

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED SIXTY-THIRD LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, October 7, 2010

The Senate met at 11:25 a.m.  
Hon. S. Joseph Simitian, of the 11th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Zachary L. Twilla reading.

### QUORUM CALL OF THE SENATE

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

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE ROLL CALL

The roll was called and the following Senators answered to their names:  
Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa (waiving per diem), Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee (waiving per diem)—36.

Quorum present.

*(NOTE: Senator Aanestad will be excused this day on personal business and Senators Oropeza and Wiggins will be excused this day due to illness.)*



### PRAYER

Upon invitation of the President, the following prayer was offered by Senator Mark Leno:

We gather on this Thursday morning in October, the most important day of our professional year, to conclude our deliberations, our considerations and debate of our annual budget.

As we do so, I am reminded of the thoughtful and insightful words of Dr. Martin Luther King. Dr. King has said that - "Power without love is reckless and abusive. Love without power is sentimental and anemic. Power at its best is love implementing the demands of justice." So as we proceed with our task today, let us use the privilege and the power of our elective office, infuse it with love so that we can begin to implement justice as best can be accomplished through bipartisan compromise.

Baruch atah adonoi, eloheynu me'lech ha'olom, sh'he'cheyanu, v'keyamanu v'hegeyanu la'zeman ha'zeh. Blessed are you, Creator of the Universe, who has given us life, sustained us and brought us to this time and place.—AMEN.

### PLEDGE OF ALLEGIANCE TO THE FLAG

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

### CONSIDERATION OF DAILY FILE

#### SECOND READING OF SENATE BILLS

**Senate Constitutional Amendment 10**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 12 of Article IV thereof, and by amending Section 20 of, and adding Section 21 to, Article XVI thereof, relating to state finance.

Resolution read second time, ordered engrossed, and to third reading.

#### SECOND READING OF ASSEMBLY BILLS

**Assembly Bill 1620**—An act to amend Sections 13332.11, 13332.19, 15802, 15809, 15814.11, 15817, 15817.1, 15849.2, and 70374 of, to add Section 15770.2 to, to repeal Sections 15807 and 15815 of, and to repeal and add Sections 15849.6 and 16352 of, the Government Code, relating to public works projects, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1621**—An act to repeal and add Section 15849.6 of, and to repeal and add Chapter 7 (commencing with Section 15849.20) of Part 10b of Division 3 of Title 2 of, the Government Code, and to repeal Section 35 of Chapter 12 of the Fourth Extraordinary Session of the Statutes of 2009, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.



**Assembly Bill 1629**—An act to amend Section 15432 of the Government Code, and to amend Sections 129275, 129280, 129285, and 129295 of the Health and Safety Code, relating to developmental services, declaring the urgency thereof, to take effect immediately, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

**Assembly Bill 1615**—An act to amend Sections 25173.6, 25187, 25214.3, and 25215.7 of, and to add Sections 44272.3 and 44272.7 to, the Health and Safety Code, to amend Sections 4137, 4142, 14560, 14581, 25421, 25449.4, 25461, 25806, and 48004 of, to amend, repeal, and add Section 71305 of, to add Sections 4124, 5016.2, 14556, and 25464 to, and to add and repeal Section 3402.3 of, the Public Resources Code, to add Sections 13628.5 and 85214 to the Water Code, and to amend Section 1 of Chapter 384 of the Statutes of 2009, relating to resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1630**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately .

Bill read second time, and ordered to third reading.

**Assembly Bill 1613**—An act to amend Section 56.30 of the Civil Code, to amend Section 854.1 of the Government Code, to amend Sections 1324.20, 1324.21, 1324.22, 1324.23, 1324.27, 1324.28, 1324.30, 1567.50, 120917, 130251, 130500, 130507, 130509, and 130543 of, to amend and repeal Section 1324.29 of, and to add Sections 1356.2, 1417.5, 120971, 130250.1, 130251.15, 130252, 130253, and 130254 to, the Health and Safety Code, to amend Sections 12693.21 and 12693.26 of, and to add Section 12693.23 to, the Insurance Code, to amend Sections 12009, 12204, 12207, 12242, 12251, 12253, 12254, 12257, 12258, 12260, 12301, 12302, 12303, 12304, 12305, 12307, 12412, 12413, 12421, 12422, 12423, 12427, 12428, 12429, 12431, 12433, 12434, 12491, 12493, 12494, 12601, 12602, 12631, 12632, 12636, 12636.5, 12679, 12681, 12801, 12951, 12977, 12983, 12984, and 13108 of, and to amend, add, and repeal Section 12201 of, the Revenue and Taxation Code, to amend Sections 4474.2, 4474.3, 4474.4, 4474.5, 4474.8, 4684.50, 4684.53, 4684.55, 4684.58, 4684.60, 4684.63, 4684.65, 4684.70, 4684.75, 5370.2, 10022, 14005.11, 14089, 14089.05, 14089.4, 14091.3, 14126.023, 14126.027, 14126.033, 14132, 14154, 14165.4, 14301.1, and 14301.11 of, to amend the heading of Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of, to add Sections 4101.5, 4646.55, 4701.1, 4791, 5813.6, 14105.08, 14105.28, 14105.281, 14105.456, 14126.022, 14132.925, 14167.351, and 14183.6 to, to repeal Article 3.8 (commencing with Section 14126) of



Chapter 7 of Part 3 of Division 9 of, to repeal and amend Section 14005.25 of, and to repeal and add Section 4684.74 of, the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1632**—An act to add Section 44559.11 to the Health and Safety Code, relating to economic development, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1617**—An act to amend, repeal, and add Section 6322.1 of the Business and Professions Code, to add and repeal Section 367.6 of the Code of Civil Procedure, to amend Sections 12419.10, 25257, 25258, 25259, 70372, 76000, and 77206 of, to amend and repeal Section 70602 of, to amend, repeal, and add Sections 70603 and 70617 of, to add Sections 25259.7, 25259.8, 25259.9, 25259.95, 68106, and 72010 to, and to add and repeal Sections 68526, 70371.9, 70602.5, and 76000.3 of, and to add, repeal, and add Section 72011 to the Government Code, to amend Sections 1214 and 1463.02 of, and to amend, repeal, and add Sections 1463.007 and 1465.8 of, the Penal Code, and to amend Sections 40510.5 and 42007 of, and to add Section 42008.7 to, the Vehicle Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1612**—An act to amend Section 1798.24 of the Civil Code, to amend Sections 9205 and 17555 of the Family Code, to amend Sections 1522, 1596.871, and 102426 of the Health and Safety Code, to add Section 17131.9 to, and to add and repeal Article 4 (commencing with Section 6150) of Chapter 2 of Part 1 of Division 2 of, the Revenue and Taxation Code, to amend Sections 10533, 10545, 10545.2, 10553.1, 10553.2, 11320.32, 11322.64, 11460, 12301.6, 12302.2, 12305.86, 12306.1, 12309, 12309.2, and 15525 of, to add Sections 11053.2, 11462.045 and 12305.87 to, and to add and repeal Sections 11462.04, 12301.06, 12306.6, and 18906.55 of, the Welfare and Institutions Code, and to amend Section 43 of Chapter 4 of the Fourth Extraordinary Session of the Statutes of 2009, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1628**—An act to amend Sections 15820.906 and 15820.916 of the Government Code, to amend Sections 5068.5 and 7050 of, and to add Sections 2064, 5023.2, 5024.2, and 5072 to, the Penal Code, and to amend Sections 607, 731.1, 1973, and 1975 of, to amend, repeal, and add Sections 1719, 1766, and 1767.35 of, to add Sections 607.1 and



14053.7 to, to add Chapter 1.6 (commencing with Section 1980) to Division 2.5 of, and to add and repeal Sections 1719.5, 1766.01, and 1767.36 of, the Welfare and Institutions Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1616**—An act to amend Sections 159.5, 160, 23399, and 23954.5 of, and to add Sections 154.2 and 210 to, the Business and Professions Code, to amend Section 337.5 of, and to add Section 348.5 to, the Code of Civil Procedure, to amend Section 94949 of, and to add and repeal Section 94874.3 of, the Education Code, to amend Sections 927, 927.2, 927.3, 927.5, 927.6, 927.7, 927.9, 7076, 7097.1, 7114.2, 7591, 7592, 11544, 16429.1, 17556, and 17557 of, to add Sections 927.13, 7072.3, 11546.4, 17570, 17570.1, 54963.1, 54963.2, 54963.3, 54963.4, 54963.5, and 54963.6 to, to repeal Sections 926.16, 926.19, 54954.2, 54954.5, 54957.1, and 54957.7 of, and to repeal Chapter 2 (commencing with Section 13996) of Part 4.7 of Division 3 of Title 2 of, the Government Code, to amend Section 50199.9 of the Health and Safety Code, to amend Sections 62.9, 1771.3, 1771.5, 1771.7, 1771.75, 1771.8, and 1777.5 of the Labor Code, to add Section 11105.8 to the Penal Code, to amend Section 5164 of the Public Resources Code, to amend Sections 11006 and 19558 of the Revenue and Taxation Code, to amend Sections 1088, 1112.5, 1113.1, 1275, 13021, and 13050 of, and to add Article 9 (commencing with Section 1900) to Chapter 7 of Part 1 of Division 1 of, the Unemployment Insurance Code, to amend Section 1673.2 of the Vehicle Code, and to amend and supplement the Budget Act of 2009 (Chapter 1 of the 2009-10 Third Extraordinary Session) by amending Item 0820-001-3086 of Section 2.00 of that act, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1624**—An act to amend Section 22954 of the Education Code, and to add and repeal Sections 16327 and 16327.5 of the Government Code, relating to state finance, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 1618**—An act to amend Sections 6453, 19138, and 23101 of, to amend and repeal Section 25136 of, to add Sections 6833, 9035, 11534, 17276.05, 17276.20, 17276.21, 17276.22, 24416.05, 24416.20, 24416.21, 24416.22, 30354.7, 32390, 38577, 40168, 41127.8, 43449, 45610, 46466, 50138.8, 55211, and 60495 to, to repeal Sections 17276, 17276.9, 17276.10, 24416, 24416.9, and 24416.10 of, and to repeal and add Sections 6452.1, 6487.3, and 18510 of, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.



**Assembly Bill 181**—An act to add Sections 3873.1 and 3873.2 to the Food and Agricultural Code, and to add Article 11 (commencing with Section 54260) to Chapter 5 of Part 1 of Division 2 of Title 5 of the Government Code, relating to the Del Mar Race Track and Fairgrounds, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

**Assembly Bill 342**—An act to amend Section 15908 of, and to add Part 3.6 (commencing with Section 15909) to Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

#### **MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **SR 28** was withdrawn from Committee and placed on today's Special Consent Calendar.

#### **RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10(c), **AB 181**, was re-referred to the Committee on Rules.

#### **MOTION TO SUSPEND SENATE RULE 29.3**

Senator Ducheny moved that, without objection, Senate Rule 29.3 be suspended to permit consideration of SCA 10, AB 1620, AB 1621, AB 1629, AB 1615, AB 1630, AB 1613, AB 1632, AB 1617, AB 1612, AB 1628, AB 1616, AB 1624, AB 1618, and AB 342, as amended, in print, and properly before the Senate.

Motion carried.

#### **MOTION TO SUSPEND JOINT RULE 10.5**

Without objection, Senator Ducheny moved to suspend Joint Rule 10.5 for measures on second reading as it relates to SCA 10, AB 1620, AB 1621, AB 1629, AB 1615, AB 1630, AB 1613, AB 1632, AB 1617, AB 1612, AB 1628, AB 1616, AB 1624, AB 1618 and AB 342.

Motion carried.

#### **JOINT RULE 62(a) SUSPENDED**

Senator Steinberg asked for, and was granted, unanimous consent to suspend Joint Rule 62(a) for the purpose of allowing the Rules Committee to meet without 4 days notice in the daily file.



**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

State Capitol, October 7, 2010

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

- Bo Derek, Member, California Horse Racing Board (4-0)
  - David J. Israel, Member, California Horse Racing Board (4-0)
  - Richard A. Rosenberg, Member, California Horse Racing Board (4-0)
- STEINBERG, Chair

State Capitol, October 7, 2010

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

- Keith Brackpool, Member, California Horse Racing Board (3-0)
- STEINBERG, Chair

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 1619**—An act relating to the Budget Act of 2010.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1619 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BLUMENFIELD

**Permission of Rules Committee**

Senate Chamber, October 7, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1619.

STEINBERG, Chair

**Amendments Adopted**

Amendments to AB 1619 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1611**—An act relating to the Budget Act of 2010.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1611 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BLUMENFIELD



**Permission of Rules Committee**

Senate Chamber, October 7, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1611.

STEINBERG, Chair

**Amendments Adopted**

Amendments to AB 1611 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1627**—An act relating to the Budget Act of 2010.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1627 pursuant to Joint Rule 58.

ASSEMBLY MEMBER GARRICK

**Permission of Rules Committee**

Senate Chamber, October 7, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1627.

STEINBERG, Chair

**Amendments Adopted**

Amendments to AB 1627 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1631**—An act relating to the Budget Act of 2010.  
Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1631 pursuant to Joint Rule 58.

ASSEMBLY MEMBER GARRICK

**Permission of Rules Committee**

Senate Chamber, October 7, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1631.

STEINBERG, Chair

**Amendments Adopted**

Amendments to AB 1631 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1614**—An act relating to the Budget Act of 2010.  
Bill read third time.





**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1614 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BLUMENFIELD

**Permission of Rules Committee**

Senate Chamber, October 7, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1614.

STEINBERG, Chair

**Amendments Adopted**

Amendments to AB 1614 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1610**—An act relating to the Budget Act of 2010.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1610 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BLUMENFIELD

**Permission of Rules Committee**

Senate Chamber, October 7, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1610.

STEINBERG, Chair

**Amendments Adopted**

Amendments to AB 1610 proposed by Senator Ducheny were read and adopted and the measure ordered printed and to second reading.



**Assembly Bill 1625**—An act relating to the Budget Act of 2010.

Bill read third time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1625 pursuant to Joint Rule 58.

ASSEMBLY MEMBER JOHN A. PÉREZ

**Permission of Rules Committee**

Senate Chamber, October 7, 2010

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1625.

STEINBERG, Chair

**Amendments Adopted**

Amendments to AB 1625 proposed by Senator Steinberg were read and adopted and the measure ordered printed and to second reading.

**CONSIDERATION OF ASSEMBLY BILL 342**

**Assembly Bill 342**—An act to amend Section 15908 of, and to add Part 3.6 (commencing with Section 15909) to Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Alquist.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (29)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Denham.

**Roll Call**

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

AYES (29)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Denham.

Bill ordered transmitted to the Assembly.

**MOTION TO SUSPEND SENATE RULE 29.3**

Senator Duchney moved that, without objection, Senate Rule 29.3 be suspended in order to consider AB 1619, AB 1611, AB 1610, and AB 1631 at this time, as amended, in print and properly before the Senate.

Motion carried.



**MOTION TO SUSPEND JOINT RULE 10.5**

Senator Ducheny moved that, without objection, Joint Rule 10.5 be suspended as it relates to AB 1610, AB 1611, AB 1619, and AB 1631.

Motion carried.

**MOTION TO SUSPEND JOINT RULE 10.5**

Senator Ducheny moved that, without objection, Joint Rule 10.5 be suspended as it relates to AB 1614.

Objection was raised, and the roll was called.

**Roll Call**

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

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

NOES (8)—Senators Denham, Emmerson, Harman, Hollingsworth, Huff, Runner, Strickland, and Wyland.

**MOTION TO RE-REFER TO COMMITTEE**

Pursuant to Joint Rule 10.5, Senator Ducheny moved that **AB 1614** be re-referred to the Committee on Appropriations.

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

**Assembly Bill 1610**—An act to amend Sections 2558.46, 8223, 8335.4, 8335.5, 8335.7, 8357, 8450, 14041.5, 14041.6, 37252.2, 41203.1, 42238.146, 42606, 44396, 47614.5, 47634.4, 48260.5, 48262, 52055.770, 54026, 56523, and 84043 of, to amend and repeal Section 84321.5 of, to add Sections 14041.7, 41207.4, 42238.24, 54021.1, 54021.2, 84321.6, and 99221.5 to, to add Chapter 3.5 (commencing with Section 66150) to Part 40 of Division 5 of Title 3 of, to repeal Section 92612.5 of, and to repeal Chapter 4 (commencing with Section 400) of Part 1 of Division 1 of Title 1 of, the Education Code, to amend Section 17581.5 of the Government Code, to amend Section 38 of Chapter 12 of the Third Extraordinary Session of the Statutes of 2009, to amend Section 5 of Chapter 3 of the Fourth Extraordinary Session of the Statutes of 2009, and to amend Section 1 of Chapter 221 of the Statutes of 2010, relating to education, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1611**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**CONSIDERATION OF ASSEMBLY BILL 1612**

**Assembly Bill 1612**—An act to amend Section 1798.24 of the Civil Code, to amend Sections 9205 and 17555 of the Family Code, to amend Sections 1522, 1596.871, and 102426 of the Health and Safety Code, to add Section 17131.9 to, and to add and repeal Article 4 (commencing with Section 6150) of Chapter 2 of Part 1 of Division 2 of, the Revenue and Taxation Code, to amend Sections 10533, 10545, 10545.2, 10553.1, 10553.2, 11320.32, 11322.64, 11460, 12301.6, 12302.2, 12305.86, 12306.1, 12309, 12309.2, and 15525 of, to add Sections 11053.2, 11462.045 and 12305.87 to, and to add and repeal Sections 11462.04, 12301.06, 12306.6, and 18906.55 of, the Welfare and Institutions Code, and to amend Section 43 of Chapter 4 of the Fourth Extraordinary Session of the Statutes of 2009, relating to human services, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1613**—An act to amend Section 56.30 of the Civil Code, to amend Section 854.1 of the Government Code, to amend Sections 1324.20, 1324.21, 1324.22, 1324.23, 1324.27, 1324.28, 1324.30, 1567.50,



120917, 130251, 130500, 130507, 130509, and 130543 of, to amend and repeal Section 1324.29 of, and to add Sections 1356.2, 1417.5, 120971, 130250.1, 130251.15, 130252, 130253, and 130254 to, the Health and Safety Code, to amend Sections 12693.21 and 12693.26 of, and to add Section 12693.23 to, the Insurance Code, to amend Sections 12009, 12204, 12207, 12242, 12251, 12253, 12254, 12257, 12258, 12260, 12301, 12302, 12303, 12304, 12305, 12307, 12412, 12413, 12421, 12422, 12423, 12427, 12428, 12429, 12431, 12433, 12434, 12491, 12493, 12494, 12601, 12602, 12631, 12632, 12636, 12636.5, 12679, 12681, 12801, 12951, 12977, 12983, 12984, and 13108 of, and to amend, add, and repeal Section 12201 of, the Revenue and Taxation Code, to amend Sections 4474.2, 4474.3, 4474.4, 4474.5, 4474.8, 4684.50, 4684.53, 4684.55, 4684.58, 4684.60, 4684.63, 4684.65, 4684.70, 4684.75, 5370.2, 10022, 14005.11, 14089, 14089.05, 14089.4, 14091.3, 14126.023, 14126.027, 14126.033, 14132, 14154, 14165.4, 14301.1, and 14301.11 of, to amend the heading of Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of, to add Sections 4101.5, 4646.55, 4701.1, 4791, 5813.6, 14105.08, 14105.28, 14105.281, 14105.456, 14126.022, 14132.925, 14167.351, and 14183.6 to, to repeal Article 3.8 (commencing with Section 14126) of Chapter 7 of Part 3 of Division 9 of, to repeal and amend Section 14005.25 of, and to repeal and add Section 4684.74 of, the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Motion to Amend—Set 1**

Senator Runner moved the adoption of amendments to AB 1613—Set 1.

Amendments read.

**MOTION TO LAY ON THE TABLE**

Senator Florez moved that the amendments to AB 1613—Set 1 be laid on the table.

**Roll Call**

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

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

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

Bill read third time.

**Motion to Amend—Set 2**

Senator Huff moved the adoption of amendments to AB 1613—Set 2.

Amendments read.



**MOTION TO LAY ON THE TABLE**

Senator Florez moved that the amendments to AB 1613—Set 2 be laid on the table.

**Roll Call**

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

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

NOES (11)—Senators Ashburn, Cogdill, Denham, Dutton, Emmerson, Harman, Hollingsworth, Huff, Runner, Walters, and Wyland.

**Consideration of Assembly Bill 1613**

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**CONSIDERATION OF ASSEMBLY BILL 1618**

**Assembly Bill 1618**—An act to amend Sections 6453, 19138, and 23101 of, to amend and repeal Section 25136 of, to add Sections 6833, 9035, 11534, 17276.05, 17276.20, 17276.21, 17276.22, 24416.05, 24416.20, 24416.21, 24416.22, 30354.7, 32390, 38577, 40168, 41127.8, 43449, 45610, 46466, 50138.8, 55211, and 60495 to, to repeal Sections 17276, 17276.9, 17276.10, 24416, 24416.9, and 24416.10 of, and to repeal and add Sections 6452.1, 6487.3, and 18510 of, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.



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

**Assembly Bill 1619**—An act relating to elections, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Correa, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Wyland.

NOES (4)—Senators Denham, DeSaulnier, Hancock, and Yee.

**Roll Call**

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

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Correa, Ducheny, Dutton, Florez, Harman, Hollingsworth, Kehoe, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Wyland.

NOES (4)—Senators Denham, DeSaulnier, Hancock, and Yee.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF ASSEMBLY BILL 1620**

**Assembly Bill 1620**—An act to amend Sections 13332.11, 13332.19, 15802, 15809, 15814.11, 15817, 15817.1, 15849.2, and 70374 of, to add Section 15770.2 to, to repeal Sections 15807 and 15815 of, and to repeal and add Sections 15849.6 and 16352 of, the Government Code, relating to public works projects, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (33)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, and Yee.

NOES (3)—Senators Denham, Walters, and Wyland.

**Roll Call**

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

AYES (33)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu,



Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, and Yee.

NOES (3)—Senators Denham, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

#### **CONSIDERATION OF ASSEMBLY BILL 1621**

**Assembly Bill 1621**—An act to repeal and add Section 15849.6 of, and to repeal and add Chapter 7 (commencing with Section 15849.20) of Part 10b of Division 3 of Title 2 of, the Government Code, and to repeal Section 35 of Chapter 12 of the Fourth Extraordinary Session of the Statutes of 2009, relating to state finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

#### **Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, Wright, Wyland, and Yee.

NOES (3)—Senators Denham, Strickland, and Walters.

#### **Roll Call**

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

AYES (32)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, Wright, Wyland, and Yee.

NOES (3)—Senators Denham, Strickland, and Walters.

Bill ordered transmitted to the Assembly.

#### **CONSIDERATION OF ASSEMBLY BILL 1624**

**Assembly Bill 1624**—An act to amend Section 22954 of the Education Code, and to add and repeal Sections 16327 and 16327.5 of the Government Code, relating to state finance, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

#### **Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Denham.





**Roll Call**

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

AYES (34)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Denham.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF ASSEMBLY BILL 1628**

**Assembly Bill 1628**—An act to amend Sections 15820.906 and 15820.916 of the Government Code, to amend Sections 5068.5 and 7050 of, and to add Sections 2064, 5023.2, 5024.2, and 5072 to, the Penal Code, and to amend Sections 607, 731.1, 1973, and 1975 of, to amend, repeal, and add Sections 1719, 1766, and 1767.35 of, to add Sections 607.1 and 14053.7 to, to add Chapter 1.6 (commencing with Section 1980) to Division 2.5 of, and to add and repeal Sections 1719.5, 1766.01, and 1767.36 of, the Welfare and Institutions Code, relating to corrections, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, and Wyland.

NOES (3)—Senators Denham, Walters, and Yee.

**Roll Call**

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

AYES (32)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, and Wyland.

NOES (3)—Senators Denham, Walters, and Yee.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF ASSEMBLY BILL 1629**

**Assembly Bill 1629**—An act to amend Section 15432 of the Government Code, and to amend Sections 129275, 129280, 129285, and 129295 of the Health and Safety Code, relating to developmental services,



declaring the urgency thereof, to take effect immediately, and making an appropriation therefor.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (34)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Denham and Walters.

**Roll Call**

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

AYES (34)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Denham and Walters.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF ASSEMBLY BILL 1632**

**Assembly Bill 1632**—An act to add Section 44559.11 to the Health and Safety Code, relating to economic development, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**Roll Call**

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

AYES (36)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



**RECESS**

At 4:29 p.m., on motion of Senator Simitian the Senate recessed in order to convene in 6th extraordinary session.

**REASSEMBLED**

At 4:48 p.m., the Senate reconvened.

Hon. S. Joseph Simitian, of the 11th District, presiding.

**REQUEST FOR UNANIMOUS CONSENT**

Senator Steinberg asked for, and was granted, unanimous consent to take up Governor's appointment at this time without reference to file.

**Consideration of Governor's Appointment**

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

KEITH BRACKPOOL, Member, California Horse Racing Board

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

**Roll Call**

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

AYES (27)—Senators Alquist, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Emmerson, Florez, Hancock, Harman, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Walters, Wright, Wyland, and Yee.

NOES (0)—None.

**Consideration of Governor's Appointments**

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

BO DEREK, Member, California Horse Racing Board

DAVID J. ISRAEL, Member, California Horse Racing Board

RICHARD A. ROSENBERG, Member, California Horse Racing Board

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

**Roll Call**

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

AYES (33)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.



**RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10(c), **AB 1625** was re-referred to the Committee on Rules.

**JOINT RULE 62(a) SUSPENDED**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 7, 2010

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

SB 870

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

Above measure ordered to unfinished business file.

Assembly Chamber, October 7, 2010

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

SB 208      SB 854      SB 857      SB 867

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

Above measures ordered to unfinished business file.

E. DOTSON WILSON, Chief Clerk of the Assembly

**REQUEST FOR UNANIMOUS CONSENT (SB 208)**

Senator Alquist asked for, and was granted, unanimous consent to take up SB 208 at this time, without reference to file.

**Consideration of Senate Bill 208**  
**Consideration of Assembly Amendments**

**Senate Bill 208**—An act to amend Sections 14105.24, 14167.1, 14167.2, 14167.3, 14167.4, 14167.5, 14167.6, 14167.8, 14167.9, 14167.10, 14167.11, 14167.12, 14167.14, 14167.31, 14167.32, 14167.35, and 14167.354 of, to amend and renumber and add Section 14182 of, and to add Sections 14089.07, 14132.275, 14166.252, 14182.1, 14182.15, 14182.2, 14182.3, and 14182.4 to, the Welfare and Institutions Code, relating to Medi-Cal, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately

Measure presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 208?

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

State Capitol, October 7, 2010

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

**Public Employment and Retirement—AB 1625.**

**Committee on Public Employment and Retirement**

Date of Hearing, October 7, 2010

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

AB 1625

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

CORREA, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Date of Hearing, October 7, 2010

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

AB 1614

AB 1625

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bills ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT (AB 1625)**

Senator Steinberg asked for, and was granted, unanimous consent to take up AB 1625 at this time, without reference to file.

**MOTION TO SUSPEND SENATE RULES 29.3 and 29.4**

Senator Steinberg moved to suspend Senate Rules 29.3 and 29.4 to permit consideration of AB 1625 at this time, as amended, in print, and properly before the Senate.

**Consideration of Assembly Bill 1625 as Amended**

**Assembly Bill 1625**—An act to add Sections 19829.96, 19829.97, 19829.98, 20677.71, 20677.91, and 20682 to the Government Code, relating to public employment, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Steinberg.



**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (32)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

**Roll Call**

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

AYES (32)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (SB 870)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 870 at this time, without reference to file.

**Consideration of Senate Bill 870  
Consideration of Assembly Amendments**

**Senate Bill 870**—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 870?

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 854)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 854 at this time, without reference to file.



**Consideration of Senate Bill 854**  
**Consideration of Assembly Amendments**

**Senate Bill 854**—An act to amend Sections 8879.52, 8879.61, 8879.65, and 14556.7 of the Government Code, to amend Sections 185024 and 185035 of, and to add Section 185032.1 to, the Public Utilities Code, to amend Sections 167 and 2103 of, and to add Article 4.6 (commencing with Section 172) to Chapter 1 of Division 1 of, the Streets and Highways Code, and to amend Sections 2413 and 12811 of the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 854?

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 857)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 857 at this time, without reference to file.

**Consideration of Senate Bill 857**  
**Consideration of Assembly Amendments**

**Senate Bill 857**—An act to amend, repeal, and add Section 6322.1 of the Business and Professions Code, to add and repeal Section 367.6 of the Code of Civil Procedure, to amend Sections 12419.10, 25257, 25258, 25259, 70372, 76000, and 77206 of, to amend and repeal Section 70602 of, to amend, repeal, and add Sections 70603 and 70617 of, to add Sections 25259.7, 25259.8, 25259.9, 25259.95, 68106, and 72010 to, and to add and repeal Sections 68526, 70371.9, 70602.5, and 76000.3 of, and to add, repeal, and add Section 72011 to, the Government Code, to amend Sections 1214 and 1463.02 of, and to amend, repeal, and add Sections 1463.007 and 1465.8 of, the Penal Code, and to amend Sections 40510.5 and 42007 of, and to add Section 42008.7 to, the Vehicle Code, relating to courts, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 857?



**Urgency Clause**

Urgency clause read.  
The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 867)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 867 at this time, without reference to file.

**Consideration of Senate Bill 867****Consideration of Assembly Amendments**

**Senate Bill 867**—An act to add Section 20229 to the Government Code, relating to public employee benefits, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 867?

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**Roll Call**

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

AYES (35)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above measure ordered enrolled.

**MOTION TO SUSPEND SENATE RULE 29.3**

Senator Ducheny moved that, without objection, Senate Rule 29.3 be suspended to permit consideration of AB 1614 at this time, as amended, in print, and properly before the Senate.

Objection was raised, and the roll was called.





**Roll Call**

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

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

NOES (12)—Senators Blakeslee, Cogdill, Denham, Dutton, Emmerson, Harman, Hollingsworth, Huff, Runner, Strickland, Walters, and Wyland.

**Consideration of Assembly Bill 1614 as Amended**

**Assembly Bill 1614**—An act to amend Sections 8879.52, 8879.61, 8879.65, and 14556.7 of the Government Code, to amend Sections 185024 and 185035 of, and to add Section 185032.1 to, the Public Utilities Code, to amend Sections 167 and 2103 of, and to add Article 4.6 (commencing with Section 172) to Chapter 1 of Division 1 of, the Streets and Highways Code, and to amend Sections 2413, 2814.1, and 12811 of, and to add Section 2814.2 to, the Vehicle Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Ducheny.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1610)**

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

**Urgency Clause**

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

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, Wright, and Wyland.

NOES (6)—Senators Cogdill, Correa, Denham, Strickland, Walters, and Yee.



**Roll Call**

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

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, Wright, and Wyland.

NOES (6)—Senators Cogdill, Correa, Denham, Strickland, Walters, and Yee.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 208)**

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

**Roll Call**

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

AYES (35)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 7, 2010

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

SB 855

SB 856

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

Above measure ordered to unfinished business file.

Assembly Chamber, October 7, 2010

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

ACA 4

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measure was read the first time and referred to the Committee on Rules:

**Assembly Constitutional Amendment 4**—Assembly Constitutional Amendment No. 4?A resolution to propose to the people of the State of



California an amendment to the Constitution of the State, by amending Sections 8 and 9 of Article II thereof, by amending Sections 8, 10, and 12 of Article IV thereof, by amending Section 3 of Article XIII A thereof, by adding Section 21 to Article XVI thereof, and by adding Section 3.5 to Article XVIII thereof, relating to state finance.

**REQUEST FOR UNANIMOUS CONSENT (ACA 4)**

Senator Ashburn asked for, and was granted, unanimous consent to take up ACA 4 at this time, without reference to file.

**RESOLUTION TO DISPENSE WITH CONSTITUTIONAL PROVISION**

The following resolution was offered by Senator Ashburn:

*Resolved*, That ACA 4 presents a case of urgency as that term is used in Article IV, Section 8(b), of the Constitution, and the provision of that section requiring that the resolution be read on three several days in each house is hereby dispensed with, and it is ordered that said resolution be read the second and third times and placed upon its adoption.

Resolution read.

**Roll Call**

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

AYES (36)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, Wyland, and Yee.  
NOES (0)—None.

**Consideration of Assembly Constitutional Amendment 4**

**Assembly Constitutional Amendment 4**—Assembly Constitutional Amendment No. 4?A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 8 and 9 of Article II thereof, by amending Sections 8, 10, and 12 of Article IV thereof, by amending Section 3 of Article XIII A thereof, by adding Section 21 to Article XVI thereof, and by adding Section 3.5 to Article XVIII thereof, relating to state finance.

Resolution read second time.

**Assembly Constitutional Amendment 4**—Assembly Constitutional Amendment No. 4?A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Sections 8 and 9 of Article II thereof, by amending Sections 8, 10, and 12 of Article IV thereof, by amending Section 3 of Article XIII A thereof, by adding Section 21 to Article XVI thereof, and by adding Section 3.5 to Article XVIII thereof, relating to state finance.

Resolution read third time and presented by Senator Ducheny.



**CALL OF THE SENATE**

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

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 855)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 855 at this time, without reference to file.

**Consideration of Senate Bill 855****Consideration of Assembly Amendments**

**Senate Bill 855**—An act to amend Sections 25173.6, 25187, 25214.3, and 25215.7 of, and to add Sections 44272.3, 44272.4, and 44272.7 to, the Health and Safety Code, to amend Sections 4137, 4142, 14560, 14581, 25421, 25449.4, 25461, 25806, and 48004 of, to amend, repeal, and add Section 71305 of, to add Sections 4124, 5016.2, 14556, and 25464 to, and to add and repeal Section 3402.3 of, the Public Resources Code, to add Sections 13628.5 and 85214 to the Water Code, and to amend Section 1 of Chapter 384 of the Statutes of 2009, relating to resources, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 855?

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 855 was adopted by the following vote:

**AYES (27)**—Senators Alquist, Ashburn, Calderon, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, Wright, and Yee.

**NOES (4)**—Senators Denham, Strickland, Walters, and Wyland.

**Roll Call**

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

**AYES (27)**—Senators Alquist, Ashburn, Calderon, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, Wright, and Yee.

**NOES (4)**—Senators Denham, Strickland, Walters, and Wyland.

Above measure ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT (SB 856)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 856 at this time, without reference to file.



**Consideration of Senate Bill 856**  
**Consideration of Assembly Amendments**

**Senate Bill 856**—An act to amend Sections 159.5, 160, 23399, and 23954.5 of, and to add Sections 154.2 and 210 to, the Business and Professions Code, to amend Section 337.5 of, and to add Section 348.5 to, the Code of Civil Procedure, to amend Section 94949 of, and to add and repeal Section 94874.3 of, the Education Code, to amend Sections 927, 927.2, 927.3, 927.5, 927.6, 927.7, 927.9, 7076, 7097.1, 7114.2, 7591, 7592, 11544, 16429.1, 17556, and 17557 of, to add Sections 927.13, 7072.3, 11546.4, 17570, 17570.1, 54963.1, 54963.2, 54963.3, 54963.4, 54963.5, and 54963.6 to, to repeal Sections 926.16, 926.19, 54954.2, 54954.5, 54957.1, and 54957.7 of, and to repeal Chapter 2 (commencing with Section 13996) of Part 4.7 of Division 3 of Title 2 of, the Government Code, to amend Section 50199.9 of the Health and Safety Code, to amend Sections 62.9, 1771.3, 1771.5, 1771.7, 1771.75, 1771.8, and 1777.5 of the Labor Code, to add Section 11105.8 to the Penal Code, to amend Section 5164 of the Public Resources Code, to amend Sections 11006 and 19558 of the Revenue and Taxation Code, to amend Sections 1088, 1112.5, 1113.1, 1275, 13021, and 13050 of, and to add Article 9 (commencing with Section 1900) to Chapter 7 of Part 1 of Division 1 of, the Unemployment Insurance Code, to amend Section 1673.2 of the Vehicle Code, and to amend and supplement the Budget Act of 2009 (Chapter 1 of the 2009-10 Third Extraordinary Session) by amending Item 0820-001-3086 of Section 2.00 of that act, relating to state government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 856?

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 856 was adopted by the following vote:

AYES (31)—Senators Alquist, Ashburn, Calderon, Cogdill, Corbett, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Correa and Walters.

**Roll Call**

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

AYES (31)—Senators Alquist, Ashburn, Calderon, Cogdill, Corbett, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla,



Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Correa and Walters.

Above measure ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1612)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 1612 was adopted by the following vote:

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wolk, and Wright.

NOES (8)—Senators Blakeslee, Correa, Denham, Runner, Strickland, Walters, Wyland, and Yee.

**Roll Call**

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

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wolk, and Wright.

NOES (8)—Senators Blakeslee, Correa, Denham, Runner, Strickland, Walters, Wyland, and Yee.

Above bill ordered transmitted to the Assembly.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 7, 2010

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

SB 858

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

E. DOTSON WILSON, Chief Clerk of the Assembly

**REQUEST FOR UNANIMOUS CONSENT (SB 858)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 858 at this time, without reference to file.

**Consideration of Senate Bill 858**

**Consideration of Assembly Amendments**

**Senate Bill 858**—An act to amend Sections 6453, 19138, and 23101 of, to amend and repeal Section 25136 of, to add Sections 6833, 9035,



11534, 17276.05, 17276.20, 17276.21, 17276.22, 24416.05, 24416.20, 24416.21, 24416.22, 30354.7, 32390, 38577, 40168, 41127.8, 43449, 45610, 46466, 50138.8, 55211, and 60495 to, to repeal Sections 17276, 17276.9, 17276.10, 24416, 24416.9, and 24416.10 of, and to repeal and add Sections 6452.1, 6487.3, and 18510 of, the Revenue and Taxation Code, relating to taxation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 858?

**Urgency Clause**

Urgency clause read.  
The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 7, 2010

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

SB 866

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

E. DOTSON WILSON, Chief Clerk of the Assembly

**REQUEST FOR UNANIMOUS CONSENT (SB 866)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 866 at this time, without reference to file.

**Consideration of Senate Bill 866**

**Consideration of Assembly Amendments**

**Senate Bill 866**—An act to amend Sections 6585, 6588, 6590, 6591, 6592, 6599.3, 17558.5, 17558.7, 17561, 17562, and 17617 of, and to add Section 6588.71 to, the Government Code, relating to local government finance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 866?

**Urgency Clause**

Urgency clause read.  
The roll was called.



**CALL OF THE SENATE**

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

Motion carried.





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**IN SENATE**

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Senate Chamber, Sacramento  
Friday, October 8, 2010

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 8, 2010

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

SB 851                      SB 853                      SB 863

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.

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

**Assembly Bill 1631**—An act to amend Sections 21251.13, 21353, 21354.1, 21363, 21363.1, 21363.3, 21363.4, 21363.8, 21369, and 21369.1 of, and to add Section 20037.15 to, the Government Code, relating to state employees, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Hollingsworth.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT (SB 851)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 851 at this time, without reference to file.

**Consideration of Senate Bill 851****Consideration of Assembly Amendments**

**Senate Bill 851**—An act relating to education finance, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 851?

**Urgency Clause**

Urgency clause read.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

**Senator Romero Presiding****FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 858)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 858 was adopted by the following vote:

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Walters, and Wright.

NOES (7)—Senators Correa, Denham, Hancock, Strickland, Wolk, Wyland, and Yee.

**Roll Call**

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

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Walters, and Wright.

NOES (7)—Senators Correa, Denham, Hancock, Strickland, Wolk, Wyland, and Yee.

Above measure ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 857)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 857 was adopted by the following vote:

AYES (27)—Senators Alquist, Ashburn, Blakeslee, Calderon, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wolk, Wright, and Yee.

NOES (9)—Senators Cedillo, Cogdill, Correa, Denham, Harman, Runner, Strickland, Walters, and Wyland.



**Roll Call**

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

AYES (27)—Senators Alquist, Ashburn, Blakeslee, Calderon, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wolk, Wright, and Yee.

NOES (9)—Senators Cedillo, Cogdill, Correa, Denham, Harman, Runner, Strickland, Walters, and Wyland.

Above measure ordered enrolled.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, October 8, 2010

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

SB 524

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

Above measure ordered to unfinished business file.

Assembly Chamber, October 8, 2010

Madam President: I am directed to inform your honorable body that the Assembly on this day refused to adopt the urgency clauses to:

SB 848

SB 871

Assembly Chamber, October 8, 2010

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

AB 342	AB 1619	AB 1624	AB 1629
AB 1610	AB 1620	AB 1625	AB 1632
AB 1612	AB 1621	AB 1628	

Assembly Chamber, October 7, 2010

Madam President: I am directed to inform your honorable body that the Assembly on this day respectfully refused to concur in Senate amendments to:

AB 1676

E. DOTSON WILSON, Chief Clerk of the Assembly

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 870)**

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



**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 870 was adopted by the following vote:

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wolk, and Wright.

NOES (9)—Senators Blakeslee, Cogdill, Denham, Huff, Runner, Strickland, Walters, Wyland, and Yee.

**Roll Call**

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

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Simitian, Steinberg, Wolk, and Wright.

NOES (9)—Senators Blakeslee, Cogdill, Denham, Huff, Runner, Strickland, Walters, Wyland, and Yee.

Above measure ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (ACA 4)**

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

**Roll Call**

The names of the absentees were called and ACA 4 was adopted by the following vote:

AYES (29)—Senators Alquist, Ashburn, Blakeslee, Cedillo, Cogdill, Correa, Ducheny, Dutton, Emmerson, Florez, Harman, Hollingsworth, Huff, Kehoe, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wright, and Wyland.

NOES (7)—Senators Calderon, Corbett, Denham, DeSaulnier, Hancock, Leno, and Yee.

Resolution ordered transmitted to the Assembly.

**REQUEST FOR UNANIMOUS CONSENT (SB 853)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 853 at this time, without reference to file.

**Consideration of Senate Bill 853  
Consideration of Assembly Amendments**

**Senate Bill 853**—An act to amend Section 56.30 of the Civil Code, to amend Section 854.1 of the Government Code, to amend Sections 1324.20, 1324.21, 1324.22, 1324.23, 1324.27, 1324.28, 1324.30, 1567.50, 120917, 130251, 130500, 130507, 130509, and 130543 of, to amend and repeal Section 1324.29 of, and to add Sections 1356.2, 1417.5, 120971, 130250.1,



130251.15, 130252, 130253, and 130254 to, the Health and Safety Code, to amend Sections 12693.21 and 12693.26 of, and to add Section 12693.23 to, the Insurance Code, to amend Sections 12009, 12204, 12207, 12242, 12251, 12253, 12254, 12257, 12258, 12260, 12301, 12302, 12303, 12304, 12305, 12307, 12412, 12413, 12421, 12422, 12423, 12427, 12428, 12429, 12431, 12433, 12434, 12491, 12493, 12494, 12601, 12602, 12631, 12632, 12636, 12636.5, 12679, 12681, 12801, 12951, 12977, 12983, 12984, and 13108 of, and to amend, add, and repeal Section 12201 of, the Revenue and Taxation Code, to amend Sections 4474.2, 4474.3, 4474.4, 4474.5, 4474.8, 4684.50, 4684.53, 4684.55, 4684.58, 4684.60, 4684.63, 4684.65, 4684.70, 4684.75, 5370.2, 10022, 14005.11, 14089, 14089.05, 14089.4, 14091.3, 14126.023, 14126.027, 14126.033, 14132, 14154, 14165.4, 14301.1, and 14301.11 of, to amend the heading of Article 3.5 (commencing with Section 4684.50) of Chapter 6 of Division 4.5 of, to add Sections 4101.5, 4646.55, 4701.1, 4791, 5813.6, 14105.08, 14105.28, 14105.281, 14105.456, 14126.022, 14132.925, 14167.351, and 14183.6 to, to repeal Article 3.8 (commencing with Section 14126) of Chapter 7 of Part 3 of Division 9 of, to repeal and amend Section 14005.25 of, and to repeal and add Section 4684.74 of, the Welfare and Institutions Code, and to amend Section 10 of Chapter 13 of the Third Extraordinary Session of the Statutes of 2009, relating to health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 853?

#### **Urgency Clause**

Urgency clause read.

The roll was called.

#### **CALL OF THE SENATE**

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

Motion carried.

#### **REQUEST FOR UNANIMOUS CONSENT (SB 863)**

Senator Ducheny asked for, and was granted, unanimous consent to take up SB 863 at this time, without reference to file.

#### **Consideration of Senate Bill 863**

#### **Consideration of Assembly Amendments**

**Senate Bill 863**—An act to amend Sections 16142, 16142.1, and 51244 of, to add Section 16148 to, and to add and repeal Section 51244.3 of, the Government Code, and to add Sections 33333.14 and 33691.5 to the



Health and Safety Code, relating to local government, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Ducheny.

The question being: Shall the Senate concur in the Assembly amendments to SB 863?

#### **Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Cogdill, Corbett, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (5)—Senators Calderon, Correa, Huff, Price, and Romero.

#### **Roll Call**

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

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Cogdill, Corbett, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (5)—Senators Calderon, Correa, Huff, Price, and Romero.

Above measure ordered enrolled.

#### **REQUEST FOR UNANIMOUS CONSENT (SB 524)**

Senator Cogdill asked for, and was granted, unanimous consent to take up SB 524 at this time, without reference to file.

#### **Consideration of Senate Bill 524**

##### **Consideration of Assembly Amendments**

**Senate Bill 524**— An act relating to transportation, and declaring the urgency thereof, to take effect immediately.

Measure presented by Senator Cogdill.

The question being: Shall the Senate concur in the Assembly amendments to SB 524?

#### **Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Runner, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (2)—Senators Cedillo and Romero.



**Roll Call**

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

AYES (28)—Senators Alquist, Ashburn, Blakeslee, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Runner, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (2)—Senators Cedillo and Romero.

Above measure ordered enrolled.

**SPECIAL CONSENT CALENDAR**

**Senate Resolution 28**—Relative to Rett Syndrome Awareness Month. Resolution read.

**Special Consent Calendar Roll Call**

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

AYES (35)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

**RECESS**

At 7:28 a.m., on motion of Senator Romero the Senate recessed in order to convene in 6th Extraordinary Session.

**REASSEMBLED**

At 7:44 a.m., the Senate reconvened.

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

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 866)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 866 was adopted by the following vote:

AYES (29)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, and Yee.

NOES (4)—Senators Denham, Strickland, Walters, and Wyland.



**Roll Call**

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

AYES (29)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Wolk, and Yee.

NOES (4)—Senators Denham, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**CONSIDERATION OF DAILY FILE (RESUMED)  
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1614)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 1614 was refused adoption by the following vote:

AYES (20)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, Correa, DeSaulnier, Ducheny, Florez, Hancock, Kehoe, Leno, Liu, Negrete McLeod, Padilla, Price, Romero, Steinberg, Wright, and Yee.

NOES (14)—Senators Blakeslee, Cogdill, Denham, Dutton, Emmerson, Harman, Hollingsworth, Huff, Runner, Simitian, Strickland, Walters, Wolk, and Wyland.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1611)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 1611 was refused adoption by the following vote:

AYES (25)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Runner, Steinberg, Wright, and Wyland.

NOES (11)—Senators Blakeslee, Corbett, Correa, Denham, Huff, Romero, Simitian, Strickland, Walters, Wolk, and Yee.





**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1618)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 1618 was refused adoption by the following vote:

AYES (26)—Senators Alquist, Ashburn, Calderon, Cedillo, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Walters, and Wright.

NOES (10)—Senators Blakeslee, Cogdill, Correa, Denham, Hancock, Huff, Strickland, Wolk, Wyland, and Yee.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1631)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 1631 was refused adoption by the following vote:

AYES (24)—Senators Alquist, Ashburn, Corbett, Correa, Ducheny, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Pavley, Price, Romero, Simitian, Steinberg, Strickland, Walters, Wolk, and Wyland.

NOES (10)—Senators Calderon, Cedillo, Cogdill, Denham, DeSaulnier, Dutton, Negrete McLeod, Padilla, Runner, and Yee.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1613)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 1613 was refused adoption by the following vote:

AYES (26)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Price, Romero, Runner, Simitian, Steinberg, Wolk, and Wright.

NOES (7)—Senators Blakeslee, Correa, Denham, Huff, Walters, Wyland, and Yee.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 854)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 854 was refused adoption by the following vote:

AYES (12)—Senators Ashburn, Cogdill, Dutton, Emmerson, Harman, Hollingsworth, Huff, Kehoe, Runner, Strickland, Walters, and Wyland.

NOES (18)—Senators Calderon, Cedillo, Corbett, Correa, Denham, DeSaulnier, Florez, Hancock, Leno, Liu, Lowenthal, Pavley, Price, Romero, Simitian, Wolk, Wright, and Yee.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
October 8, 2010

*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

DARIUSH ASSEMI, is president of Granville Homes since 2009 and was vice president from 1983 to 2009. He is a Leadership in Energy and Environmental 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 a Bachelor of Science degree in civil engineering from California State University, Fresno and is a licensed general contractor in California. Reappointed 10/08/10. Effective 10/08/10.

Member, California Transportation Commission, term ending 02/01/12.

Above appointment referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES  
Committee on Rules**

State Capitol, October 8, 2010

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

Dariush Assemi, Member, California Transportation Commission (4-0)

STEINBERG, Chair



**REQUEST FOR UNANIMOUS CONSENT  
(GOVERNOR'S APPOINTMENTS)**

Senator Steinberg asked for and was granted unanimous consent to take up Governor's appointment at this time.

Motion carried.

**Consideration of Governor's Appointment**

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

DARIUSH ASSEMI, Member, California Transportation Commission

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

**Roll Call**

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

AYES (31)—Senators Alquist, Ashburn, Blakeslee, Calderon, Cedillo, Cogdill, Corbett, Correa, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Huff, Kehoe, Leno, Lowenthal, Negrete McLeod, Price, Romero, Runner, Steinberg, Strickland, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 851)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 851 was adopted by the following vote:

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Runner, Steinberg, Strickland, Wolk, and Wyland.

NOES (8)—Senators Blakeslee, Corbett, Correa, Huff, Romero, Simitian, Walters, and Yee.

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments to SB 851 by the following vote:

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Denham, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Hollingsworth, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Runner, Steinberg, Strickland, Wolk, and Wyland.

NOES (8)—Senators Blakeslee, Corbett, Correa, Huff, Romero, Simitian, Walters, and Yee.

Above bill ordered enrolled.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 853)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 853 was adopted by the following vote:

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, and Wolk.

NOES (7)—Senators Blakeslee, Correa, Denham, Hollingsworth, Walters, Wyland, and Yee.

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments to SB 853 by the following vote:

AYES (27)—Senators Alquist, Ashburn, Calderon, Cedillo, Cogdill, Corbett, DeSaulnier, Ducheny, Dutton, Emmerson, Florez, Hancock, Harman, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Price, Romero, Runner, Simitian, Steinberg, Strickland, and Wolk.

NOES (7)—Senators Blakeslee, Correa, Denham, Hollingsworth, Walters, Wyland, and Yee.

Above bill ordered enrolled.

**MOTION TO PRINT IN JOURNAL**

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

October 7, 2010

*Dear Mr. Schmidt:*

I would like to clarify legislative intent regarding SB 208, a bill related to the implementation of California's next Medicaid Section 1115 waiver.

With regard to Welfare and Institutions Code Section 14182.3 in the bill, it is the intent of the Legislature that the state will achieve \$500 million in General Fund savings through federal claiming of state-only programs and programs that serve special populations, including those specifically identified in the 2010–11 budget package. In addition, in section 14182.3(c), it is not my intent to limit the reallocation of available federal funds to public hospitals from the \$500 million referenced in this section only to achieve "base funding" as defined in 14182.3(c)(3).

Finally, in Section 14182.3(a), it is intended that such payments shall function as interim payments which will be subject to reconciliation provided for under expected subsequent legislation described in Section 26 of SB 208. It is not the intent of the Legislature to alter the current funding methodology between hospitals during the interval between approval of



the new Section 1115 Waiver and subsequent legislation that addresses the allocation of the waiver funding.

It is my understanding that the California Department of Health Care Services intends to issue a provider bulletin consistent with the intent expressed in this letter.

Sincerely,

DARRELL STEINBERG  
President pro Tempore

**MOTION TO PRINT IN JOURNAL**

Senator Ducheny moved that the following letter be printed in the Journal.

Motion carried.

*The Honorable Darrell Steinberg*  
*President Pro Tempore*  
*California State Senate*

RE: Letter to the Journal—Senate Bill 931 (Ducheny):  
Short Sales Anti-Deficiency Protection

Dear Senator Steinberg:

This letter is to clarify my intent in authoring Senate Bill 931 relating to anti-deficiency protection for short sale transactions involving residential one-to-four properties.

As I have indicated in my testimony and as evidenced in the policy committee and floor analyses for this measure, “the purpose of this proposed legislation is to protect distressed homeowners who have non-purchase money recourse loans on residential property (1–4 units), when the fair market value of the subject property is less than the balance of the first deed of trust. The legislation will make sure that these homeowners do not incur a higher dollar amount of liability after a short sale than they would otherwise have after a foreclosure sale.”

The measure applies to a note secured by a first deed of trust or first mortgage on a single parcel of real property consisting of a dwelling for not more than four families. As drafted, the term “a dwelling” is intended to apply to one parcel of residential property consisting of no more than one to four living units, and should not be construed to apply to additional, multiple parcels of property that are collectively secured by one first deed of trust or first mortgage.

Further, Senate Bill 931 is meant to apply to loan transactions with individuals and is therefore not intended to apply to commercial loan transactions with legal entities which were not created as part of an individual’s estate planning. As such, the bill is not intended to apply to residential subdivision loans and other commercial loans to legal entities where a single note is secured by multiple collateral, such as multiple residential 1–4 unit properties, or a residential 1–4 unit property and a commercial property, or a residential 1–4 unit property and a parcel of vacant land. As such, the bill is not intended to extinguish that portion of



the debt obligation that is secured by another residential, commercial, or vacant land property, or other personal property related to or used in connection with the property.

I respectfully request that this letter be printed in the Senate Daily Journal to memorialize my intent.

Sincerely,

DENISE DUCHENY  
State Senator, 40th District

Senator Ducheny moved that the following letter be printed in the Journal.

Motion carried.

October 7, 2010

*Greg Schmidt*  
*Secretary of the Senate*

Dear Mr. Schmidt:

I am writing to clarify my intent that a copy of the studies required by Government Code Section 68526 as added by SB 857 (Committee on Budget and Fiscal Review) also be provided to the Senate and Assembly Committees on Judiciary, which have jurisdiction over matters regarding the collection of consumer debt.

Sincerely,

DENISE DUCHENY  
Chair  
Senate Committee on Budget and Fiscal Review

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

State Capitol, October 7, 2010

Madam President: The Senate Rules Committee appointed Donna Burke of El Dorado Hills as a member to the State Board of Optometry for a term ending June 1, 2011.

STEINBERG, Chair

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Appropriations**

**AB 1614**—Do pass

AYES (7)—Senators Alquist, Ashburn, Corbett, Kehoe, Leno, Price, and Yee.

NOES (3)—Senators Romero, Walters, and Wolk.

**AB 1625**—Do pass

AYES (10)—Senators Alquist, Ashburn, Corbett, Kehoe, Leno, Price, Romero, Walters, Wolk, and Yee.

NOES (0)—None.

Date of Hearing: 10/7/2010

Kehoe (Chair)



**Committee on Public Employment and Retirement****AB 1625**—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Ashburn, Corbett, Correa, Ducheny, Hollingsworth, and Liu.

NOES (0)—None.

Date of Hearing: 10/7/2010

Correa (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

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

The following Senators were granted leaves of absence for the day due to illness: Senators Oropeza and Wiggins.

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

At 8:25 a.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

Motion carried.

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Jill Joseph of Oakley, Virginia Smith of Alamo, and James Thomas Krause of Martinez.

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Patricia Cody of Berkeley.

Senator Hollingsworth requested that when the Senate adjourns this day it do so in memory of Will Brown of Gold River.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Seth Walsh of Tehachapi.

Senator Romero requested that when the Senate adjourns this day it do so in memory of Ging Gin of Monterey Park.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Donald Burr of Campbell.

**ADJOURNMENT**

At 8:25 a.m., the President declared the Senate adjourned.

PAULA K. ROSSETTO, Minute Clerk

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