Chair

Above measure ordered to unfinished business.

Committee on Energy, Utilities and Communications

Date of Hearing, September 10, 2009

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

AB 64



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

Above measure ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (OUT OF ORDER)

Assembly Bill 64—An act to add Article 7.3 (commencing with Section 12078) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, to amend Sections 25107, 25123, 25324, 25333, 25500, 25501, 25502, 25503, 25516, 25517, 25531, 25540.6, 25740, 25740.5, 25741, and 25742 of, and to add Section 25108.5 to, the Public Resources Code, and to amend Sections 454.5 and 1002 of, to amend and repeal Section 387 of, to add Sections 399.23 and 1004.5 to, to add Chapter 4.5 (commencing with Section 950) to Part 1 of Division 1 of, and to repeal Article 16 (commencing with Section 399.11) of Chapter 2.3 of Part 1 of Division 1 of, 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 to third reading.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **AB 189**, **AB 920**, and **SCR 59** were withdrawn from Committee and placed on third reading.

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 122** was withdrawn from the Committee on Education and re-referred to the Committee on Rules; and

AB 1260 and **AB 983** were withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 985—An act to amend Sections 12956.1, 12956.2, and 27361 of, and to add Article 3.6 (commencing with Section 27310) to Chapter 6 of Part 3 of Division 2 of Title 3 of, the Government Code, relating to real property.

Bill read third time.

Amendments Adopted

Amendments to AB 985 proposed by Senator Yee were read and adopted and the measure ordered printed and to third reading.

Assembly Bill 172—An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

Amendments Adopted

Amendments to AB 172 proposed by Senator Runner were read and adopted and the measure ordered printed and to third reading.



SENATE COMMITTEE ROLL CALLS

Committee on Energy, Utilities and Communications

AB 64—Do pass as amended

AYES (6)—Senators Corbett, Kehoe, Lowenthal, Padilla, Simitian, and Wiggins.

NOES (3)—Senators Benoit, Cox, and Wright.

Date of Hearing: 9/10/2009

Padilla (Chair)

Committee on Local Government

SB 43—That the Assembly amendments be concurred in

AYES (5)—Senators Aanestad, Cox, Kehoe, Wiggins, and Wolk.

NOES (0)—None.

Date of Hearing: 9/9/2009

Wiggins (Chair)

Committee on Human Services

AB 1260—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Alquist, Liu, Runner, and Yee.

NOES (0)—None.

Date of Hearing: 9/10/2009

Liu (Chair)

Committee on Public Employment and Retirement

SB 519—That the Assembly amendments be concurred in

AYES (7)—Senators Ashburn, Benoit, Correa, Ducheny, Liu, Padilla, and Wiggins.

NOES (0)—None.

Date of Hearing: 9/10/2009

Correa (Chair)

REQUESTS TO ADJOURN IN MEMORIAM

Senator Cogdill requested that when the Senate adjourns this day it do so in memory of Petty Officer 3rd Class, James R. Layton of Riverbank.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of David Rafael Tuchtenhagen and Frank Fernandez of Manteca, and Charles W. Brink, Linda C. Cruz, Julia Jacinto Ferreira, Paul Xiou Vang, Rosalia G. Deleon and William J. Caminata of Stockton.

Senator Wright requested that when the Senate adjourns this day it do so in memory of Jack Manning of Rancho Palos Verdes.

ADJOURNMENT

At 5:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Friday, September 11, 2009.

PAULA K. ROSSETTO, Minute Clerk

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