

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED ELEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, July 13, 2011

The Senate met at 9 a.m.

Hon. Mark Leno, of the 3rd District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:

Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—40.

Quorum present.

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
July 13, 2011

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective close of business July 13, 2011, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Stanley A. Bajorin

Chief Deputy Director, Department of  
Mental Health

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.



Governor's Office, State Capitol  
July 13, 2011

*To the Senate of the State of California:*

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

Sincerely,

EDMUND G. BROWN JR., Governor

CARLOS RAMOS, currently owns Maestro Consulting, where he consults for both private and public sector clients on information technology issues. He has more than 26 years of experience in California government, serving as the director of the Office of Systems Integration from 2006 to 2008, assistant secretary and agency information officer of the Health and Human Services Agency from 2004 to 2008, director of the Stephen P. Teale Data Center from 2001 to 2004, deputy director and chief information officer for the Department of Social Services from 1999 to 2001, branch chief for the child welfare services case management system for the Department of Social Services from 1997 to 1999, and principal budget analyst for the Department of Finance from 1989 to 1997. Ramos is a senior fellow for the Center for Digital Government, a member of the Human Services Information Technology Advisory Group, and a member-at-large of TechAmerica. Appointed 07/05/11. Effective 07/05/11.

Secretary of California Technology, vice, Teresa M. Takai, resigned, term ending at the Pleasure of the Governor.

KELLY L. HARRINGTON, has served as the warden of Kern Valley State Prison since 2008. He served in multiple roles at Wasco State Prison from 1997 to 2008, including chief deputy warden from 2005 to 2008. Harrington served at the California Correctional Institution from 1987 to 1997. Appointed 06/30/11. Effective 06/30/11.

Associate Director, High Security and Transitional Program Institutions, Division of Adult Institutions, Department of Corrections and Rehabilitation, vice, Michael E. Poulos, retired, term ending at the Pleasure of the Governor.

Above appointments referred to the Committee on Rules.

**REPORTS OF STANDING COMMITTEES**  
**Committee on Governance and Finance**

Date of Hearing: July 13, 2011

Mr. President: The Committee on Governance and Finance, to which was referred:

SB 116



Reports the same back with the recommendation: Pursuant to Senate Rule 29.10 that the measure be re-referred to the Committee on Appropriations pursuant to Joint Rule 10.5.

WOLK, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, June 8, 2011

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

AB 516

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

KEHOE, Chair

Above measure ordered to second reading.

Senate Chamber, July 13, 2011

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

AB 220

AB 324

AB 898

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

KEHOE, Chair

**Second Reading of Bills—Author's Amendments**

**Assembly Bill 220**—An act to amend Section 1403 of the Welfare and Institutions Code, relating to juveniles.

Bill read second time.

**Assembly Bill 324**—An act to add Section 15817.5 to the Government Code, relating to state buildings.

Bill read second time.

**Assembly Bill 898**—An act to amend Section 1202.4 of the Penal Code, relating to crime victims, and making an appropriation therefor.

Bill read second time.

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

Senate Chamber, July 13, 2011

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

AB 427

AB 751

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

KEHOE, Chair



**Second Reading of Bills—Author's Amendments**

**Assembly Bill 427**—An act to amend Sections 8879.57 and 8879.61 of the Government Code, relating to transportation.

Bill read second time.

**Assembly Bill 751**—An act to amend, repeal, and add Sections 1240 and 42131 of the Education Code, relating to education finance.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 751 pursuant to Joint Rule 58.

ASSEMBLY MEMBER CEDILLO

**Permission of Rules Committee**

Senate Chamber, July 13, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 751.

STEINBERG, Chair

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

Date of Hearing, July 11, 2011

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

AB 604

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

KEHOE, Chair

Above measure ordered to second reading.

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

**Senate Bill 335**—An act to amend Section 14166.115 of, to add and repeal Article 5.228 (commencing with Section 14169.1) and Article 5.229 (commencing with Section 14169.31) of Chapter 7 of Part 3 of Division 9 of, and to repeal Article 5.225 (commencing with Section 14167.41) of Chapter 7 of Part 3 of 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, ordered engrossed, and to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 65**—An act to amend Sections 9005 and 9087 of the Elections Code, and to amend Section 88003 of the Government Code, relating to elections.

Bill read second time.

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



**Assembly Bill 901**—An act to add Chapter 12.9 (commencing with Section 7090) to Division 7 of Title 1 of the Government Code, and to amend Sections 44559.1, 44559.2, 44559.3, and 44559.6 of the Health and Safety Code, relating to economic development.

Bill read second time.

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

**Assembly Bill 1296**—An act to add Part 3.8 (commencing with Section 15925) to Division 9 of the Welfare and Institutions Code, relating to public health.

Bill read second time.

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

**Assembly Bill 172**—An act to add Sections 11004.4, 11004.5, 11004.6, and 11004.7 to the Government Code, relating to state agencies.

Bill read second time.

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

**Assembly Bill 293**—An act to amend Section 3019 of the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

**Assembly Bill 335**—An act to amend Sections 138.4, 3550, 4060, 4061, 4658.5, and 5401 of the Labor Code, relating to workers' compensation.

Bill read second time and ordered to third reading.

**Assembly Bill 436**—An act to add Section 1720.5 to the Labor Code, relating to public works.

Bill read second time and ordered to third reading.

**Assembly Bill 468**—An act to amend Section 98.02 of the Revenue and Taxation Code, relating to property taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 528**—An act to amend Sections 7381 and 7382 of the Fish and Game Code, relating to fishing.

Bill read second time and ordered to third reading.

**Assembly Bill 648**—An act to amend Sections 4801, 4802, 4803, 4807, 4810, 4812, and 4813 of, and to add Section 4805 to, the Penal Code, relating to clemency.

Bill read second time and ordered to third reading.



**Assembly Bill 674**—An act to amend Section 9250.19 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**Assembly Bill 841**—An act to add Section 285 to the Public Utilities Code, relating to telecommunications, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 1401**—An act to amend Section 1308.5 of, and to add Section 1308.10 to, the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

**Assembly Bill 1027**—An act to add the heading of Part 1 (commencing with Section 9500) to, and to add Part 2 (commencing with Section 9510) to, Division 4.8 of the Public Utilities Code, relating to local publicly owned electric utilities.

Bill read second time.

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

**Assembly Bill 145**—An act to amend Section 13975 of the Government Code, and to repeal and add Division 19.5 (commencing with Section 185000) of the Public Utilities Code, relating to high-speed rail.

Bill read second time.

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

**Assembly Bill 615**—An act to amend Section 1245.210 of the Code of Civil Procedure, to amend Sections 11005, 11005.2, 11007.1, 11011.13, 13332.11, 13332.12, 14255, 14662, 14666, 14666.6, 14666.8, and 14667 of, and to add Section 11011.23 to, the Government Code, to amend Sections 10106 and 10107 of the Public Contract Code, and to add Chapter 4 (commencing with Section 185040) to Division 19.5 of the Public Utilities Code, relating to high-speed rail.

Bill read second time.

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

**Assembly Bill 1121**—An act to amend Sections 30525, 30801, and 30804.5 of, and to add Sections 30503.5 and 30505 to, the Food and



Agricultural Code, and to amend Section 38792 of the Government Code, relating to dog licensing.

Bill read second time.

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

**Assembly Bill 892**—An act to amend Section 820.1 of the Streets and Highways Code, relating to transportation.

Bill read second time.

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

**Assembly Bill 275**—An act to amend Section 7027.5 of the Business and Professions Code, and to add Part 2.4 (commencing with Section 10570) to Division 6 of the Water Code, relating to water.

Bill read second time.

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

**Assembly Bill 1235**—An act to add Section 33460 to the Health and Safety Code, relating to redevelopment.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1235 pursuant to Joint Rule 58.

ASSEMBLY MEMBER ROGER HERNÁNDEZ

**Permission of Rules Committee**

Senate Chamber, July 13, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1235.

STEINBERG, Chair

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

**Assembly Bill 408**—An act to amend Sections 13009.6, 25160.2, and 25503.5 of the Health and Safety Code, and to amend Section 13385 of the Water Code, relating to the environment, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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



**Assembly Bill 796**—An act to amend Section 44559.3 of the Health and Safety Code, and to add Division 16.1 (commencing with Section 26050) to the Public Resources Code, relating to financial assistance.

Bill read second time.

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

**Assembly Bill 306**—An act to add and repeal Section 25325 of the Public Resources Code, relating to energy.

Bill read second time.

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

**Assembly Bill 56**—An act to add Section 770.6 to, and to add Chapter 4.5 (commencing with Section 950) to Part 1 of Division 1 of, the Public Utilities Code, relating to gas corporations.

Bill read second time.

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

**Assembly Bill 894**—An act to amend Sections 91502, 91503, 91504, and 91558 of, and to add and repeal Article 6 (commencing with Section 91600) to Chapter 1 of Title 10 of, the Government Code, relating to economic development.

Bill read second time.

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

**Assembly Bill 1069**—An act to repeal and amend Sections 17053.85 and 23685 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

**Assembly Bill 450**—An act to amend Section 89036 of the Education Code, relating to the California State University.

Bill read second time.

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





**Assembly Bill 851**—An act to add and repeal Section 66942 of the Education Code, relating to public postsecondary education.

Bill read second time.

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

**Assembly Bill 853**—An act to add and repeal Section 46300.8 of the Education Code, relating to online education.

Bill read second time.

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

**Assembly Bill 1178**—An act to amend Sections 40002, 40900.1, and 41903 of the Public Resources Code, relating to solid waste.

Bill read second time.

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

**Assembly Bill 849**—An act to amend Section 18941.7 of the Health and Safety Code, and to amend Section 14877.3 of the Water Code, relating to water.

Bill read second time.

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

**Assembly Bill 1023**—An act to amend Sections 114, 809, 901, 3501, 3769.3, 4207, 6140.38, 6322.1, 7056, 7065, 7068.1, 7071, 7155, 8030.4, 19164, 19481.5, 19501, 19532.2, 19604.5, 19605.73, 19614.5, 23358.2, 23368.1, 23378.1, 25608, and 25658 of, and to repeal Sections 6731.1, 6731.2, 8726.1, and 8761.1 of, the Business and Professions Code, to amend Sections 798.23.5, 799.1, 1195, and 3344.1 of the Civil Code, to amend Sections 170.9, 425.17, 630.01, 630.08, 877, 1010.6, and 1094.5 of the Code of Civil Procedure, to amend Sections 10400, 10404, 14501, 14502, and 14504 of, and to amend the heading of Part 9 (commencing with Section 10400) of Division 2 of Title 1 of, the Corporations Code, to amend Sections 1630, 12001.6, 17250.30, 37222, 41203, 41204, 41320.1, 41326, 41500, 44237, 45330, 51223.3, 51913, 66152, 66739.6, 67365, 68074, 89090, 92630, and 99221.5 of, and to repeal Sections 37222.10, 37222.11, 37222.12, 37222.13, and 37222.14 of, the Education Code, to amend Sections 332.5, 337, 2151, 3103.5, 6950, 7110, 8002.5, 8121, 10735, 12108, 13207, and 13208 of the Elections Code, to amend Section 1390 of the Evidence Code, to amend Sections 4326, 5616, and 6228 of the Family Code, to amend Sections 1805, 1822, 14315, 17345.1, 22349.1, 22352, and 22355 of the Financial Code, to amend Sections 2250, 2942, and 6612 of



the Fish and Game Code, to amend Sections 481, 11504, 13184, 79691, and 79702 of the Food and Agricultural Code, to amend Sections 831.7, 901, 912.5, 935.9, 3254.5, 6585, 7513.87, 7514, 11019.5, 12517, 12627, 14661.1, 15439, 19829.7, 20037.14, 21369.2, 22874.1, 56853.6, 63049.67, 66484, 72011, 76000.10, 100521 of, to repeal Sections 7480 and 11544 of, to repeal the heading of Article 10 (commencing with former Section 58300) of Chapter 1 of Division 1 of Title 6 of, and to amend and renumber Sections 7514 and 18929.96 of, the Government Code, to amend Section 1150 of the Harbors and Navigation Code, to amend Sections 1357.51, 1365, 1367.002, 1385.01, 1399.834, 1399.835, 1506, 1777, 1788, 1793.90, 1797.172, 1797.217, 8016, 11364, 16500, 25214.2, 25214.3, 25250.50, 25250.54, 25250.56, 25996, 33331.4, 33334.25, 33420.1, 33684, 41999, 44272.3, 44559.11, 50843.5, 51058.5, 102247, 103605, 103625, 115113, 120335, 120955, 121025, and 124982 of the Health and Safety Code, to amend Sections 557.5, 787.1, 1063.75, 10112.2, 10112.3, 10112.4, 10113.95, 10120.3, 10181, 10713, 10959, 10960, 12389, and 12739.53 of the Insurance Code, to amend Sections 1509, 1695, and 1771.3 of the Labor Code, to amend Section 987.58 of the Military and Veterans Code, to amend Sections 166, 171d, 326.3, 330.1, 381, 597y, 602, 626.95, 647.7, 653.56, 829.5, 830.8, 833.5, 903.4, 1201.3, 1203.066, 4852.03, 4852.17, 4854, 5023.2, 6030, 6228, 11180, 12022, 12022.5, 12022.7, 12022.85, 16880, 25105, 25650, 26020, 26175, 29010, 29065, 29115, 29142, 29510, 29615, 29855, 30105, 31315, 31910, and 32105 of, and to repeal Section 594 of, the Penal Code, to amend Sections 16062 and 21355 of the Probate Code, to amend Sections 2203, 6802, 6804, 6808, 10295.2, 20133, and 20193 of, and to amend the heading of Article 32 (commencing with Section 20520) of Chapter 1 of Part 3 of Division 2 of, the Public Contract Code, to amend Sections 667, 4186, 4512.5, 4590, 5073.5, 6308, 6362, 7555, 14574, 29735, 32330, 41800, 44820, and 71560 of the Public Resources Code, to amend Sections 345.5, 2827, 2851, 8381, and 100351 of the Public Utilities Code, to amend Sections 69.5, 7104, 17561, 18639, 19141, 19191, 19192, 19194, 23153, 23663, 23685, 24422, and 24875 of, and to repeal Section 24875.5 of, the Revenue and Taxation Code, to amend Sections 143, 182.2, and 1188 of, and repeal Sections 5898.15 and 5898.23 of, the Streets and Highways Code, to amend Sections 1088.5, 1269, 1755, 1757, 3011, 3701, and 15002 of the Unemployment Insurance Code, to amend Sections 5007, 11205.4, 12509, 12804.9, 12804.11, 13352, 13557, 29004, 34515, 40305.5, and 41501 of the Vehicle Code, to amend Sections 1126, 12986, 13385, 85031, 85034, and 85230 of the Water Code, to amend Sections 366.24, 4360, 4695.2, 5778, 10850.4, 11327.5, 11453, 12201, 12301.06, 12305.87, 14043.1, 14132.275, 14165.50, 14166.20, 14167.352, 14167.354, 14182, 14182.1, 15657.5, 15910, 15910.2, 15911, 18293, 18951, and 18987.7 of the Welfare and Institutions Code, to amend Section 2 of Chapter 166 of the Statutes of 2009, to amend Section 1 of Chapter 191 of the Statutes of 2010, to amend Section 2 of Chapter 251 of the Statutes of 2010, to amend Section 1 of Chapter 321 of the Statutes of 2010, to amend Section 2 of



Chapter 377 of the Statutes of 2010, to amend Section 3 of Chapter 431 of the Statutes of 2010, to amend Section 2 of Chapter 716 of the Statutes of 2010, and to amend Section 173 of Chapter 717 of the Statutes of 2010, relating to the maintenance of the codes.

Bill read second time and ordered to third reading.

**Assembly Bill 199**—An act to amend Section 51221.3 of the Education Code, relating to school curriculum.

Bill read second time and ordered to third reading.

**Assembly Bill 110**—An act to amend Sections 68526, 68926, 68926.1, 68926.3, 68927, and 70602.5 of the Government Code, and to amend Section 1203.01 of the Penal Code, relating to courts, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time and ordered to third reading.

**Assembly Bill 946**—An act to amend Section 95.31 of the Revenue and Taxation Code, relating to local government finance.

Bill read second time and ordered to third reading.

**Assembly Bill 360**—An act to add Section 47604.1 to the Education Code, and to amend Section 1091 of the Government Code, relating to charter schools.

Bill read second time and ordered to third reading.

#### **SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, August 15, 2011:

SB 423	AB 1300	AB 387	AB 1074
SB 4	AB 1309	AB 547	AB 936
SB 88	AB 143	AB 914	AB 1073
SB 110	AB 332	AB 1055	
AB 1398	AB 712	AB 1350	
AB 434	AB 274	AB 1103	

#### **MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, AB 1164 was withdrawn from the Committee on Rules and re-referred to the Committee on Appropriations.

#### **MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 17**, **ACR 12**, **ACR 27**, and **AJR 13** were withdrawn from Committee and placed on the third reading file.



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

**Assembly Bill 1288**—An act to amend Sections 2900 and 2901 of, and to add Section 2901.5 to, the Probate Code, relating to public guardians and conservators.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1288 proposed by Senator Corbett were read and adopted and the measure ordered printed and to second reading.

**SENATE COMMITTEE ROLL CALLS**  
**Committee on Governance and Finance**

**SB 116**—Pursuant to Senate Rule 29.10 that the measure be re-referred to Committee on Appropriations, pursuant to Joint Rule 10.5.

AYES (6)—Senators DeSaulnier, Hancock, Hernandez, Kehoe, Liu, and Wolk.

NOES (3)—Senators Fuller, Huff, and La Malfa.

Date of Hearing: 7/13/2011

Wolk (Chair)

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, July 14, 2011.

PAULA K. ROSSETTO, Minute Clerk

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