

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SEVENTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, August 22, 2011

The Senate met at 12 p.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, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee—37.

Quorum present.

*(NOTE: Senators Strickland and Wyland will be excused this day on personal business and Senator Calderon will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

*O Gracious and Loving God*, You have given us inspiration and guidance through Your prophets, so that we might live a life of righteousness and meaning. Through Your prophet Micah You taught us that it is not sacrifices that you want from us, but action. What You require of us is only to do justice, to love goodness, and to walk humbly with our God. (Micah 6:8)

May we live by this prophet's teaching and be known for the wisdom of our deeds and our quest to do what is just and good. May we act with love towards one another, and may we be ever humble before our Creator and all humanity. May this be Gods will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol

August 22, 2011

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments and 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

CLIFF ALLENBY, is currently interim director of the Department of Mental Health. He was interim director of the Department of Social Services from 2006 to 2007 and director of the Department of Developmental Services from 1997 to 2006. Allenby served as chief legislative representative for the County of Los Angeles from 1996 to 1997 and senior vice president of the California Building Industry Association from 1991 to 1996. He was secretary of the California Health and Welfare Agency from 1987 to 1991. Reappointed 08/03/11. Effective 08/12/11.

Member, Managed Risk Medical Insurance Board, term ending four years from second commission.



BRENT A. BARNHART, previous senior counsel at Kaiser Foundation Health Plan from 1996 to 2009 and a policy committee consultant to the California State Assembly from 1993 to 1996. He was the legislative affairs director at Blue Cross of California from 1991 to 1993 and senior attorney and legislative advocate from 1983 to 1987. Barnhart served as counsel and secretary at the Association of California Life and Health Insurance Companies from 1987 to 1991 and was the California legislative director of the American Civil Liberties Union from 1975 to 1983. Appointed 08/11/11. Effective 08/11/11.

Director of Department of Managed Health Care, vice, Cindy A. Ehnes, resigned, term ending at the Pleasure of the Governor.

JOAN M. HANCOCK, has been the principal of Her Land & Co. Construction since 1983. She was a law clerk in the Sacramento County Office of the Public Defender from 1980 to 1982. Hancock is a certified mediator and received her Juris Doctor degree from Lincoln Law School. Reappointed 07/29/11. Effective 08/10/11.

Member, Contractors' State License Board, Department of Consumer Affairs, term ending 06/01/15.

EDDIE CUEVAS, has taught government and economics at West Adams Preparatory High School in the Los Angeles Unified School District since 2007. He has served as a Western Association of Schools and Colleges co-coordinator at West Adams Preparatory High School since 2010 and was the social studies department chair from 2008 to 2010. Appointed 07/30/11. Effective 08/13/11.

Member, Commission on Teacher Credentialing, vice, Steven J. Dean, Jr., resigned, term ending 11/20/15.

SHARON L. LEVINE, MD, has been the associate executive director at Permanente Medical Group, Kaiser Permanente since 1991. Between 1977 and 1991, she served in a number of other positions with Permanente Medical Group including chief of pediatrics and chief of quality assurance for the Fremont Medical Center. Levine was a staff pediatrician at Georgetown University Community Health Plan from 1975 to 1977. She received her medical degree from Tufts University School of Medicine. Reappointed 07/29/11. Effective 07/29/11.

Member, Medical Board of California, term ending 06/01/15.

Above appointments referred to the Committee on Rules.



**REPORTS OF STANDING COMMITTEES****Committee on Appropriations**

Senate Chamber, August 22, 2011

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

AB 227

AB 1182

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 227**—An act to amend Section 51871.5 of the Education Code, relating to education.

Bill read second time.

**Assembly Bill 1182**—An act to amend Sections 11155, 11155.1, and 11257 of the Welfare and Institutions Code, relating to CalWORKs.

Bill read second time.

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

**Committee on Rules**

Senate Chamber, August 22, 2011

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

SB 388

AB 706

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

STEINBERG, Chair

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

**Senate Bill 388**—An act to amend Section 2945 of the Civil Code, relating to mortgages.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to SB 388 pursuant to Joint Rule 58.

ASSEMBLY MEMBER ROGER HERNÁNDEZ

**Permission of Rules Committee**

Senate Chamber, August 22, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 388.

STEINBERG, Chair

**Assembly Bill 706**—An act relating to public safety.

Bill read second time.



**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 706 pursuant to Joint Rule 58.

ASSEMBLY MEMBER TORRES

**Permission of Rules Committee**

Senate Chamber, August 22, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 706.

STEINBERG, Chair

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

**Committee on Appropriations**

Senate Chamber, August 22, 2011

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

SB 692

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**

**Senate Bill 692**—An act to amend Sections 6704, 6706.3, 6730, 6737.3, 6738, 6740, 6741, and 6787 of, to add Sections 6702.3, 6702.4, 6702.5, 6702.6, 6702.7, 6702.8, 6702.9, 6702.10, 6702.11, 6730.6, 6730.7, and 6731.7 to, and to repeal Section 6704.1 of, the Business and Professions Code, relating to engineers, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Senate Chamber, August 22, 2011

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

AB 389

AB 628

AB 687

AB 724

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

KEHOE, Chair

Above measures ordered to second reading.

Senate Chamber, August 22, 2011

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

AB 938

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.

### **Committee on Rules**

Senate Chamber, August 22, 2011

Mr. President: The Committee on Rules has examined:

SB 4	SB 207	SB 390	SB 636
SB 28	SB 264	SB 406	SB 724
SB 88	SB 327	SB 423	SB 751
SB 105	SB 332	SB 493	SB 774
SB 110	SB 341	SB 563	
SB 111	SB 350	SB 609	

And reports that the same have been correctly enrolled, and presented to the Governor on the 22nd day of August, 2011, at 10 a.m.

STEINBERG, Chair

### **CONSIDERATION OF DAILY FILE**

#### **SECOND READING OF SENATE BILLS**

**Senate Bill 116**—An act to amend Sections 23101, 25113, 25128, 25128.5, and 25136 of, to add Section 25136.1 to, to add and repeal Sections 6377, 17053.86, and 23686 of, and to repeal and amend Sections 17053.80 and 23623 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, ordered engrossed, and to third reading.

**Senate Bill 335**—An act to amend Sections 14166.115 and 14166.12 of, to amend and repeal Section 14167.35 of, to add Section 15910.4 to, 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 309**—An act to amend Sections 1770 and 1771 of the Government Code, relating to public officers.

Bill read second time and ordered to third reading.

**Assembly Bill 54**—An act to amend Section 14300 of, and to add Sections 14300.5, 14301.1, 14301.2, and 14301.3 to, the Corporations Code, to amend Sections 56375 and 56430 of the Government Code, and to add Section 116760.65 to, and to add Article 12 (commencing with



Section 116755) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, relating to drinking water.

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 563**—An act to amend Section 408 of the Revenue and Taxation Code, relating to taxation.

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 1025**—An act to amend Sections 1113, 1126, 1127, 1136, 1140, 1156, 1156.6, 1157, 1157.1, 1157.5, 1158.1, 1171, 1171.5, 1176, 1180, 1180.3, 1180.6, 1181, 1182, 1183, 1191, 1196, 1196.1, and 1196.3 of, to amend and renumber Section 1159.1 of, to add Section 1171.6 to, and to repeal Section 1142 of, the Harbors and Navigation Code, relating to bar pilots, and making an appropriation therefor.

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 1184**—An act to amend Section 21757 of, and to add Section 20791 to, the Government Code, relating to public employees' retirement.

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 28**—An act to amend Sections 9148, 9148.6, and 9148.8 of, to repeal Section 3119.2 of, and to repeal Article 2 (commencing with Section 3113) of Chapter 8.5 of Division 4 of Title 1 of, the Government Code, and to amend Sections 4004, 8000, 8001, and 8052 of, to repeal Sections 495, 8002, and 8051 of, and to repeal Chapter 3 (commencing with Section 2600) of Division 2 of, the Vehicle Code, relating to governmental reorganization.

Bill read second time and ordered to third reading.

**Assembly Bill 438**—An act to amend Sections 19104 and 19116 of, and to add and repeal Section 19104.5 of, the Education Code, relating to libraries.

Bill read second time and ordered to third reading.

**Assembly Bill 716**—An act to amend Sections 369i and 830.14 of the Penal Code, and to amend Sections 99171, 99172, and 102122 of, the Public Utilities Code, relating to transportation.

Bill read second time and ordered to third reading.



**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 and ordered to third reading.

**Assembly Bill 529**—An act to amend Section 21400 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 710**—An act to add Article 2 (commencing with Section 65200) to Chapter 3 of Division 1 of Title 7 of the Government Code, relating to local planning.

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.

#### **SENATE RULE 55 SUSPENDED**

Without objection, Senate Rule 55 was suspended to allow lobbyists on the floor for a special presentation.

#### **SENATE RULE 29.3 SUSPENDED**

Without objection, Senate Rule 29.3 was suspended to permit consideration of SB 335 at this time, as amended, in print, and properly before the Senate.

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

Pursuant to Senate Rule 29.10, **SB 503** was re-referred to the Committee on Rules.

#### **CONSENT CALENDAR**

##### **Objections Raised**

Senator Correa objected to **AB 156** being on the Special Consent Calendar.

Senator Hernandez objected to **AB 486** being on the Special Consent Calendar.

Senator Price objected to **AB 1235** being on the Special Consent Calendar.

Senator De León objected to **AB 981** being on the Special Consent Calendar.

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

Senator Lieu objected to **AB 335** being on the Special Consent Calendar and requested that the bill be placed on the Inactive File

The President ordered the above measure placed on the Inactive File.





**MOTIONS TO REFER MEASURES TO INACTIVE FILE**

Senator Wright moved that **AB 633** be placed on the inactive file.

Senator Steinberg moved that **SB 653** be placed on the inactive file.

Senator Liu moved that **AB 845** be placed on the inactive file.

Motions carried.

**REQUEST TO RETURN BILL TO ASSEMBLY**

On the request of Senator Negrete McLeod, **SB 711** was returned to the Assembly for further action.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill 745**—An act to amend Section 48306 of, and to add Section 48313.5 to, the Education Code, relating to pupils.

Bill presented by Senator Hernandez.

The question being: Shall the Senate concur in the Assembly amendments to SB 745?

**Roll Call**

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

**AYES (22)**—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

**NOES (13)**—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, and Walters.

Above bill ordered enrolled.

**Senate Bill 117**—An act to amend Section 10295.3 of the Public Contract Code, relating to public contracts.

Bill presented by Senator Kehoe.

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

**Roll Call**

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

**AYES (22)**—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete



McLeod, Padilla, Pavley, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (13)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, and Walters.

Above bill ordered enrolled.

**Senate Bill 211**—An act to add and repeal Section 38568 of the Health and Safety Code, relating to air pollution.

Bill presented by Senator Emmerson.

The question being: Shall the Senate concur in the Assembly amendments to SB 211?

#### Roll Call

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**Senate Bill 325**—An act to add Title 12.5 (commencing with Section 93300) to the Government Code, relating to railroads.

Bill presented by Senator Rubio.

The question being: Shall the Senate concur in the Assembly amendments to SB 325?

#### Roll Call

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

AYES (35)—Senators Alquist, Berryhill, Blakeslee, 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, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (1)—Senator Anderson.

Above bill ordered enrolled.

**Senate Bill 559**—An act to amend Section 23438 of the Business and Professions Code, to amend Section 51 of the Civil Code, to amend Section 32228 of the Education Code, to amend Section 354.5 of the Elections Code, to amend Sections 11135, 12920, 12921, 12926, 12926.1, 12930, 12931, 12935, 12940, 12944, 12955, 12955.8, 12956.1, 12956.2, and 12993 of the Government Code, to amend Section 868.8 of the Penal Code,



to amend Sections 17269 and 24343.2 of the Revenue and Taxation Code, and to amend Section 4900 of the Welfare and Institutions Code, relating to civil rights.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 559?

#### Roll Call

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

AYES (24)—Senators Alquist, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (10)—Senators Anderson, Blakeslee, Dutton, Fuller, Gaines, Harman, Huff, La Malfa, Runner, and Walters.

Above bill ordered enrolled.

**Senate Bill 888**—An act to add Section 594.37 to the Penal Code, relating to crime.

Bill presented by Senator Lieu.

The question being: Shall the Senate concur in the Assembly amendments to SB 888?

#### Roll Call

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (1)—Senator Hancock.

Above bill ordered enrolled.

**Senate Bill 303**—An act to amend Sections 113790, 113947.3, and 113948 of the Health and Safety Code, relating to food safety, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Padilla.

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

#### Roll Call

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**Senate Bill 380**—An act to amend Section 2190 of, and to add Sections 2196.6 and 2196.7 to, the Business and Professions Code, relating to medicine.

Bill presented by Senator Wright.

The question being: Shall the Senate concur in the Assembly amendments to SB 380?

#### Roll Call

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

#### REQUEST FOR UNANIMOUS CONSENT (SB 335)

Senator Hernandez asked for, and was granted, unanimous consent to take up SB 335 at this time, without reference to file.

#### Consideration of Senate Bill 335

**Senate Bill 335**—An act to amend Sections 14166.115 and 14166.12 of, to amend and repeal Section 14167.35 of, to add Section 15910.4 to, 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 third time and presented by Senator Hernandez.

#### Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Alquist, Berryhill, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (2)—Senators Anderson and Blakeslee.



**Roll Call**

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

**AYES (35)**—Senators Alquist, Berryhill, 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, Vargas, Walters, Wolk, Wright, and Yee.

**NOES (2)**—Senators Anderson and Blakeslee.

Bill ordered transmitted to the Assembly.

**CONSIDERATION OF DAILY FILE (RESUMED)****UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill 532**—An act to amend Sections 52240 and 52920 of the Education Code, relating to pupil instruction.

Bill presented by Senator Hernandez.

The question being: Shall the Senate concur in the Assembly amendments to SB 532?

**Roll Call**

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

**AYES (37)**—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

**NOES (0)**—None.

Above bill ordered enrolled.

**Senate Bill 562**—An act to amend Section 8869.84 of the Government Code, to amend Sections 18028, 18070.2, 18214, 18218, 18218.5, 18551, 18866.2, 33420.1, 50668.5, 50771.1, and 50893 of, and to repeal Section 33334.29 of, the Health and Safety Code, and to amend Section 2705 of, and to repeal Section 2706 of, the Public Resources Code, relating to housing.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 562?

**Roll Call**

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

**AYES (37)**—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**Senate Bill 674**—An act to amend Sections 739.5, 8380, and 8381 of, and to repeal Section 709.7 of, the Public Utilities Code, relating to public utilities.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 674?

#### Roll Call

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**Senate Concurrent Resolution 15**—Relative to Sexual Assault Awareness Month and Denim Day California.

Resolution presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SCR 15?

#### Roll Call

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Above resolution ordered enrolled.

#### THIRD READING OF SENATE BILLS

**Senate Bill 46**—An act to add and repeal Sections 87202.5 and 87302.2 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Correa.



**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

**Roll Call**

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senator Price Presiding**

**Senate Concurrent Resolution 47**—Relative to Health in All Policies.

Resolution read third time and presented by Senator DeSaulnier.

**Roll Call**

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

AYES (24)—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (11)—Senators Anderson, Berryhill, Blakeslee, Dutton, Emmerson, Fuller, Gaines, Harman, La Malfa, Runner, and Walters.

Resolution ordered transmitted to the Assembly.

**Senate Concurrent Resolution 17**—Relative to Prostate Cancer Awareness Month.

Resolution read third time and presented by Senator La Malfa.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Rules**

State Capitol, August 22, 2011

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules committee, on a vote of 3–0, has referred SB 503 to the Senate Public Employment and Retirement Committee.

STEINBERG, Chair

## **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, August 22, 2011

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

ACR 68

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 Concurrent Resolution 68**—Relative to the Italian American Legislator Project.

### **REQUEST FOR UNANIMOUS CONSENT (ACR 68)**

Senator La Malfa asked for, and was granted, unanimous consent to take up ACR 68 at this time, without reference to committee or file.

### **Consideration of Assembly Concurrent Resolution 68**

**Assembly Concurrent Resolution 68**—Relative to the Italian American Legislator Project.

### **Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.





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

**Assembly Bill 207**—An act to add Section 48204.1 to, and to repeal Section 48204.6 of, the Education Code, relating to school attendance.

Bill read third time and presented by Senator Lowenthal.

**Roll Call**

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

AYES (23)—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wright, and Yee.

NOES (14)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Walters, and Wolk.

Bill ordered transmitted to the Assembly.

**Assembly Bill 997**—An act to amend Section 6501 of the Business and Professions Code, relating to professional fiduciaries.

Bill read third time and presented by Senator Harman.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1086**—An act to add and repeal Chapter 3.7 (commencing with Section 7291) of Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Corbett.

**Roll Call**

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

AYES (22)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (15)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Negrete McLeod, Runner, and Walters.

Bill ordered transmitted to the Assembly.



**Assembly Joint Resolution 13**—Relative to health care.

Resolution read third time and presented by Senator Hernandez.

**Roll Call**

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

AYES (24)—Senators Alquist, Blakeslee, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (10)—Senators Anderson, Berryhill, Dutton, Emmerson, Gaines, Harman, Huff, La Malfa, Runner, and Walters.

Resolution ordered transmitted to the Assembly.

**Assembly Bill 732**—An act to amend Sections 9086 and 9087 of the Elections Code, and to amend Sections 88002 and 88003 of the Government Code, relating to elections.

Bill read third time and presented by Senator Correa.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1128**—An act to amend Section 35700.5 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Lowenthal.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 361**—An act to add Part 13 (commencing with Section 14600) to Division 3 of Title 1 of the Corporations Code, relating to benefit corporations.

Bill read third time and presented by Senator Leno.



**Roll Call**

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

AYES (23)—Senators Alquist, Blakeslee, Correa, De León, DeSaulnier, Evans, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, and Yee.

NOES (7)—Senators Anderson, Dutton, Gaines, La Malfa, Runner, Walters, and Wright.

Bill ordered transmitted to the Assembly.

**Assembly Bill 623**—An act to amend Sections 23661.7, 24045.18, 25503.56, and 25503.9 of, and to add Section 23393.5 to, the Business and Professions Code, relating to alcoholic beverages.

Bill read third time and presented by Senator Kehoe.

**Roll Call**

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

AYES (36)—Senators Alquist, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 446**—An act to add Section 237 to the Welfare and Institutions Code, relating to juveniles.

Bill read third time and presented by Senator Negrete McLeod.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 971**—An act to add and repeal Article 5.6 (commencing with Section 18754) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Simitian.

**Roll Call**

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

AYES (33)—Senators Alquist, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Hancock, Harman, Hernandez, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal,



Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (3)—Senators Anderson, Gaines, and Huff.

Bill ordered transmitted to the Assembly.

**Assembly Concurrent Resolution 55**—Relative to the Eastshore State Park.

Resolution read third time and presented by Senator Hancock.

**Roll Call**

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

AYES (23)—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (11)—Senators Anderson, Blakeslee, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, and Walters.

Resolution ordered transmitted to the Assembly.

**Senator Simitian Presiding**

**Assembly Bill 709**—An act to amend Section 48853.5 of the Education Code, and to add Section 120341 to the Health and Safety Code, relating to foster children.

Bill read third time and presented by Senator Liu.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**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 third time and presented by Senator DeSaulnier.

**Roll Call**

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

AYES (25)—Senators Alquist, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu,



Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (9)—Senators Anderson, Berryhill, Dutton, Fuller, Gaines, Harman, La Malfa, Runner, and Walters.

Bill ordered transmitted to the Assembly.

**Assembly Bill 214**—An act to amend Sections 22453 and 22457 of the Business and Professions Code, relating to business.

Bill read third time and presented by Senator Negrete McLeod.

#### Roll Call

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

AYES (22)—Senators Alquist, Corbett, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (12)—Senators Anderson, Berryhill, Blakeslee, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, Runner, and Walters.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1077**—An act to add Section 5006.10 to the Public Resources Code, relating to state parks.

Bill read third time and presented by Senator Price.

#### Roll Call

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

AYES (23)—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (12)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Huff, La Malfa, Runner, and Walters.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1408**—An act to amend Sections 16731 and 16731.5 of the Government Code, relating to general obligation bonds.

Bill read third time and presented by Senator Vargas.

#### Roll Call

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

AYES (27)—Senators Alquist, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Hancock, Hernandez, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (7)—Senators Anderson, Berryhill, Fuller, Harman, Huff, La Malfa, and Walters.

Bill ordered transmitted to the Assembly.



**Assembly Bill 1074**—An act to add Section 1714.55 to the Civil Code, relating to personal liability, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Padilla.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

**Roll Call**

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Senator Price Presiding**

**Assembly Bill 636**—An act to amend Section 824 of the Military and Veterans Code, relating to military service.

Bill read third time and presented by Senator Correa.

**Roll Call**

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

AYES (35)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Fuller, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 844**—An act to amend Section 72023.5 of, and to add Sections 66016.3 and 66016.4 to, the Education Code, relating to postsecondary education.

Bill read third time and presented by Senator Lieu.



**Roll Call**

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

**AYES (22)**—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

**NOES (12)**—Senators Anderson, Berryhill, Blakeslee, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, and Walters.

Bill ordered transmitted to the Assembly.

**RECESS**

At 2:15 p.m., the Senate recessed in order to convene in First Extraordinary Session.

**REASSEMBLED**

At 2:20 p.m., the Senate reconvened.

Hon. Curren Price, of the 26th District, presiding.

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

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

Bill read third time and presented by Senator Lowenthal.

**Roll Call**

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

**AYES (37)**—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

**NOES (0)**—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 568**—An act to amend Section 5007.7 of, and to amend and repeal Section 6030 of, the Penal Code, and to amend Sections 222 and 1774 of the Welfare and Institutions Code, relating to inmates.

Bill read third time and presented by Senator Liu.

**Roll Call**

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

**AYES (37)**—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1346**—An act to amend Sections 3099 and 3099.2 of the Labor Code, relating to employment.

Bill read third time and presented by Senator DeSaulnier.

#### Roll Call

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

AYES (22)—Senators Alquist, Cannella, Corbett, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (12)—Senators Anderson, Berryhill, Blakeslee, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, and Walters.

Bill ordered transmitted to the Assembly.

**Assembly Bill 964**—An act to amend Sections 1228.1, 1228.2, 1228.5, 1229.1, 1241, 1525, and 5101 of, to amend the heading of Article 2.7 (commencing with Section 1228) of Chapter 1 of Part 2 of Division 2 of, to add Section 1229 to, and to repeal Section 1228.9 of, the Water Code, relating to water.

Bill read third time and presented by Senator Blakeslee.

#### Roll Call

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

AYES (31)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Gaines, Hancock, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Runner, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1430**—An act to amend Sections 56011, 56012, 56013, 56014, 56015, 56017, 56020, 56020.5, 56020.7, 56021, 56023, 56024, 56029, 56031, 56033, 56034, 56035, 56036, 56038, 56039, 56040, 56041, 56043, 56044, 56046, 56047, 56047.5, 56048, 56049, 56051, 56052, 56053, 56055, 56056, 56057, 56062, 56065, 56066, 56069, 56070, 56073, 56074, 56075, 56078, 56100, 56117, 56127, 56128, 56375, 56383, 56428, 56757, 56824.14, 56864, 56866, 56895, 57001, 57002, 57078, 57090, 57104, 57105, 57114, 57150, 57525, and 57534 of, to amend and renumber Sections 56376 and 56376.5 of, to add Sections 56017.1, 56017.2, 56020.6, 56032.5, 56036.5, 56036.6, 56050.5, 56069.5, and 56073.1 to,





and to repeal Sections 56018, 56037, 56042, 56058, 56063, 56068, and 56079 of, the Government Code, and to amend Section 101370 of the Public Utilities Code, relating to local government.

Bill read third time and presented by Senator Wolk.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 316**—An act to add Section 487j to the Penal Code, relating to theft.

Bill read third time and presented by Senator Anderson.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 402**—An act to amend Section 49558 of, and to add Section 49557.3 to, the Education Code, and to add Section 18901.55 to the Welfare and Institutions Code, relating to the CalFresh program.

Bill read third time and presented by Senator Rubio.

**Roll Call**

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

AYES (24)—Senators Alquist, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (10)—Senators Anderson, Berryhill, Dutton, Emmerson, Fuller, Gaines, Huff, La Malfa, Runner, and Walters.

Bill ordered transmitted to the Assembly.



**Assembly Bill 1117**—An act to amend Section 597.1 of, and to add Section 597.9 to, the Penal Code, relating to animal abuse.

Bill read third time and presented by Senator Lieu.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 313**—An act to amend Sections 1569.38 and 1569.682 of the Health and Safety Code, relating to residential care facilities for the elderly.

Bill read third time and presented by Senator Liu.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, 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, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**SPECIAL CONSENT CALENDAR**

**Senate Bill 668**—An act to add Section 51257.5 to the Government Code, relating to agricultural land.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 107**—An act to amend Section 33353 of the Education Code, relating to physical education.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*



**Senate Bill 557**—An act to add and repeal Title 5.3 (commencing with Section 13750) of Part 4 of the Penal Code, relating to family justice centers.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 596**—An act to amend Sections 790.034 and 10089.2 of the Insurance Code, relating to insurance.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 796**—An act to add Section 4139 to the Welfare and Institutions Code, relating to state hospitals.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 801**—An act to amend Section 87500 of the Government Code, relating to the Political Reform Act of 1974.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 805**—An act to amend Section 6018.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 913**—An act to amend Section 739 of the Welfare and Institutions Code, relating to juveniles.

The Senate concurred in Assembly amendments, and the measure ordered enrolled.

*(NOTE: See Consent Calendar Roll Call)*

**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, passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 44**—An act to amend Section 3058.6 of the Penal Code, relating to inmates.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 560**—An act to amend Section 16101 of the Corporations Code, relating to partnerships.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 629**—An act to amend Section 1450.1 of the Military and Veterans Code, relating to veterans.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 689**—An act to add Article 9 (commencing with Section 10509.910) to Chapter 5 of Part 2 of Division 2 of the Insurance Code, relating to annuity transactions.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1147**—An act to amend Section 366.1 of the Welfare and Institutions Code, relating to dependent children.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1163**—An act to amend Section 94110 of the Education Code, relating to the California Educational Facilities Authority.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1293**—An act to add Section 186.12 to the Penal Code, relating to elder abuse.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1428**—An act to add Sections 17207.7 and 24347.6 to the Revenue and Taxation Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency clause read and adopted, bill passed, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 878**—An act to amend Section 7125 of the Business and Professions Code, relating to contractors.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 952**—An act to amend Section 185034 of, and to add Section 185025 to, the Public Utilities Code, relating to high-speed rail.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1247**—An act to amend Section 20229 of the Government Code, relating to public employees' retirement.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 648**—An act to amend Sections 4801, 4802, 4803, 4806, 4807, 4810, 4812, and 4813 of, and to add Section 4805 to, the Penal Code, relating to clemency.

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

*(NOTE: See Consent Calendar Roll Call)*

#### **Consent Calendar Roll Call**

The roll was called and the above measures on the Consent Calendar passed by the following vote:

AYES (34)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Runner, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (0)—None.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 446)**

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

#### **Roll Call**

The names of the absentees were called and AB 446 was passed by the following vote:

AYES (24)—Senators Alquist, Blakeslee, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (12)—Senators Anderson, Berryhill, Cannella, Dutton, Fuller, Gaines, Harman, Huff, La Malfa, Rubio, Runner, and Walters.

Above bill ordered transmitted to the Assembly.



**REQUEST TO BE ADDED TO ROLL CALL**

August 22, 2011

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measures taken up on this day:

AB 207—Aye	AB 1086—Aye	AJR 13—Aye
AB 361—Aye	AB 623—Aye	ACR 55—Aye
AB 636—Aye	AB 844—Aye	AB 1346—Aye
AB 964—Aye	AB 402—Aye	

DARRELL STEINBERG, President pro Tempore

August 22, 2011

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

AB 361—No

BOB DUTTON, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to personal business: Senators Strickland and Wyland.

The following Senator was granted leave of absence for the day due to illness: Senator Calderon.

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

At 2:40 p.m., on motion of Senator Fuller, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Fuller moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, August 23, 2011.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, August 22, 2011

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

SCR 18

Above resolution ordered enrolled.

Assembly Chamber, August 22, 2011

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

SB 41	SB 339	SB 608	SCR 45
SB 146	SB 428	SB 914	
SB 177	SB 595	SB 940	

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 22, 2011

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

AB 75	AB 337	AB 516	AB 1152
AB 139	AB 433	AB 654	AB 1216
AB 151	AB 475	AB 708	AB 1384
AB 195	AB 483	AB 818	AB 1402
AB 240	AB 504	AB 1103	

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, August 22, 2011

*The Honorable Greg Schmidt*

*Secretary of the Senate*

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 62 and AB 1181 to the Senate for further action.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

Above measures ordered held at Desk.

#### **REPORTS OF STANDING COMMITTEES**

##### **Committee on Appropriations**

Date of Hearing, August 22, 2011

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

AB 135                      AB 1215                      AB 1292

Reports the same back with the recommendation: Do pass.

KEHOE, Chair

Above bills ordered to second reading.

##### **Committee on Transportation and Housing**

Senate Chamber, August 22, 2011

Mr. President: The Chair of the Committee on Transportation and Housing, to which was referred:

AB 610

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

DESAULNIER, Chair



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

**Assembly Bill 610**—An act to add Section 5156.5 to the Vehicle Code, relating to vehicles.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 610 pursuant to Joint Rule 58.

ASSEMBLY MEMBER SOLORIO

**Permission of Rules Committee**

Senate Chamber, August 22, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 610.

STEINBERG, Chair

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

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Concurrent Resolution 57:** By Senator Vargas—Relative to building standards.

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

Without objection, **AB 276** was withdrawn from the Committee on Governance and Finance and re-referred to the Committee on Rules.

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

**Assembly Bill 41**—An act to amend Section 87200 of the Government Code, and to add Chapter 4 (commencing with Section 185040) to Division 19.5 of the Public Utilities Code, relating to conflicts of interest.

Bill read third time.

**Amendments Adopted**

Amendments to AB 41 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 420**—An act to add Section 21003 to the Elections Code, relating to redistricting.

Bill read third time.

**Amendments Adopted**

Amendments to AB 420 proposed by Senator Corbett were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 89**—An act to amend Section 31485.10 of, and to add Section 7503.5 to, the Government Code, relating to retirement and declaring the urgency thereof, to take effect immediately.

Bill read third time.





**Amendments Adopted**

Amendments to AB 89 proposed by Senator Negrete McLeod were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1203**—An act to amend Sections 45210 and 88210 of the Education Code, and to amend Section 3505.3 of the Government Code, relating to public employee organizations.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1203 proposed by Senator Negrete McLeod were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 353**—An act to amend Section 2814.1 of, and to add Sections 2814.2 and 14602 to, the Vehicle Code, relating to vehicles.

Bill read third time.

**Amendments Adopted**

Amendments to AB 353 proposed by Senator Simitian were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1319**—An act to add Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1319 proposed by Senator Pavley were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 267**—An act to add Section 924 to the Labor Code, relating to employment.

Bill read third time.

**Amendments Adopted**

Amendments to AB 267 proposed by Senator DeSaulnier were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 604**—An act to amend, repeal, and add Sections 121349, 121349.1, 121349.2, and 121349.3 of the Health and Safety Code, relating to public health.

Bill read third time.

**Amendments Adopted**

Amendments to AB 604 proposed by Senator Hernandez were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 408**—An act to amend Sections 13009.6, 25160.2, 25210.6, 25404, 25404.2, 25503.5, 25509, and 25509.2 of the Health and



Safety Code, relating to hazardous substances, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to AB 408 proposed by Senator Simitian were read and adopted and the measure ordered printed and to second reading.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Appropriations**

**AB 135—Do pass**

AYES (5)—Senators Alquist, Emmerson, Lieu, Runner, and Walters.

NOES (4)—Senators Kehoe, Pavley, Price, and Steinberg.

**AB 350—Do pass as amended**

AYES (5)—Senators Alquist, Kehoe, Lieu, Price, and Steinberg.

NOES (3)—Senators Emmerson, Runner, and Walters.

**AB 1215—Do pass**

AYES (8)—Senators Alquist, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

**AB 1292—Do pass**

AYES (9)—Senators Alquist, Emmerson, Kehoe, Lieu, Pavley, Price, Runner, Steinberg, and Walters.

NOES (0)—None.

Date of Hearing: 8/22/2011

Kehoe (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Ollie Olsen of Emeryville.

Senator Rubio requested that when the Senate adjourns this day it do so in memory of Don Giacomazzi of Hanford.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Fuller, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, August 23, 2011.

PAULA K. ROSSETTO, Minute Clerk

