

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

SENATE JOURNAL

IN RECESS

Senate Chamber, Sacramento
Monday, October 12, 2009

MESSAGES FROM THE ASSEMBLY

September 10, 2009

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg:

The Assembly on this day did advise and consent to the confirmation of the Governor's appointment of Jerome Horton to the board of Equalization, District 4 by a vote of 73–1.

Thank you for your attention to this request.

Sincerely,

E. Dotson Wilson
Chief Clerk

Assembly Chamber, September 12, 2009

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

AB 9	AB 240	AB 429	AB 920
AB 48	AB 246	AB 563	AB 926
AB 64	AB 281	AB 566	AB 938
AB 120	AB 295	AB 579	AB 941
AB 129	AB 307	AB 623	AB 962
AB 172	AB 320	AB 758	AB 985
AB 221	AB 359	AB 773	AB 1015
AB 224	AB 386	AB 856	AB 1053



AB 1087	AB 1291	AB 1568	AB 896
AB 1130	AB 1318	AB 1571	AB 1383
AB 1132	AB 1404	AB 1584	
AB 1173	AB 1438	AB 717	
AB 1182	AB 1470	AB 21	

E. DOTSON WILSON, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 25, 2009

Mr. President: The Committee on Rules has examined:

SB 32	SB 113	SB 196	SB 279
SB 36	SB 126	SB 197	SB 300
SB 45	SB 135	SB 204	SB 310
SB 54	SB 147	SB 218	SB 334
SB 93	SB 158	SB 248	SB 357
SB 94	SB 178	SB 249	SB 396
SB 98			

And reports that the same have been correctly enrolled, and presented to the Governor on the 25th day of September, 2009, at 10:30 a.m.

STEINBERG, Chair

Senate Chamber, September 25, 2009

Mr. President: The Committee on Rules has examined:

SCR 13	SCR 34	SCR 48
SCR 53	SCR 55	SCR 57
SJR 10		

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 25th day of September, 2009, at 11 a.m.

STEINBERG, Chair

Senate Chamber, September 25, 2009

Mr. President: The Committee on Rules has examined:

SB 412	SB 510	SB 592	SB 680
SB 415	SB 511	SB 626	SB 695
SB 448	SB 556	SB 635	SB 734
SB 486	SB 557	SB 641	SB 744
SB 488	SB 572	SB 651	
SB 492	SB 575	SB 656	
SB 505	SB 581	SB 674	

And reports that the same have been correctly enrolled, and presented to the Governor on the 25th day of September, 2009, at 1 p.m.

STEINBERG, Chair



Senate Chamber, September 28, 2009

Mr. President: The Committee on Rules has examined:

SB 41	SB 111	SB 303	SB 676
SB 72	SB 117	SB 397	SB 679
SB 73	SB 118	SB 471	SB 716
SB 75	SB 161	SB 597	SB 788
SB 86	SB 213	SB 598	SB 833
SB 99	SB 251	SB 614	

And reports that the same have been correctly enrolled, and presented to the Governor on the 28th day of September, 2009, at 11 a.m.

STEINBERG, Chair

Senate Chamber, September 28, 2009

Mr. President: The Committee on Rules has examined:

SB 24	SB 104	SB 240	SB 400
SB 43	SB 167	SB 291	SB 402
SB 62	SB 188	SB 324	SB 406
SB 83	SB 193	SB 337	
SB 84	SB 201	SB 372	

And reports that the same have been correctly enrolled, and presented to the Governor on the 28th day of September, 2009, at 1 p.m.

STEINBERG, Chair

Senate Chamber, September 28, 2009

Mr. President: The Committee on Rules has examined:

SB 757	SB 765	SB 766	SB 790
SB 809	SB 811	SB 822	

And reports that the same have been correctly enrolled, and presented to the Governor on the 28th day of September, 2009, at 1 p.m.

STEINBERG, Chair

Senate Chamber, September 28, 2009

Mr. President: The Committee on Rules has examined:

SB 407	SB 545	SB 678	SB 819
SB 410	SB 546	SB 702	SB 820
SB 499	SB 555	SB 792	SB 827
SB 519	SB 585	SB 802	SB 829
SB 538	SB 606	SB 813	
SB 541	SB 630	SB 816	

And reports that the same have been correctly enrolled, and presented to the Governor on the 28th day of September, 2009, at 1 p.m.

STEINBERG, Chair



Senate Chamber, September 29, 2009

Mr. President: The Committee on Rules has examined:

SB 19

And reports that the same has been correctly enrolled, and presented to the Governor on the 29th day of September, 2009, at 2 p.m.

STEINBERG, Chair

Senate Chamber, October 8, 2009

Mr. President: The Committee on Rules has examined:

SB 14

And reports that the same has been correctly enrolled, and presented to the Governor on the 8th day of October, 2009, at 1:45 p.m.

STEINBERG, Chair

State Capitol, September 28, 2009

Mr. President: The Senate Rules Committee has created the Senate Select Committee on Improving State Government, established a membership of 10, appointed Senator DeSaulnier as Chair, and appointed Senators Ducheny, Dutton, Hancock, Leno, Padilla, Price, Strickland, Walters and Wolk as members to fill the new vacancies.

STEINBERG, Chair

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 14, 2009

To the Senate of the State of California:

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

PETER A. LABAHN, has served the Riverside County Sheriff's Department as assistant sheriff since 2007, chief deputy sheriff from 2004 to 2007, captain from 1995 to 2004, lieutenant from 1991 to 1995, sergeant from 1988 to 1991, investigator from 1987 to 1988 and deputy sheriff from 1983 to 1987. Labahn previously served as a school counselor for the Palm Springs Unified School District from 1980 to 1983 and as a graduate assistant at Atascadero State Hospital from 1977 to 1978. Appointed 08/26/09. Effective 09/08/09.

Commissioner, Board of Parole Hearings, vice, Anthony P. Kane, Sr., resigned, term ending 07/01/10.



MARY ANN TARDIFF, is owner and operator of the Law Offices of Mary Tardiff since 1986. She earned a Juris Doctorate degree from the Southern California Institute of Law and a Bachelor of Arts degree in history from the University of California, Irvine. Appointed 08/26/09. Effective 09/08/09.

Commissioner, Board of Parole Hearings, vice, Archie "Joe" Biggers, resigned, term ending 07/01/11.

ALI JAHANGIRI, is owner and operator of Outclick Media, an Internet advertising and publishing firm, since 2004. From 2002 to 2004, he was an associate for Stradling Yocca Carlson and Rauth. Jahangiri currently serves on the Board of Overseers at Loyola Law School and as ambassador to the Samuel Jordan Center at the University of California, Irvine School of Humanities. Appointed 08/25/09. Effective 09/09/09.

Member, California Law Revision Commission, vice, Edmund L. Regalia, resigned, term ending 10/01/09.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
September 14, 2009

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective September 15, 2009, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Paul R. Chabot Commissioner, Board of Parole
Hearings

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
September 23, 2009

To the Senate of the State of California:

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor



DEBBIE L. ENDSLEY, previously served the Department of Personnel Administration as chief deputy director since 2007, chief of the Benefits Division from 2004 to 2006 and deputy chief of the Benefits Division from 1998 to 2004. Endsley previously served the California Public Employees' Retirement System as a research analyst from 1995 to 1998 and the Department of Rehabilitation as an associate budget analyst from 1988 to 1995 and associate personnel analyst from 1984 to 1988. Appointed 09/22/09. Effective 09/22/09.

Director, Department of Personnel Administration, vice, David A. Gilb, retired, term ending at the pleasure of the Governor.

FLOYD R. HAYHURST, is a deputy sheriff for the Los Angeles County Sheriff's Department since 1982 and has served on the Commission on Peace Officer Standards and Training since 2006. Hayhurst is also vice president of the Association for Los Angeles Deputy Sheriffs and president of the Southern California Alliance of Law Enforcement. Reappointed 08/27/09. Effective 09/11/09.

Member, Commission on Peace Officer Standards and Training, term ending 07/01/12.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
September 25, 2009

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment or reappointment heretofore made by me to an office which by law is to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

KRISTINE A. HAFNER, Ph.D., previously served the University of California, Office of the President as associate vice president of information resources and communications and the University of California system as chief information officer from 2002 to 2008, deputy to the senior vice president of business and finance in 2002 and director of business initiatives from 1997 to 2000. Hafner was the director of business initiatives for the University of California, San Diego from 2000 to 2002. She worked for IBM Consulting Group as a senior consultant for business transformation from 1991 to 1997 and marketing representative from 1982 to 1990. Appointed 08/27/09. Effective 09/23/09.

Member, Independent System Operator Governing Board, vice, B. Timothy Gage, term expired, term ending 12/31/2011.

Above appointment referred to the Committee on Rules.



Governor's Office, State Capitol
September 25, 2009

To the Senate of the State of California:

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

Timothy J. Noonan Member, State Athletic Commission

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol
September 25, 2009

To the Senate of the State of California:

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

DARIUS ASSEMI, is president of Granville Homes since 2009 and was vice president from 1983 to 2009. He is a Leadership in Energy and Environment Design accredited professional and a Build It Green, certified green building professional. Assemi is a member of the board of directors for the American Medical Overseas Relief Organization and the Islamic Cultural Center of Fresno. He earned his Bachelor of Science degree in civil engineering from California State University, Fresno and is a licensed general contractor in California. Appointed 09/03/09. Effective 09/22/09.

Member, California Transportation Commission, vice, R. Kirk Lindsey, deceased, term ending 02/01/12.

PATRICK F. MASON, is the president of the California Foundation on the Environment and the Economy since 1984. Previous chief economist for the Association of Bay Area Governments from 1980 to 1982, director of research for the California Labor Federation from 1976 to 1980 and research intern for the American Federation of Labor and Congress of Industrial Organizations from 1974 to 1975. Mason earned a Doctor of Business Administration degree and a Master of Arts degree in economics from the University of Colorado, Boulder and a Bachelor of Arts degree in economics from Santa Clara University. Appointed 09/03/09. Effective 09/08/09.

Member, California Transportation Commission, vice, James C. Ghielmetti, withdrawn from Senate, term ending 02/01/13.



KEITH BRACKPOOL, has served Cadiz, a land and water resource development company, as a member of the board of directors since 1986, president and chief executive officer since 1991, and chairman of the board since 2001. Previous co-chair for the Governor's Agriculture and Water Transition Task Force from 1998 to 1999 and for the Governor's Commission on Building for the 21st Century from 1999 to 2001. Brackpool has been principal of 1334 Partners since 1988 and was director and chief executive officer of North American operations for Albert Fisher Group from 1988 to 1991. Appointed 09/23/09. Effective 10/05/09.

Member, California Horse Racing Board, vice John A. Andreini, term expired, term ending 07/26/13.

Above appointments referred to the Committee on Rules.

Governor's Office, State Capitol
October 7, 2009

To the Senate of the State of California:

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

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

MARGARET A. MIMS, is sheriff of Fresno County since 2007. Previously served Fresno County Sheriff's Office as assistant sheriff from 2004 to 2007, captain in 2004, lieutenant from 1998 to 2004, sergeant from 1989 to 1998 and deputy sheriff from 1983 to 1989. Mims was a police officer with the city of Kerman from 1980 to 1983. She serves on the Board of Directors of the Marjaree Mason Center and is a member of the California Peace Officers' Association, the California State Sheriffs' Association and the American Legion Auxiliary. Appointed 09/24/09. Effective 09/25/09.

Member, California State Lottery Commission, vice, Manuel E. Ortega, resigned, term ending 11/06/09.

RICHARD A. ROSENBERG, is retired from William Morris Agency where he served as executive vice president from 1992 to 2005. He worked for Triad Artists as partner from 1984 to 1988 and president from 1988 to 1992. Rosenberg was a founding partner of Regency Artists from 1974 to 1984. Appointed 09/23/09. Effective 10/06/09.

Member, California Horse Racing Board, vice, Richard B. Shapiro, resigned, term ending 07/26/12.

Above appointments referred to the Committee on Rules.



MESSAGES FROM THE GOVERNOR**Signing Messages**

Governor's Office, State Capitol
October 11, 2009

To the Members of the Senate:

I am signing Senate Bill 32, which would revise and expand the feed-in tariff (FIT) program from 1.5 MW to 3 MW for eligible renewable electric generation facilities and authorizes the Public Utilities Commission (PUC) to adjust the rate to reflect the value of the electricity and other attributes.

In order to meet our greenhouse gas emission reduction goals and a Renewable Portfolio Standard of 33% by 2020, we will need to use all of the tools available under our existing programs to get to that goal. By increasing the size of projects allowed under the FIT program and increasing the cumulative cap for investor-owned utilities for FIT projects, this bill is a step in the right direction.

The PUC is also currently exploring an expanded FIT for small to medium scale renewable generation using a market-based pricing approach. In addition to implementing the provisions of this bill, I encourage the PUC to continue their work so that we can take advantage of the new renewable electricity capacity that a robust FIT program can provide.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol
October 11, 2009

To the Members of the Senate:

I am signing Senate Bill 43.

The primary purpose of this bill is to facilitate the construction of a new stadium through the partnership of the City of Santa Clara and the San Francisco 49ers professional football team. This project would provide a much-needed economic boost to the region, not just through its construction, but also through its use over the coming years.

However, I am concerned that the bill includes language that would make the Department of Transportation responsible for the performance of services related to the project, without ensuring the State is compensated for the work. As a result, this bill may require the State to take on an unknown, and quite possibly substantial, financial commitment. Additionally, while it is to be expected that the project sponsors would pay for the actual construction costs associated with identified needed improvements to the State Highway System, the bill is silent on the issue.

I am signing this bill but request that the project sponsors work to identify the transportation system impacts, related costs for improvements and mitigation, and the extent of involvement of State forces, and enter into a legally-binding agreement with the Department of Transportation to



work closely with the project sponsors, so that the economic benefits of this project may be realized.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol
October 11, 2009

To the Members of the Senate:

I am signing Senate Bill 54.

Following the passage of Proposition 8, there has been some uncertainty as to how California should treat same-sex couples that married out-of-state while same-sex marriage was legal in California. Consistent with the California Supreme Court's decision that upheld the validity of those in-state marriages entered into prior to the passage of Proposition 8, Senate Bill 54 clarifies that California must also recognize as married couples that legally married in another state during the same period of time in which same-sex marriage was legal in California.

In addition, Senate Bill 54 also requires that California recognize the union of couples that marry in states where same-sex marriage is legal. As required by Proposition 8, California will not recognize such couples as "married." However, Senate Bill 54 will provide the same legal protections that would otherwise be available to couples that enter into civil unions or domestic partnerships out-of-state. In short, this measure honors the will of the People in enacting Proposition 8 while providing important protections to those unions legally entered into in other states.

Sincerely,

Governor's Office, State Capitol
October 11, 2009

To the Members of the Senate:

I am signing Senate Bill 113 (Committee on Local Government).

Section 78.5 of this bill would modify the Alquist-Priolo Earthquake Fault Zoning Act (Act), to exempt specified State owned structures listed on the California Register of Historical Places or the National Register of Historical Places from having to meet zoning laws or regulations associated with potential alterations of structures built for human occupancy across the trace of potentially hazardous faults.

The proponents of this section of the bill have committed to send a letter, to be published in the Senate Daily Journal, from the Chancellor of the University of California, Berkeley to both Senator Loni Hancock and Assembly Member Nancy Skinner stating that UC Berkeley will seismically retrofit the California Memorial Stadium as required by current law and applicable regulations. The letter would further commit the proponents of this section of the bill to introduce a bill in January, with urgency, that will satisfy the concerns of the Governor's Office of



Planning and Research, the Department of Conservation, and the Seismic Safety Commission.

To that end, I am directing my staff to work with the Legislature to make any changes to SB 113 necessary to ensure the measure best addresses my Administration's commitment to the safety and well being of the citizens of California.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 11, 2009

To the Members of the Senate:

I am signing Senate Bill 702 because I strongly support increasing safety protections for children in child care.

I am signing Senate Bill 702 because it is a good first step at trying to provide more protections for children in informal child care settings that are not required to be licensed. However, the Department of Social Services has many administrative challenges to implement the provisions of the bill. I would ask that the author and stakeholders work with the Department next year on additional legislation to ensure this law provides accountability for the TrustLine registration of child care workers, and provides meaningful safety for kids.

Additionally, the Department of Social Services will incur costs with this bill because of the increased number of child care workers who will be required to be TrustLine-registered. However, the Department has no mechanism to collect fees from these child care workers to cover its administrative costs, as required by the bill. I am also directing the Department to explore ways to secure fees from applicants so that no State General Fund resources are used.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Governor's Office, State Capitol

October 11, 2009

To the Members of the Senate:

I am pleased to sign Senate Bill 788.

With the enactment of this measure, California will be the last state to officially license and regulate the profession of licensed professional counselors. I believe these professionals will help provide greater access to much-needed mental health services to Californians.

While I believe this is an important step to increase our health care workforce, I continue to have significant concerns about the overall complaint, investigation and enforcement process at the various boards under the Department of Consumer Affairs. This bill will significantly increase the number of licensees at the Board of Behavioral Sciences—and



I do not want to cause further delays in that board's investigation and enforcement activities.

I would ask the author to work with both the Legislature and my Administration next year on a series of reforms to the complaint, investigation and enforcement process for these critical board activities so that consumers can be assured of the quality of their licensed health care professionals.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Veto Messages

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 20** without my signature.

This bill would require any agency, person, or business that must issue an information security breach notification pursuant to existing law to also fulfill certain additional requirements pertaining to the security breach notification.

California's landmark law on data breach notification has had many beneficial results. Informing individuals whose personal information was compromised in a breach of what their risks are and what they can do to protect themselves is an important consumer protection benefit. This bill is unnecessary, however, because there is no evidence that there is a problem with the information provided to consumers. Moreover, there is no additional consumer benefit gained by requiring the Attorney General to become a repository of breach notices when this measure does not require the Attorney General to do anything with the notices. Since this measure would place additional unnecessary mandates on businesses without a corresponding consumer benefit, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 34** without my signature.

The California Constitution provides an important system of checks and balance by giving the people direct control over their government through initiative, referendum and recall. This bill would limit the initiative process by prohibiting a person from paying or receiving money or anything of value based on the number of signatures obtained on such petitions.



As I have stated when vetoing similar legislation, prohibitions on per-signature payments will make it more difficult for grassroots organizations to gather the necessary signatures and qualify measures for the ballot. Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California State Senate:

I am returning **Senate Bill 45** without my signature.

This bill would enact new penalties against contractors found by the Labor Commissioner to be in violation of the public works law with intent to defraud. This bill is not needed because provisions in existing law are already adequate to preclude unscrupulous contractors from bidding on public works jobs. The standard of what constitutes "intent to defraud" to warrant permanent debarment is also not sufficiently defined. Further, recently enacted legislation strengthens existing law by creating an enforcement program to minimize public works violations.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 84** without my signature.

This bill is unnecessary. The state made many tough decisions to balance the budget for 2009–10, including reducing general-purpose funding for certain local educational agencies in order to ensure the continuation of the Quality Education Investment Act (QEIA) program, which provides targeted funding to improve academic achievement in the state's lowest performing schools. The intent in making these reductions was to direct available federal resources to compensate for the reductions. This bill would delay implementation of these reductions until comparable resources are identified, but does not provide a solution.

Instead, my Administration has identified \$355 million in federal Fiscal Stabilization Funds that have been provided to the State for the purpose of restoring reductions in the 2008–09 fiscal year. As a result, California will have a plan to achieve the savings included in the 2009–10 Budget, while holding QEIA schools harmless. With this plan, it avoids the need for county offices of education to require school districts to submit



revised budgets detailing the assumed revenue limit reduction that was previously anticipated.

My Administration will be working with the Legislature to implement this plan.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 86** without my signature.

This bill would limit the ability of the University of California (UC) and the California State University (CSU) to continue to provide a high level of quality education that our students deserve when they choose to attend California public universities. A blanket prohibition limiting the flexibility for the UC and CSU to compete, both nationally and internationally, in attracting and retaining high level personnel does a disservice to those students seeking the kind of quality education that our higher education segments offer. The Regents and the Trustees should be prudent in managing their systems, given the difficult fiscal crisis we face as a state, but it is unnecessary for the State to micromanage their operations.

Finally, this measure is flawed by failing to adequately specify what appropriations would be considered in triggering its provisions. It is possible that capital outlay appropriations and lease purchase debt appropriations, which have little to do with discretionary instructional program expenditures, could vary considerably from year to year, thereby making the appropriations test specified in this bill ambiguous and subject to legal interpretation.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 109** without my signature.

This bill would revise the definition of auctions to include real estate sales and require notification to an auction audience bidding on real estate of all fees that will be levied as a condition of bidding, and an explanation of certain terms relating to the auction. This bill would also require the return of deposits and fees in a specified time if the bidder's offer is rejected or if the seller does not respond to the offer.



While the goals of SB 109 are laudable, this bill adds additional unnecessary regulatory burdens on business. Existing law provides consumers with civil remedies should a seller fail to release a deposit in a timely fashion. In addition, auctions of real property by third parties often involve a real estate broker whose improper conduct would already be subject to discipline by the Department of Real Estate. Since this measure would impose unnecessary restrictions and fees upon real estate auctioneers, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 115** without my signature.

Existing law already requires public employers, including the State of California, to accommodate an employee whose sincerely held religious beliefs conflict with an employment requirement. Therefore, this bill is unnecessary.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 158** without my signature.

I have vetoed similar bills twice before. The addition of a new mandate, no matter how small, will only serve to increase the overall cost of health care.

California has over 40 mandates on its health care service plans and health insurance policies. While these mandates are well-intentioned, the costs associated with the cumulative effect of these mandates mean that these costs are passed through to the purchaser and consumer.

I continue to have serious concerns about the rising costs of healthcare and must weigh the potential benefits of a mandate with the comprehensive costs to the entire delivery system—and for that reason, I cannot support this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 161** without my signature.

While I have historically supported greater access to necessary pharmaceutical treatments and appreciate the author and sponsors' intent, I cannot support this particular measure. For those patients fortunate enough to have health coverage in today's economic environment, health plans already provide coverage for oral anticancer medications. This bill limits a plan's ability to control both the appropriateness of the care and the cost by requiring them to immediately cover every medication as soon as it receives federal approval regardless of the provisions of the health plan's formulary—placing them at a severe disadvantage when negotiating prices with drug manufacturers.

I do believe that oral anticancer medications can be more cost-effective and efficacious in some instances. If there is a way to provide greater access without increasing overall costs, I would be willing to reconsider such a measure next year. I would encourage a collaborative approach with my Administration, the health plans, and the pharmaceutical manufacturers next year on this topic.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 172** without my signature.

This bill would extend the time a voter's name may remain on the inactive file of registered voters from two federal general elections (four years) to four presidential elections (16 years).

Voter fraud is a serious concern and threatens the integrity of our democratic process. One way that elections officials are able to reduce opportunities for fraud is by ensuring the accuracy of voter registration rolls. Increasing the time an individual may remain on the inactive file of registered voters to 16 years will have a detrimental effect on the ability of elections officials to maintain this accuracy.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 173** without my signature.

This bill is unnecessary. The Department of Public Health already has broad statutory and administrative authority to ensure contaminated food product is removed from commerce. This bill does not provide any additional improvements to that authority.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 11th day of October, 2009 at 12:46 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts:

SB20, SB34, SB45, SB84, SB86, SB109, SB115, SB158, SB161, SB172, SB173

BERNADETTE McNULTY
Assistant Secretary of the Senate

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 193** without my signature.

This bill is premature, and therefore unnecessary at this time, since the Long Beach Unified School District has not received a reduction in its K-3 Class Size Reduction (CSR) program funding level. I have previously supported legislation that held districts harmless for loss of CSR funding due to unexpected fires that have disrupted operations at certain schools. However, this bill sets a precedent by providing a hold harmless provision of CSR funding prospectively. In the event there are school closures during the 2009-10 through 2011-12 school years, legislation can be considered at that time.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 196** without my signature.

While I share the author's concern about the significant strain being placed on our emergency room network in California, I cannot support a bill that would mandate a hospital to maintain specific services when those services are not a requirement of licensure. Forcing hospitals to keep an



emergency room open, especially when they are closing because of financial circumstances, will only jeopardize patient care due to the rapid attrition of medical and nursing staff, as well as suppliers.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 201** without my signature.

This bill would create a fine for an owner who returns an unlicensed taxicab to operation and would specify impoundment procedures for the release of an illegally operated and unlicensed taxicab to a legal owner.

Even though so-called bandit taxicabs are an increasing problem in many areas, this measure is unnecessary because local governments already have the ability to establish procedures regarding taxicab transportation and the impoundment of illegal taxicabs as it pertains to protecting the public's health, safety, and welfare. This bill would create specific state standards for all local jurisdictions to follow, ultimately removing local control and collectively reducing the ability of local governments to determine what is in the best interests of their communities.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 212** without my signature.

While I grappled with this issue, I came to the conclusion that nothing in current law prohibits school districts from cleaning and sterilizing wrestling equipment. Furthermore, during the time I was working diligently on providing an acceptable water plan for the Central Valley, I was able to pin down the fact that the Superintendent of Public Instruction already has the authority to develop information and guidelines regarding the prevention of communicable diseases on school campuses. Therefore, this bill is unnecessary.

The Legislature needs to wrestle with whether it will continue to pass bills like this one, that current law sufficiently addresses, or whether it will



go to the mat on pressing issues such as water infrastructure, tax reform, and federal education funding.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 213** without my signature.

This measure would extend the gambling moratorium related to the expansion of cardrooms and the issuance of new State cardroom licenses through 2020. There is no compelling rationale for extending the gambling moratorium at this time, as a similar extension was approved just three years ago. The gambling moratorium under existing law does not expire until 2015, which gives the Legislature ample time to evaluate whether the existing moratorium should be extended.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 218** without my signature.

While I am a firm believer in providing openness and transparency when it involves public entities and public funding, this bill inappropriately defines private auxiliary organizations as a state or local public agency for purposes of the California Public Records Act (CPRA). Subjecting the altruistic activities of private donors and volunteers to the CPRA will have a chilling effect on their support and service, if they believe their personal privacy could be compromised. Hindering private giving of time and resources becomes a detriment to our higher education institutions.

Enacting this bill would result in a loss of private donations and volunteer activities supporting California public institutions of higher education, at a time when the University of California, California State University, and Community College campuses are facing significant reductions in state funding during this difficult fiscal situation.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 219** without my signature.

I strongly support correcting the current problem with existing law concerning the availability of judicial review for employees of the University of California that file claims of retaliation against the University of California for violations of the Whistleblower Protection Act. Unfortunately, rather than extending the same protections as provided for California State University employees and other state employees to employees of the University of California, this measure, as drafted, could discourage employees of the University of California from exhausting their administrative remedies before filing claims in the superior court.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 242** without my signature.

This bill would make it a violation of the Unruh Civil Rights Act for a business establishment to require, limit, or prohibit the use of any language by a client, patron or customer unless the language restriction is necessary for the safe and efficient operation of the business and a less discriminatory alternative does not exist.

While no one should be treated differently based on their race or national origin, no single business can accommodate every language spoken in California. Unfortunately, under this measure, any business that treats customers differently because the business may not be able to effectively communicate with the customer could then be required to justify such disparate treatment in a court of law.

Since this measure would have the unintended effect of increasing frivolous lawsuits against businesses, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 248** without my signature.

I have previously signed the author's bill into law that required the posting of existing Title IX requirements on school campuses and on the California Department of Education website to help promote greater



student and parental awareness of athletic equity issues in California schools. This bill is largely duplicative and unnecessary, and would result in costs that are imprudent to incur at this time.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 257** without my signature.

This bill would require every state agency and department, including local offices, when notified by a female employee that she is nearing maternity leave, to notify the employee of information regarding lactation accommodation on the Internet Web site of the Department of Public Health. While I appreciate the author's intent, I believe that this bill is unnecessary. Current law already requires that accommodation be made for lactating employees. I do not believe it has been adequately demonstrated that employees are unaware of their options.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 262** without my signature.

This bill reduces the number of public meetings the California Coastal Commission (Commission) is required to have from once a month to ten times per year. In addition, in the event the Commission does cancel a meeting, this bill extends the timelines for action by the Commission pursuant to the California Environmental Quality Act and the Permit Streamlining Act.

Given these difficult fiscal times, I appreciate the author's desire to allow the Commission to save money by potentially cancelling two meetings each year. But cancelling hearings that allow for public input into the Commission's actions is not in the best interests of Californians. The public hearing process was established to serve the citizens of our state and reducing the number of Commission meetings limits opportunities for public participation. I encourage the Commission to find other operational efficiencies within existing law.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 272** without my signature.

School district governing boards already have the authority to include the specified program requirements within its comprehensive educational counseling program. Nothing under current law prohibits a district from doing so. As a result, this bill is unnecessary.

Therefore, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 11th day of October, 2009 at 12:47 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts:

SB193, SB196, SB201, SB212, SB213, SB218, SB219, SB242, SB248, SB257, SB262, SB272,

BERNADETTE McNULTY

Assistant Secretary of the Senate

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 14** without my signature.

I support the intent of this and other measures to increase California's Renewable Portfolio Standard (RPS) target to 33% by 2020. However, as drafted this measure would make it more difficult and costly to achieve this very important goal.

As a world leader in climate change and renewable energy development, California needs a regional approach that provides streamlined regulatory processes and compliance flexibility that facilitate the timely construction of in-state resources. This legislative package does the opposite—adds new regulatory hurdles to permitting renewable resources in the state, at the same time limiting the importation of cost-effective renewable energy from other states in the West.

On November 17, 2008, I issued Executive Order S-14-08, which sets a target that all retail sellers of electricity shall serve 33% of their load with renewable energy by 2020.

On September 15, 2009, in order to keep us moving forward, I directed California Air Resources Board (CARB), in Executive Order S-21-09, to adopt regulations that increase procurement of renewable resources in furtherance of the Global Warming Solutions Act of 2006 (AB 32, Statutes of 2006) and its emission reduction goals.

The CARB's scoping document for the Global Warming Solutions Act of 2006 determined that achieving 33% RPS is a critical component in the



fight against global warming. I expect CARB to complete the regulations implementing the 33% RPS by the fall of 2010.

I remain ready to sign legislation that codifies a workable 33% RPS mandate. California has a rare opportunity to champion the development of renewable energy and reduce greenhouse gas emissions in-state and beyond. We must seize the chance to lay the foundation for a regional effort that optimizes resources throughout the West at a lower cost to ratepayers.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 41** without my signature.

This measure would require the Department of Justice (Department) to furnish, upon request, information concerning a person's ownership of any firearms reported to the Department. In addition, this measure would also require firearms dealers and purchasers to provide signatures on extra copies of paperwork prior to the delivery of a firearm. This measure is unnecessary. The Department already provides firearm ownership information upon request and firearms transactions already require more than enough paperwork to ensure proper recordation of firearm transaction information. Indeed, unlike Senate Bills 175 & 449, which I am signing, this measure does not appear to have any discernible benefit; it does not increase public safety, does not improve the business climate for California's firearms retailers, nor does it provide any additional protections for firearm purchasers.

Moreover, it should be noted that Assembly Concurrent Resolution 73 (McCarthy, 2006) required the California Law Revision Commission to submit recommendations to the Legislature on how to reduce the length and complexity of Title 2 (commencing with Section 12000) of Part 4 of the Penal Code, relating to the control of deadly weapons. Senate Bill 41, unfortunately, does not follow any of the recommendations by the Commission and instead exacerbates the current problems with the Penal Code.

I urge the Legislature to forgo enacting additional measures such as Senate Bill 41 until the recommendations of the California Law Revision Commission are enacted.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 62** without my signature.

I support the intent of this and other measures to increase California's Renewable Portfolio Standard (RPS) target to 33% by 2020. However, as drafted this measure would make it more difficult and costly to achieve this very important goal.

As a world leader in climate change and renewable energy development, California needs a regional approach that provides streamlined regulatory processes and compliance flexibility that facilitate the timely construction of in-state resources. This legislative package does the opposite—adds new regulatory hurdles to permitting renewable resources in the state, at the same time limiting the importation of cost-effective renewable energy from other states in the West.

On November 17, 2008, I issued Executive Order S-14-08, which sets a target that all retail sellers of electricity shall serve 33% of their load with renewable energy by 2020.

On September 15, 2009, in order to keep us moving forward, I directed California Air Resources Board (CARB), in Executive Order S-21-09, to adopt regulations that increase procurement of renewable resources in furtherance of the Global Warming Solutions Act of 2006 (AB 32, Statutes of 2006) and its emission reduction goals.

The CARB's scoping document for the Global Warming Solutions Act of 2006 determined that achieving 33% RPS is a critical component in the fight against global warming. I expect CARB to complete the regulations implementing the 33% RPS by the fall of 2010.

I remain ready to sign legislation that codifies a workable 33% RPS mandate. California has a rare opportunity to champion the development of renewable energy and reduce greenhouse gas emissions in-state and beyond. We must seize the chance to lay the foundation for a regional effort that optimizes resources throughout the West at a lower cost to ratepayers.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 545** without my signature.

This bill is unnecessary. The project development process currently being undertaken by the California Department of Transportation (Caltrans) and the Los Angeles County Metropolitan Transportation Authority is the appropriate vehicle to determine the scope and feasibility of a project to address the transportation needs in the I-710 corridor. This process provides ample opportunity for public involvement and input.



There is absolutely no need to enact statutory restrictions that would mandate certain project design options or remove others from potential consideration. In addition, several properties belonging to the state would be subject to sale for less than fair market value as a result of this bill, resulting in the loss to the state of hundreds of millions of dollars.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 549** without my signature.

The stated intent of this bill is based on the belief that the collection of statistics on the gender, ethnicity, and language preference of the Board of Barbering and Cosmetology (Board) licensees will lead to improved working conditions. Since that connection is specious at best, I do not believe this is an area that requires micromanagement of the Board.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 557** without my signature.

This measure would allow nuisance abatement provisions to be instituted against real property used to facilitate the crime of human trafficking. While I support using nuisance abatement proceedings to deter human trafficking, this measure would not apply to all instances of human trafficking. Instead, this measure is limited to situations in which real property is used for illegal gambling or prostitution. Since these situations are already covered under existing law, this measure is unnecessary.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 585** without my signature.

This bill would prohibit the sale of firearms and ammunition at the Cow Palace. This bill would set a confusing precedent at the state level by statutorily prohibiting one District Agricultural Association (DAA) from



selling firearms and ammunition, a legal and regulated activity, while allowing other DAAs to continue to do so. In addition, this bill would result in decreased state and local tax revenues by restricting events at the Cow Palace.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 589** without my signature.

This bill would establish two new dedicated accounts within the Fish and Game Preservation Fund; one for the deposit of revenues generated through the sale of big game tags, and one for funds received from the sale of upland game bird stamps. This bill would make changes to the way in which the Department of Fish and Game (Department) may spend the monies in the newly-created accounts and would require the Department to include a fund condition statement on its website.

The creation of more dedicated accounts and reserving more funds for those accounts will only increase the complexity of the Department's fiscal management of these dollars, as well as reduce the Department's flexibility to appropriately administer hunting programs. Additionally, the bill's requirement that the Department post budget information on its public website is redundant since the Department already does this for all of its accounts.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 641** without my signature.

This bill would, among other provisions, authorize the State Bar to collect annual bar dues from its members for 2010.

In 1997, Governor Pete Wilson vetoed the annual State Bar dues bill, citing numerous concerns that the State Bar had become overly political, unresponsive to its membership, and inefficient. Unfortunately, twelve years later, inefficiencies remain unaddressed and questions about the State Bar's role in the evaluation of judicial nominees suggest that the State Bar's political agenda continues.

In July, the State Auditor released a report critical of the State Bar. Among the problems noted by the report: salaries for staff have risen



significantly over the past five years; the costs of its disciplinary system have escalated by \$12 million from 2004 to 2008 while the number of disciplinary inquiries opened has declined; and a lack of internal controls allowed the embezzlement of nearly \$676,000 by a former employee. As the organization charged with regulating the professional conduct of its members, the conduct of the State Bar itself must be above reproach. Regrettably, it is not.

In addition, recent actions by the State Bar's Judicial Nominees Evaluation Commission (JNE) also call into question the State Bar's impartiality in considering judicial appointments. All JNE Commission proceedings are required by law to be confidential and qualification ratings are not to be released to the public prior to the Governor considering an appointment. Unfortunately, recent events have required the State Bar to launch an official inquiry into the confidentiality of such proceedings. Moreover, the Chief Justice of the Supreme Court has recently questioned the reliability of the Commission's recommendations by noting its failure to follow statutory guidelines when considering judicial nominees. By failing to follow the law, the JNE Commission has damaged its reputation for impartiality and, in turn, the State Bar's.

There is no question the State Bar has an essential role in the state's justice system and must continue to oversee the licensing, education, and discipline of California's lawyers. However, I am returning this bill without my signature because the State Bar cannot continue with business as usual. It must take the time to reexamine the problems noted by the State Auditor and continue its investigation into the JNE Commission. I urge the State Bar to resolve these issues as soon as possible so the Legislature can reintroduce this measure early next year.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 656** without my signature.

While I am supportive of employee rights, this bill would create an inconsistent treatment of non-peace officer employees in unions with peace officer majorities and similar non-peace officer employees that are in unions without a peace officer majority. I do not believe a sufficient case can be made why one group should circumvent the existing dispute resolution process that currently exists through the Public Employment Relations Board.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 674** without my signature.

While some provisions may provide marginal improvements to consumer protection, I cannot support this bill when it fails to address the need for stronger licensing and oversight of outpatient surgical centers. The continued reliance by the medical community on external accreditation agencies without enforcement capability is an insufficient solution for protecting patients. As outpatient surgeries continue to increase in number and complexity, surgical centers cannot continue to perform procedures in an unregulated and unenforced environment.

I would ask the medical community to work with my Administration next year to bring consistent and effective oversight to this growing industry in the shared interest of protecting patient safety.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 679** without my signature.

This bill requires the State Park and Recreation Commission (Commission) to certify that all requests to dispose of, or change the use of, any land in the State Park system for anything other than park purposes, be accompanied by substitute property that is subject to specific requirements.

This bill is duplicative of existing statute and significantly reduces the state's ability to effectively manage the State Park system.

Under existing law, the Director of Parks, through an extensive process with the Department of General Services and the State Public Works Board, may sell, exchange, and acquire State Park property deemed necessary for the extension, improvement, or development of the State Park system. Whether it is roads, water and energy infrastructure, or areas necessary for the installation of renewable energy facilities, maintaining the flexibility of the current process is absolutely necessary as the state continues to strive to meet its infrastructure needs for a growing population.

Additionally, although we all shuttered with displeasure at the potential impacts, the Legislature passed and I signed a budget that has major impacts on our state park system. While I was able to keep all of our state parks open in the current fiscal year, we cannot ignore the fact that there are significant costs associated with running this system for the benefit of



the public. In times of fiscal crisis, we must be able to balance the costs and benefits of our park system with the costs and benefits of other important government programs. This proposal would limit our ability to do so.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 802** without my signature.

Under current law, public entities, at a minimum, must retain 5 percent of a payment to a contractor completing a public works project. This bill would restrict the State's ability to retain more than 5 percent of payment and no more than 5 percent of the public work contract price.

When a contractor fails to complete a public works project, the public entity needs recourse to ensure that the project gets completed. Public works contracts have a higher level of risk as public entities usually have to accept the low bidder. Though there are options available to the State to go after a contractor who fails to complete the terms of a public works contract, retaining portions of payment to the contractor provides incentive for the contractor to complete the project. While I am sympathetic with the concerns of subcontractors, the State's responsibility is to protect the taxpayer to make certain that public works projects are completed correctly and within budget; limiting the retention amount hampers the State's ability to do that.

For these reasons, I am returning this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 811** without my signature.

The issue of title-washing, fraudulently registering a vehicle out-of-state in order to avoid specific fees or emissions standards, is serious in California. While I share the concerns of the author and sponsor regarding this issue, this bill has a number of legal issues that could result in the legislation being challenged in court and make the state the target of lawsuits.

In addition, I believe the vehicle registration amnesty program authorized in AB 619 (Chapter 420, Statutes of 2008) which will be



effective January 1, 2010 should be evaluated before any effort in this area is renewed.

For these reasons, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 813** without my signature.

I support trying to create stability in the housing market and I realize that the downturn in the real estate market makes it difficult for self-help housing projects to be economically feasible. However, I do not believe that California offering unsecured second mortgages for projects is the appropriate way to solve this problem. The instability in the housing market makes the repayment of these unsecured second mortgages risky. To the extent state funds are lost due to foreclosures or sales before housing values increase, these funds will not be available to fund future self-help housing projects.

For this reason, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 820** without my signature.

Peer review is an extremely important part of assuring the integrity and quality of care provided in our California hospitals. Unfortunately, the peer review process has also been criticized over the years because it increases litigious behavior, and lacks transparency and responsiveness. While perhaps well-intentioned, this bill does not provide a solution to the problem, but rather, jeopardizes the entire process by narrowing the reporting element to "serious" cases of incompetence involving only patients. How is this good policy? For example, what about a physician that engages in egregious behavior against hospital staff or even other physicians? How does this serve the public by keeping these reports from the Medical Board?

This bill also fails to align with recent Joint Commission requirements that hospitals adopt a "zero tolerance" policy towards physicians engaging in disruptive behavior in their interactions with nurses and other hospital staff. A peer review body should not be limited from acting on this type of behavior and in fact, should be encouraged to act more swiftly.



I believe the peer review process is worth preserving. It does however, deserve to be thoroughly reviewed and reworked to ensure that inappropriate behavior of any kind is immediately acted upon. I would ask that the author and interested stakeholders work with my Department of Consumer Affairs to streamline and improve the peer review process in order to increase its effectiveness in taking action against providers that jeopardize quality or safety measures.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 11th day of October, 2009 at 5:27 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts:

SB14, SB41, SB62, SB545, SB549, SB557, SB585, SB589, SB641, SB656, SB674, SB679, SB802, SB811, SB813, SB820

BERNADETTE McNULTY

Assistant Secretary of the Senate

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 279** without my signature.

As I stated when vetoing an identical bill last session, I support the use and inclusion of energy efficiency products for homes in our state. However, by allowing Mello-Roos taxes to be imposed on homeowners to finance energy efficiency improvements, this bill would represent a fundamental shift in the purpose of Mello-Roos taxes, which are intended to finance core infrastructure needs such as roadways, sewers, and street lighting. This is a shift that I cannot support.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 288** without my signature.

This bill would require a candidate's alphabet-based name to be phonetically translated if the county is required to provide translated ballot materials in a character-based language.

This bill is in response to abuse by candidates that try to use a popular Asian name in order to gain support in that ethnic community. This unscrupulous practice should be prevented; however, a change in state policy is unnecessary. Under current law, local elections officials have the authority to address this fraudulent behavior and to set policies that are



appropriate for their unique jurisdictions. For example, the director of elections in San Francisco has established a Chinese name translation policy to address concerns that improper translations were being used by candidates in local races.

I encourage local elections officials to continue to address the concerns raised in this bill at the local level.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 303** without my signature.

My Administration is concerned about the inappropriate use of psychotherapeutic medications, especially antipsychotics, in skilled nursing facilities. One recent study concluded that over half of the residents receiving antipsychotic therapy were being treated outside the current Center for Medicare and Medicaid Service guidelines.

I have instructed my Department of Public Health to identify providers that may be inappropriately prescribing these medications and thereby posing a threat to the health and safety of residents in skilled nursing facilities. If the department's analysis indicates that such inappropriate prescribing behavior is occurring and recommends statutory changes in this area, I ask the Legislature to immediately seek changes to correct it.

I thank the author for bringing this issue to my Administration's attention and will continue to monitor this closely.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol

October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 305** without my signature.

This bill would require the Office of the State Architect to update an existing report. Nothing in current law precludes this from occurring, and it is already being done. Therefore, this bill is unnecessary.

For this reason I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 315** without my signature.

This is potentially one of these least substantive education bills approved by the Legislature this year. This bill authorizes a school district to establish and maintain a "walking school bus" defined as a group of students walking to or from school under the supervision of an adult. Nothing under current law prohibits a district from allowing students to walk to and from school as a group under the supervision of an adult.

Common sense should not require Legislative authorization.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 372** without my signature.

This bill requires the State Park and Recreation Commission (Commission) to make a recommendation to the Legislature and the Legislature to enact legislation, or adopt a resolution, approving any proposal to modify or adjust the use of a state park unit or to remove a unit from the state park system.

I support protecting our state parks and the need for public processes regarding proposed projects on or near state park property. But, this proposal is an inappropriate delegation of Executive branch authority over the state park system to the Legislative branch and I cannot support it.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 382** without my signature.

This bill would invalidate a permit to burn agricultural waste within the San Joaquin Valley Air Pollution Control District (District) on any day or days in which burning from wood-burning devices, such as fireplaces, is prohibited.



This bill is unnecessary. The District has existing authority to regulate, as appropriate, both agricultural burning, through its California Air Resources Board-approved Smoke Management Program, and residential wood burning through existing District rules.

Additionally, vegetation management projects play a significant role in preventing and reducing the spread of devastating wildfires. As written, this bill could constrain the ability of Cal Fire to perform critical vegetation management projects on State Responsibility Area lands located within the District.

Burn activities should be judged both independently and in combination according to where the activities are occurring and the current air conditions. The District is the best entity to make this determination.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 396** without my signature.

This bill is unnecessary. The Insurance Commissioner has the ability to report the information required in this bill under current law.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 397** without my signature.

During the previous two legislative sessions, I have vetoed similar legislation that would have granted an exemption from the current requirement that seniors be given 24-hour notice in advance of any attempt to meet in a senior's home to discuss the sale of a burial or funeral policy. I stated my belief that this notice requirement creates an important "bright line" test that insurance agents know not to cross and is a sound consumer protection practice.

Although this measure provides additional notice requirements to attempt to protect against fraud, I remain unconvinced of the need to deviate from the current 24-hour notice requirement. Asking an agent to



wait one day before meeting in someone's home is a minor request in order to protect seniors against fraud.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 400** without my signature.

While I support restricting access of electronic cigarettes to children under the age of 18, I cannot sign a measure that also declares them a federally regulated drug when the matter is currently being decided through pending litigation.

Items defined as "tobacco products" are legal for anyone over the age of 18. If adults want to purchase and consume these products with an understanding of the associated health risks, they should be able to do so unless and until federal law changes the legal status of these tobacco products.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 410** without my signature.

This bill would make unnecessary changes to state law related to the Workforce Investment Act (WIA) and would duplicate that which is already required by federal law. All of the actions required of the local workforce investment areas and boards, by this legislation, are already allowed by the WIA. Moreover, my Administration is currently working with the California Workforce Investment Board to ensure that California's one-stop career centers are effectively coordinating with a broad array of partners and stakeholders to deliver comprehensive workforce services to the people of California.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 415** without my signature.

This bill is unnecessary. There is no established or demonstrated need for this bill and it would only serve to needlessly delay the issuance of licenses. In addition, the state has the constitutional jurisdiction over alcoholic beverage licensing. While the Department of Alcoholic Beverage Control appreciates and reviews local input, this bill represents an inappropriate expansion of their function in the licensing process.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 459** without my signature.

This bill is intended to make it easier for the state, under the authority of the State Lands Commission (Commission), to remove abandoned and other illegally placed vessels and watercraft when they pose a safety or environmental hazard.

I recognize that, to the extent that unattended and abandoned property can be removed from public lands and waterways more quickly, state and local agencies could experience potentially significant savings in court costs and environmental cleanup costs. However, there are also potentially significant costs that the state would incur under this bill since it would enhance the Commission's ability to remove and dispose of abandoned vessels. These implementation costs cannot be overlooked, especially given the state's current fiscal condition and the fact that no source of funding is identified in this bill.

The Department of Boating and Waterways currently administers the Abandoned Watercraft Abatement Program, which is funded annually through a legislative appropriation from the Harbors and Watercraft Revolving Fund and which provides grants to local public agencies with jurisdiction over navigable waterways in California and meeting specified criteria, including a 10 percent funding match, for the removal of abandoned vessels and navigational hazards. As such, this program has an identifiable funding source, as well as built-in state cost containments through the annual budgetary process and the prerequisite local funding match.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.



Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 520** without my signature.

It is important to instill in our youth the value and importance of service and volunteerism. Service and volunteerism provide all Californians an opportunity to participate in building and strengthening our state and local communities. I believe in the power of volunteerism so much that I created the first-in-the-nation state cabinet level Secretary of Service and Volunteering.

However, this bill is too prescriptive and may result in less schools opting to provide the volunteer opportunities for credit. Ultimately, current law already provides the authority for school districts to allow volunteer service credits for their students in a manner that they deem most appropriate for their local communities.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 11th day of October, 2009 at 5:29 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts:

SB279, SB288, SB303, SB305, SB315, SB372, SB382, SB396, SB397, SB400, SB410, SB415, SB459, SB520

BERNADETTE McNULTY
Assistant Secretary of the Senate

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 166** without my signature.

The Department of Housing and Community Development has the authority to adopt regulations for special occupancy parks. Any change in this area in regards to dismantled campers should be handled via this process.

For this reason, I am returning this bill without my signature.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 406** without my signature.

Reducing greenhouse gas emissions is of utmost priority in my administration and is essential for achieving California's climate change



goals. However, this bill would authorize a municipal planning organization, a council of governments, or a county transportation commission and a sub-regional council of governments, by resolution, to impose a new fee on motor vehicles registered in their jurisdiction. As I have said in prior veto messages, such an increase should be subject to voter approval.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 505** without my signature.

While I concur that counties must ensure that adequate fire protection is available in an area before approving additional development, I am concerned that this bill will result in additional General Fund costs and create significant cost pressures to maintain State Responsibility Areas and fire hazard severity zone maps. In addition, I am also concerned with the cost pressures this bill will place upon local governments to implement this measure.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 541** without my signature.

This bill is the result of an unacceptable situation in Humboldt County, where the county was notified of a defect in the voting software but failed to address the problem. This resulted in 197 votes being deleted. Because the Secretary of State (SOS) is not notified when there is a flaw in a voting system, there was no safety net to ensure that voters were not impacted.

The SOS inspects ballot manufacturing facilities before approving them to do business in California. This bill would appropriately include the SOS in a notification of equipment defects during and after this process. However, this bill goes beyond insuring appropriate notification and imposes substantial civil penalties on voting system vendors.

Many of the technical changes in this bill are acceptable, and I look forward to seeing a bill in the future that balances appropriate disclosure,



without unnecessarily restricting a company's ability to do business in California.

Therefore I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 555** without my signature.

This bill would revise current eminent domain law and would require a public entity authorized to acquire property through eminent domain to give the holder of the conservation easement notification, an opportunity to participate in condemnation proceedings, and compensation for the property.

While protecting the value of conservation easements is a noble endeavor, this measure unintentionally provides opponents of controversial infrastructure projects another tool to impede or discourage vital public infrastructure planning and development in energy, water, and transportation which are crucial for our state's job growth and economic well-being.

For this reason, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 11th day of October, 2009 at 9:22 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts:

SB166, SB406, SB505, SB541, SB555

BERNADETTE McNULTY
Assistant Secretary of the Senate

Governor's Office, State Capitol
October 11, 2009

To the Members of the California Senate:

I am returning **Senate Bill 402** without my signature.

This bill makes changes to California's Beverage Container Recycling Program by adding new containers to the fee program, increasing the California Refund Value (CRV) fee on some existing containers, and maintaining, suspending, or increasing funding for ancillary programs that benefit from excess funds in the CRV fund.

The Beverage Container Recycling Fund (Fund) is facing a severe deficit at the end of the 2009–2010 Fiscal Year because Californians are



recycling more and because this fund has made loans to the General Fund of several hundred million dollars over the past several years. To combat this deficit, the Department of Conservation has had to implement an across the board cut of 85 percent to the funding programs paid by the Fund. My Administration has offered solutions for long-term repair of the Fund, but unfortunately, SB 402 does not contain those solutions.

SB 402 expands the Beverage Container Recycling Program to include fruit and vegetable juices and soy based drinks. This expansion is inappropriate given that these products are often dietary necessities for families; while wine and distilled spirits, which are more like the products currently subject to the CRV and are typically paid for from consumer's disposable income, remain exempt from the program. While consumers will have the opportunity to recover their costs when they recycle their containers, they will face a direct impact at the time of purchase, which will be troubling for many in this economy.

Furthermore, while the bill proposes to capture more beverage containers for the recycling market rather than the waste stream, there are, at present, no known California end users for the material types SB 402 adds to the Program. This bill proposes that CRV be applied to products that will likely end up in a landfill.

This bill would also change the CRV threshold to beverage containers carrying 20 fluid ounces or less to \$0.05 per container, and beverage containers carrying 20 fluid ounces or more to \$0.10 per container, effective January 1, 2010. This change in law, combined with the additional containers and beverage types, would cost consumers about \$300 million annually. Additionally, these changes are merely a patch that provides relief for only one fiscal year. The Fund cannot support the expenditures continued by SB 402 beyond the first half of Fiscal Year 2010–2011.

Finally, in addition to several other fatal flaws, this bill unjustifiably uses the Fund to increase grant amounts for some programs, guarantee payments into the future for others, and decrease or eliminate grant funding for still others, including public education used to inform consumers of the program expansion and fee increase.

SB 402 fails to make the hard choices that need to be made with regard to providing a lasting solution for the Fund. While I recognize that without this bill there is an immediate hardship placed upon consumers and businesses because of the across the board funding reduction, the lasting effects of this bill are far worse.

Consistent with a provision already included in SB 402 and in an effort to mitigate this hardship, I am ordering the Department of Conservation to adopt emergency regulations to accelerate the deposit paid into the Fund by adjusting the payment schedule for distributors from every three months to every two months. I recognize this action will not solve the problems faced by the Fund, but, with the cooperation of those who pay into and



receive grants from the Fund, it should smooth out the challenges in the current fiscal year as we work on additional, long term solutions.

Additionally, subsequent legislation on this issue should contain provisions that prohibit any additional loans to the General Fund in the future and require the General Fund to repay past loans from this program.

For these reasons, I am unable to sign this bill.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

Above bill ordered placed on unfinished business file.

Receipt of Bills

I acknowledge receipt this 11th day of October, 2009 at 11:27 p.m., of the following Senate Bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts:

SB402

BERNADETTE McNULTY
Assistant Secretary of the Senate

LETTERS OF TRANSMITTAL

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

An agency report dated: October 7, 2009, relating to Expenditure plan for Student Academic Preparation and Educational Partnerships (SAPEP) Programs, was received from University of California and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: September 15, 2009, relating to Authorities and Nonprofit Consortia in the Delivery of in home Supportive Services, was received from Department of Social Services and transmitted to the Committee on Health.

An agency report dated: October 5, 2009, relating to Mental Health Services Act Expenditure Report Fiscal Year 2008 09, was received from Department of Mental Health and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: August 28, 2009, relating to Electronic Recording Equipment Purchased and Leased by Superior Courts, was received from Judicial Council of California and transmitted to the Committee on Judiciary.

An agency report dated: September 28, 2009, relating to Health Premium Increases, was received from Public Employment And Retirement System and transmitted to the Committee on Public Employment and Retirement.

An agency report dated: October 15, 2009, relating to Status and Oversight, was received from Department of Transportation and transmitted to the Committee on Transportation and Housing.



An agency report dated: September 17, 2009, relating to purchase of goods and services, was received from Department of California Lottery and transmitted to the Committee on Budget and Fiscal Review.

An agency report dated: September 23, 2009, relating to 2009 OAL Determination No. 22(S), was received from Office of Administrative Law and transmitted to the Committee on Governmental Organization.

An agency report dated: September 25, 2009, relating to Summary of Activities, was received from Office of California Ocean Science Trust and transmitted to the Committee on Natural Resources and Water.

A Title Summary Report 09 0024 dated: October 12, 2009, relating to Regulate, Control and Tax Cannabis Act of 2010 (Amdt. #1= S), was received from Department of Justice and transmitted to the Committee on Rules.

A quarterly report dated: October 12, 2009, relating to Non Toll Seismic Retrofit Program Second Quarter 2009, was received from Department of Transportation and transmitted to the Committee on Transportation and Housing.

PAULA K. ROSSETTO, Minute Clerk

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