

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, September 6, 2011

The Senate met at 12 p.m.  
Hon. Christine Kehoe, of the 39th 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, 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.



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

We pray to the Holy One, the Creator of us all, the One whom we look toward for inspiration and guidance. May the Holy One offer us wisdom in all of our endeavors, success in all of our worthy pursuits, and strength from our sense of purpose in serving the people of our State. May this be God's 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  
September 6, 2011

*To the Members of the California State Senate:*

I am returning **Senate Bill 211** without my signature.

This bill codifies a tire gauge accuracy requirement that is already in regulation and removes tire age as a consideration by the automotive service providers when determining whether a tire is unsafe for use. This bill is both unnecessary and omits a significant factor relating to public highway safety.

The California Air Resource Board's *Regulation to Reduce Greenhouse Gas Emissions from Vehicles Operation with Under Inflated Tires* requires automotive service providers to check and inflate a vehicle's tires to the manufacturer's recommended pressure at the time a vehicle is serviced. This simple action can save 75 million gallons of gasoline and reduce greenhouse gas emissions by 700,000 metric tons annually.

Placing provisions of ARB's regulation into statute unnecessarily limits ARB's ability to revise the regulation in the future to ensure that it achieves the greatest air quality improvements and greenhouse gas emission reductions possible without legislative action. Furthermore, by eliminating "age" as a factor bearing on a tire's safety, the bill seeks to circumvent the rulemaking process and overlooks significant evidence that age could degrade the performance capabilities of a tire. In this way, the bill disregards the stakeholder participation and transparency that were exercised during the rulemaking process.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered placed on unfinished business file.

Governor's Office, State Capitol  
September 6, 2011

*To the Members of the California State Senate:*

I am returning **Senate Bill 724** without my signature.

This bill would require the Air Resources Board (ARB) to respond to an applicant in writing within 30 working days of receipt of a certification



application for a vehicle, engine, or equipment family regarding the application's completeness and acceptance for filing. If the ARB determines that the application is not complete, ARB must specify in writing the information required to make it complete.

The ARB's vehicle and equipment certification process is intended to ensure that new vehicles, equipment, and engines sold in California meet minimum emission standards to protect air quality and public health. Under the current certification process, the ARB works closely with applicants to obtain the information necessary to make an approval determination and issue a certification for sale. In fact, ARB issues approval determinations within 90 days for over 96 percent of applications once they are deemed complete.

Moreover, this bill could interfere with the iterative information gathering application approval process, thereby rushing the process and inadvertently allowing vehicles with defective emission components on the market.

Finally, I would note that no real or convincing evidence has been presented to me that justifies a rigid, 30 day deadline for a written response.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered placed on unfinished business file.

**Receipt of Bills**

I acknowledge receipt this 6th day of September 2011 at 1:18 p.m., of the following Senate bills without the Governor's signature, together with statements of his objections thereto, signed by the Governor, delivered to me personally by Jacque Roberts: SB 211 and SB 724

BERNADETTE McNULTY  
Chief Assistant Secretary of the Senate

Governor's Office, State Capitol

September 6, 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

MARK N. PAZIN, has been the Merced County sheriff-coroner since 2002 and has served in a number of other positions in the Merced County Sheriff's Department since 1981. He received a Master of Science in National Security from the American Military University. Appointed 08/26/11. Effective 08/31/11.

Member, Alfred E. Alquist Seismic Safety Commission, vice, Sharron L. Leao, term expired, term ending 05/15/15.



FRANK E. SCHETTER, has been CEO of Schetter Electric since 2006 and was president from 1983 to 2005. He is currently the governor of the National Electrical Contractors Association and a member of the National Joint Apprenticeship and Training Committee. Appointed 08/12/11. Effective 08/23/11.

Member, Contractors State License Board, Department of Consumer Affairs, vice, Cynthia A. Mitchell, term expired, term ending 06/01/15.

ROBERT A. BARTON, has served as the senior assistant inspector general in the office of the Inspector General since 2005. Previously, Barton was the supervising deputy district attorney for Kern County from 2000 to 2005. He served as deputy district attorney from 1988 to 2000. Barton received his Juris Doctor degree from the University of California, Davis School of Law. Appointed 08/29/11. Effective 08/29/11.

Inspector General, Office of the Inspector General, vice, David R. Shaw, retired, term ending six years from second commission.

BARBARA B. EMLEY, has fished commercially since 1985. She has been the strategy team leader for the Pacific Coast Federation of Fisherman's Associations since 1995 and was the chair of the Gulf of the Farallones National Marine Sanctuary Advisory Council from 2002 to 2007. Appointed 08/22/11. Effective 08/22/11.

Commissioner, Pacific States Marine Fisheries Commission, vice, Donald K. Hansen, not confirmed, term ending 09/19/15.

DANUARIO L. FIGUEROA, has worked at Chuckawalla Valley State Prison as a correctional counselor from 1996 to 2010 and as a business services supervisor from 1992 to 1996. He served as a property controller with the California Department of Corrections and Rehabilitation from 1988 to 1992. Figueroa worked at the Board of Equalization from 1982 to 1988, serving as a statewide recruitment coordinator and a business tax representative. Appointed 08/08/11. Effective 09/01/11.

Commissioner, Board of Parole Hearings, vice, Troy E. Arbaugh, not confirmed, term ending 07/01/13.

MICHAEL F. PRIZMICH, has served as a commissioner on the Board of Parole Hearings since 2007. He served Amador County in multiple positions from 1976 to 2006, including sheriff-coroner from 1995 to 2006. Reappointed 08/08/11. Effective 08/16/11.

Commissioner, Board of Parole Hearings, term ending 07/01/14.

JACK E. GARNER, has served as a commissioner on the Board of Parole Hearings since 2005. He was a senior law enforcement consultant to the Commission on Peace Officer Standards and Training from 1990 to 2005. Garner served as the city manager of Martinez from 1985 to 1990. Reappointed 08/08/11. Effective 08/19/11.

Commissioner, Board of Parole Hearings, term ending 07/01/14.



HOWARD E. MOSELEY, has served as an adjunct professor at the University of the Pacific, School of International Studies since 2005. He served in several positions at the Office of the Inspector General from 2004 to 2011, most recently as chief assistant inspector general of the Bureau of Independent Review. Moseley was a deputy attorney general in the Criminal Law Division of the California Department of Justice from 1996 to 2004. Appointed 08/13/11. Effective 08/15/11.

Commissioner, Board of Parole Hearings, vice, Anthony T. Adams, resigned, term ending 07/01/14.

TERRI L. TURNER, has served as a retired annuitant deputy commissioner with the Board of Parole Hearings since 2008. She retired as a regional adult parole administrator in the California Department of Corrections and Rehabilitation in 2007 after serving there since 1980. Appointed 08/09/11. Effective 08/15/11.

Commissioner, Board of Parole Hearings, vice, Susan C. Melanson, resigned, term ending 07/01/14.

JOHN T. PECK, has served as a commissioner on the Board of Parole Hearings since 2009. He also served as a retired annuitant deputy commissioner with the Board of Parole Hearings from 2007 to 2009 and as a correctional officer in the California Department of Corrections and Rehabilitation from 1983 to 2007. Reappointed 08/08/11. Effective 08/16/11.

Commissioner, Board of Parole Hearings, term ending 07/01/14.

Above appointments referred to the Committee on Rules.

#### **MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, September 2, 2011

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

ACR 81

E. DOTSON WILSON, Chief Clerk of the Assembly

#### **FIRST READING OF ASSEMBLY MEASURE**

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

**Assembly Concurrent Resolution 81**—Relative to Ovarian Cancer Awareness Month.

#### **CONSIDERATION OF DAILY FILE**

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

**Senate Bill 116**—An act to amend Sections 23101 and 25128 of, to amend and repeal Sections 25128.5 and 25136 of, to add Sections 6377, 25128.7, 25136.1, and 25136.2 to, and to repeal and amend Sections 17053.80 and 23623 of, the Revenue and Taxation Code, relating to taxation, 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 144**—An act to amend Sections 7574.14 and 7582.2 of the Business and Professions Code, and to amend Sections 16520, 16750, 16850, 25595, and 25605 of, to add Sections 626.92, 16950, 17040, 17295, 17512, and 25590 to, and to add Chapter 6 (commencing with Section 26350) to Division 5 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

**Assembly Bill 520**—An act to amend Sections 12813, 13353.3, 13353.4, and 23575 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 1424**—An act to amend Sections 31 and 476 of, and to add Section 494.5 to, the Business and Professions Code, to add Section 12419.13 to the Government Code, to add Section 10295.4 to the Public Contract Code, to amend Sections 7063, 19195, and 19533 of, to add Sections 6835, 7057, 7057.5, 19377.5, 19571, and 19572 to, to add Article 9 (commencing with Section 6850) to Chapter 6 of Part 1 of Division 2 of, and to add Article 7 (commencing with Section 19291) to Chapter 5 of Part 10.2 of Division 2 of, the Revenue and Taxation Code, and to add Section 34623.1 to the Vehicle Code, relating to taxation.

Bill read second time and ordered to third reading.

**Assembly Bill 415**—An act to repeal and add Section 2290.5 of the Business and Professions Code, to repeal and add Section 1374.13 of the Health and Safety Code, to repeal and add Section 10123.85 of the Insurance Code, and to amend Sections 14132.72 and 14132.725 of the Welfare and Institutions Code, relating to telehealth.

Bill read second time and ordered to third reading.

**Assembly Bill 1320**—An act to add Section 31453.7 to, and to add Chapter 10 (commencing with Section 20860) to Part 3 of Division 5 of Title 2 of, the Government Code, relating to public employees' retirement, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**Assembly Bill 1329**—An act to amend Section 103885 of the Health and Safety Code, relating to disease reporting, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 794**—An act to amend Section 15150 of the Education Code, relating to school bonds.

Bill read second time and ordered to third reading.



**Assembly Bill 340**—An act to amend Section 31461 of, and to add Sections 31540, 31540.2, 31541, 31569, and 31680.9 to, the Government Code, relating to county employees' retirement.

Bill read second time and ordered to third reading.

**Assembly Bill 681**—An act to amend Section 25270.11 of the Health and Safety Code, relating to aboveground storage tanks.

Bill read second time and ordered to third reading.

**Assembly Bill 688**—An act to add Section 114094.5 to, and to add Chapter 3.5 (commencing with Section 110286) to Part 5 of Division 104 of, the Health and Safety Code, relating to food and drug safety.

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 1330**—An act to amend Section 48980 of, and to amend, repeal, and add Section 51225.3 of, the Education Code, relating to graduation requirements.

Bill read second time and ordered to third reading.

**Assembly Bill 180**—An act to add and repeal Section 52052.3 of the Education Code, relating to academic performance.

Bill read second time and ordered to third reading.

**Assembly Bill 29**—An act to add Chapter 1.6 (commencing with Section 12096) to Part 2 of Division 3 of Title 2 of, and to repeal Article 7 (commencing with Section 65054) of Chapter 1.5 of Division 1 of Title 7 of, the Government Code, relating to economic development.

Bill read second time and ordered to third reading.

**Assembly Bill 947**—An act to amend Section 4656 of the Labor Code, relating to workers' compensation.

Bill read second time and ordered to third reading.

**Assembly Bill 396**—An act to add Sections 14053.8 and 14053.9 to the Welfare and Institutions Code, relating to Medi-Cal.

Bill read second time and ordered to third reading.

**Assembly Bill 1403**—An act to amend Sections 222.5, 662.5, and 1033.5 of the Code of Civil Procedure, relating to civil actions.

Bill read second time and ordered to third reading.





**Assembly Bill 456**—An act to amend Sections 3084 and 8416 of the Civil Code, relating to mechanics liens.

Bill read second time and ordered to third reading.

**Assembly Bill 1084**—An act to amend Sections 985, 987.53, 987.60, 987.603, 987.67, 987.71, 987.75, 987.77, and 987.84 of, to add Sections 987.93 and 988.7 to, and to repeal Article 4 (commencing with Section 270) of Chapter 3 of, and Article 1 (commencing with Section 480) of Chapter 10 of, Part 1 of Division 2 of, the Military and Veterans Code, relating to veterans, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 418**—An act relating to tidelands and submerged lands.

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

**Assembly Bill 203**—An act to amend Sections 53300 and 53302 of, and to add Sections 53300.5, 53304, and 53305 to, the Education Code, relating to school intervention.

Bill read second time and ordered to third reading.

**Assembly Bill 325**—An act to add Section 230.5 to the Labor Code, relating to employee rights.

Bill read second time and ordered to third reading.

**Assembly Bill 1398**—An act to amend Section 1393.5 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

**Assembly Bill 981**—An act to amend Sections 44559.1, 44559.3, and 44559.4 of the Health and Safety Code, relating to the Capital Access Loan Program.

Bill read second time and ordered to third reading.

**Assembly Bill 74**—An act to add Section 486 to the Food and Agricultural Code, and to add Section 11000.10 to the Government Code, relating to public events.

Bill read second time and ordered to third reading.

**Assembly Bill 350**—An act to amend Sections 1060, 1061, and 1064 of, and to amend the heading of Chapter 4.5 (commencing with Section 1060) of Part 3 of Division 2 of, the Labor Code, relating to employment.

Bill read second time and ordered to third reading.





**Assembly Bill 101**—An act to add Article 19.5 (commencing with Section 8430) to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to child care.

Bill read second time and ordered to third reading.

**Assembly Bill 1112**—An act to amend Sections 8670.40 and 8670.42 of, and to add and repeal Section 8670.32 of, the Government Code, and to add and repeal Section 6226 of the Public Resources Code, relating to oil spills.

Bill read second time and ordered to third reading.

**Assembly Bill 922**—An act to amend Section 13975 of the Government Code, and to amend Sections 1341 and 1368.02 of, and to add Division 115 (commencing with Section 136000) to, the Health and Safety Code, relating to health care coverage.

Bill read second time and ordered to third reading.

**Assembly Bill 1313**—An act to amend Section 554 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

**Assembly Bill 1083**—An act to amend Sections 1357, 1357.03, 1357.05, 1357.06, 1357.07, and 1357.14 of, to amend, repeal, and add Sections 1357.12 and 1357.15 of, and to add Section 1348.95 to, the Health and Safety Code, and to amend Sections 10700, 10705, 10706, 10707, 10708, 10709, and 10716 of, to amend, repeal, and add Sections 10714 and 10717 of, and to add Sections 106.5 and 10127.19 to, the Insurance Code, relating to health care coverage.

Bill read second time and ordered to third reading.

**Assembly Bill 1235**—An act to add Section 33459.7 to the Health and Safety Code, relating to redevelopment, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 931**—An act to amend Section 21159.24 of, to add Section 21155.5 to, and to add and repeal Section 21155.4 of, the Public Resources Code, relating to the environment.

Bill read second time and ordered to third reading.

**Assembly Bill 56**—An act to add Sections 956.5, 957, 958, 958.5, 959, and 969 to the Public Utilities Code, relating to gas corporations.

Bill read second time and ordered to third reading.

**Assembly Bill 1391**—An act to amend Section 399.30 of the Public Utilities Code, relating to electricity.

Bill read second time and ordered to third reading.



**Assembly Bill 341**—An act to amend Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, to add Sections 40004, 41734.5, and 41780.01 to, to add Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and to add and repeal Section 41780.02 of, the Public Resources Code, relating to solid waste.

Bill read second time and ordered to third reading.

**Assembly Bill 1413**—An act to amend Sections 13, 300.5, 332.5, 334, 337, 359.5, 2026, 2150, 2151, 2152, 2154, 3006, 3007.5, 3205, 7100, 8002.5, 8025, 8040, 8041, 8062, 8068, 8081, 8106, 8121, 8124, 8141.5, 8148, 8300, 8600, 8606, 8803, 8805, 8807, 9083.5, 10704, 10706, 12104, 12108, 13102, 13105, 13107, 13206, 13207, 13212, 13230, 13300, 13302, 15340, 15402, 15560, and 19301 of, to repeal Sections 325, 7000, 9084.5, and 15451 of, to amend and renumber Section 6000a of, and to repeal Chapter 0.5 (commencing with Section 6000) of Part 1 of Division 6 of, the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

**Assembly Bill 1220**—An act to amend Sections 65009, 65589.3, and 65755 of the Government Code, relating to land use.

Bill read second time and ordered to third reading.

**Assembly Bill 1019**—An act relating to solid waste, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 983**—An act to amend Sections 116760.20, 116760.70, and 116761.23 of, and to add Section 116760.39 to, the Health and Safety Code, relating to public health, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**Assembly Bill 1389**—An act to amend Section 2814.1 of, and to add Section 2814.3 to, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 1180**—An act to add Section 38572 to the Health and Safety Code, relating to air pollution.

Bill read second time and ordered to third reading.

**Assembly Bill 615**—An act relating to high-speed rail, and making an appropriation therefor.

Bill read second time and ordered to third 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 second time and ordered to third reading.



**Assembly Bill 1150**—An act to amend Section 379.6 of the Public Utilities Code, relating to electricity.

Bill read second time and ordered to third reading.

**Assembly Bill 136**—An act to amend Section 2881 of the Public Utilities Code, relating to telecommunications.

Bill read second time and ordered to third reading.

**Assembly Bill 506**—An act to amend Section 53760 of, and to add Sections 53760.1, 53760.3, and 53760.5 to, the Government Code, relating to local government.

Bill read second time and ordered to third reading.

**Assembly Bill 270**—An act to amend Section 19522 of the Business and Professions Code, relating to satellite wagering.

Bill read second time and ordered to third reading.

**Assembly Bill 472**—An act to amend Section 53395.8 of, and to add Sections 53395.81 and 53397.71 to, the Government Code, and to amend Sections 3 and 5 of Chapter 898 of the Statutes of 1997, relating to infrastructure financing districts.

Bill read second time and ordered to third reading.

#### **SENATE RULE 55 WAIVED**

Without objection, Senate Rule 55 was waived to allow a lobbyist on the floor for a presentation.

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

Pursuant to Senate Rule 29.10, **AB 1403**, **AB 1019**, **AB 931**, **AB 922**, **AB 101**, **AB 506**, **AB 1391**, and **AB 1413** were re-referred to the Committee on Rules.

Pursuant to Senate Rule 29.10(c), **AB 794**, **AB 1180**, **AB 1418**, and **AB 472** were re-referred to the Committee on Rules.

#### **MOTION TO RE-REFER TO COMMITTEE**

Senator Kehoe moved that **AB 56** and **AB 340** be re-referred to the Committee on Rules.

Motion carried.

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

Without objection, **AB 1387** was withdrawn from Committee and placed on second reading; and

**AB 853** was withdrawn from Committee and placed on third reading.

#### **CONSENT CALENDAR**

##### **Objection Raised**

Senator Wyland objected to **AB 286** being on the Special Consent Calendar and asked that it be placed on the inactive file.

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



**MOTION TO PLACE MEASURE ON THE INACTIVE FILE**

Senator Simitian moved that **AB 1313** be placed on the inactive file.

Motion carried.

**MOTION TO TAKE MEASURE FROM THE INACTIVE FILE**

Senator Pavley moved that **AB 1414** be taken from the inactive file and placed on the second reading file.

Motion carried.

**SENATE RULE 29.3(b) SUSPENDED**

Without objection, Senate Rule 29.3(b) was suspended as it relates to SJR 14.

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

**Assembly Bill 1236**—An act to add Article 2.5 (commencing with Section 2811) to Chapter 2 of Division 3 of the Labor Code, relating to employment.

Bill read third time and presented by Senator DeSaulnier.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 913**—An act to amend Section 25244.17.2 of the Health and Safety Code, relating to hazardous waste.

Bill read third time and presented by Senator Hancock.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1369**—An act to amend Sections 17282 and 24436.1 of, and to repeal Sections 17281 and 24436 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time and presented by Senator Dutton.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.



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

**Assembly Bill 291**—An act to amend Section 25299.43 of the Health and Safety Code, relating to underground storage tanks.

Bill read third time and presented by Senator Walters.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 358**—An act to amend Sections 25295, 25296.10, 25296.35, 25296.40, 25299.39.2, 25299.57, and 25299.58 of the Health and Safety Code, relating to hazardous substances, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Walters.

**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1245**—An act to add Section 1797.119 to the Health and Safety Code, relating to emergency medical services.

Bill read third time and presented by Senator Pavley.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 584**—An act to amend Sections 3209.3 and 4610 of the Labor Code, and to amend Section 2708 of the Unemployment Insurance Code, relating to workers' compensation.

Bill read third time and presented by Senator Wyland.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 790**—An act to amend Section 52372.5 of, and to add and repeal Section 52372.7 of, the Education Code, relating to career technical education.

Bill read third time and presented by Senator Lowenthal.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1136**—An act to add Section 6403.5 to the Labor Code, relating to employment safety.

Bill read third time and presented by Senator DeSaulnier.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

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

Bill read third time and presented by Senator Liu.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 717**—An act to amend Sections 11165.12, 11169, and 11170 of the Penal Code, relating to the Child Abuse Central Index.

Bill read third time and presented by Senator Hancock.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 288**—An act to add Section 76038 to the Education Code, relating to community college districts.

Bill read third time and presented by Senator Hancock.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 767**—An act to add and repeal Article 4 (commencing with Section 8195) of Chapter 2.8 of Division 1 of Title 2 of the Government Code, relating to the State Capitol Sustainability Task Force.

Bill read third time and presented by Senator Steinberg.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1088**—An act to amend Section 8310.5 of, and to add Section 8310.7 to, the Government Code, relating to state agencies.

Bill read third time and presented by Senator Lieu.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**Senator Price Presiding**

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

**Assembly Bill 155**—An act to repeal and add Section 6203 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Hancock.





**Urgency Clause**

Urgency clause read.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1236)**

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

**Roll Call**

The names of the absentees were called and AB 1236 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 913)**

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

**Roll Call**

The names of the absentees were called and AB 913 was passed by the following vote:

AYES (26)—Senators Alquist, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1369)**

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



**Roll Call**

The names of the absentees were called and AB 1369 was passed by the following vote:

AYES (39)—Senators 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, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 291)**

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

**Roll Call**

The names of the absentees were called and AB 291 was passed by the following vote:

AYES (31)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (7)—Senators Anderson, Correa, Gaines, La Malfa, Runner, Strickland, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 358)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 358 was adopted by the following vote:

AYES (38)—Senators Alquist, 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, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Anderson.



**Roll Call**

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

AYES (38)—Senators Alquist, 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, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Anderson.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1245)**

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

**Roll Call**

The names of the absentees were called and AB 1245 was passed by the following vote:

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Gaines.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 584)**

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

**Roll Call**

The names of the absentees were called and AB 584 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 790)**

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

**Roll Call**

The names of the absentees were called and AB 790 was passed by the following vote:

AYES (27)—Senators Alquist, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, Wyland, and Yee.

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1182)**

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

**Roll Call**

The names of the absentees were called and AB 1182 was passed by the following vote:

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

NOES (15)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Fuller, Gaines, Harman, Huff, La Malfa, Rubio, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 717)**

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

**Roll Call**

The names of the absentees were called and AB 717 was passed by the following vote:

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price,



Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 288)**

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

**Roll Call**

The names of the absentees were called and AB 288 was passed by the following vote:

AYES (39)—Senators 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, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 767)**

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

**Roll Call**

The names of the absentees were called and AB 767 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1088)**

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

**Roll Call**

The names of the absentees were called and AB 1088 was passed by the following vote:

AYES (29)—Senators Alquist, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Huff, Kehoe,



Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

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

Above bill ordered transmitted to the Assembly.

### **Senator Price Presiding**

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

**Assembly Bill 189**—An act to amend Sections 42605 and 52612 of the Education Code, relating to education funding.

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, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (16)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

#### **Consideration of Assembly Bill 853**

**Assembly Bill 853**—An act to add Section 2021.5 to the Fish and Game Code, relating to sharks.

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 (28)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Corbett, De León, DeSaulnier, Emmerson, Evans, Gaines, Hancock, Harman, Kehoe, La Malfa, Leno, Liu, Lowenthal, Negrete McLeod, Pavley, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, and Wyland.

NOES (8)—Senators Cannella, Correa, Hernandez, Huff, Lieu, Price, Rubio, and Yee.

Bill ordered transmitted to the Assembly.

**Assembly Bill 376**—An act to add Section 2021 to the Fish and Game Code, relating to sharks.

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 (25)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Corbett, DeSaulnier, Emmerson, Evans, Gaines, Harman,

Kehoe, La Malfa, Leno, Liu, Lowenthal, Negrete McLeod, Pavley, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, and Wyland.

NOES (9)—Senators Cannella, Hernandez, Huff, Lieu, Price, Rubio, Walters, Wright, and Yee.

Bill ordered transmitted to the Assembly.

**Assembly Bill 183**—An act to add Section 23394.7 to the Business and Professions Code, relating to alcoholic beverages.

Bill read third time and presented by Senator Kehoe.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

**Assembly Bill 322**—An act to add and repeal Section 680.1 of the Penal Code, relating to forensic evidence.

Bill read third time and presented by Senator Pavley.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

**Assembly Bill 509**—An act to amend Sections 19851, 19852, and 19853 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Vargas.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

**Assembly Bill 152**—An act to add Section 131057.5 to the Health and Safety Code, to add and repeal Sections 17053.88 and 23688 of the Revenue and Taxation Code, and to add Chapter 14.5 (commencing with Section 18995) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to food banks.

Bill read third time and presented by Senator Berryhill.

The roll was called.





**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1211**—An act to amend Sections 1113, 5211, 5212, 5213, 5222, 5235, 5913, 6010, 6019.1, 6321, 6324, 6615, 6716, 7211, 7212, 7213, 8010, 8019.1, 8324, 8615, 9211, 9212, 9213, 9250, 9640, 12311, 12351, 12352, and 12353 of, and to add Sections 7914, 9634, and 18122 to, the Corporations Code, relating to not-for-profit corporations.

Bill read third time and presented by Senator La Malfa.

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**UNFINISHED BUSINESS****Consideration of Governor's Appointment**

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

DAVID G. MAXWELL-JOLLY PH.D., Deputy Secretary, Health and Human Services Agency.

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

**Roll Call**

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

AYES (39)—Senators 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, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.



**Consideration of Governor's Appointment**

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

TOBY J. DOUGLAS, Director, Health Care Services Department.

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

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

**Consideration of Governor's Appointment**

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

LAUREN R. HAMMOND, Member, California Gambling Control Commission.

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

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

**Consideration of Governor's Appointment**

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

TIFFANY E. CONKLIN, Member, California Gambling Control Commission.

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



**Roll Call**

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

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**Consideration of Governor's Appointment**

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

MICHAEL W. KIRST PH.D., Member, State Board of Education.

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

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

**Consideration of Governor's Appointment**

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

PATRICIA A. RUCKER, Member, State Board of Education.

**Roll Call**

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

AYES (31)—Senators Alquist, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Hancock, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (5)—Senators Anderson, Blakeslee, Dutton, Gaines, and La Malfa.



**Consideration of Governor's Appointments**

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

CARL A. COHN Ed.D., Member, State Board of Education  
AIDA L. MOLINA, Member, State Board of Education  
JAMES C. RAMOS, Member, State Board of Education  
ILENE W. STRAUS Ed.D., Member, State Board of Education  
TRISH B. WILLIAMS, Member, State Board of Education.

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

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

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

**Assembly Bill 706**—An act to amend Sections 132400, 132410, and 132415 of the Public Utilities Code, relating to the Metro Gold Line Foothill Extension Construction Authority, 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 (40)—Senators 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.

NOES (0)—None.

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 946**—An act to add Chapter 3.3 (commencing with Section 4218) to Division 5 of Title 1 of the Government Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Strickland.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (40)—Senators 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.

NOES (0)—None.

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1136)**

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

**Roll Call**

The names of the absentees were called and AB 1136 was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, and Yee.

NOES (18)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Hernandez, Huff, La Malfa, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 183)**

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

**Roll Call**

The names of the absentees were called and AB 183 was refused passage by the following vote:

AYES (17)—Senators Alquist, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Pavley, Simitian, Steinberg, Vargas, and Wright.

NOES (16)—Senators Anderson, Berryhill, Blakeslee, Calderon, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

**Motion to Reconsider**

Senator Kehoe moved to reconsider the vote whereby AB 183 was refused passage.

**Roll Call**

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

AYES (40)—Senators 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.

NOES (0)—None.

Bill ordered returned to third reading.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 322)**

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

**Roll Call**

The names of the absentees were called and AB 322 was passed by the following vote:

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Fuller and Gaines.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 509)**

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

**Roll Call**

The names of the absentees were called and AB 509 was passed by the following vote:

AYES (25)—Senators Alquist, Calderon, 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 (15)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 152)**

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

**Roll Call**

The names of the absentees were called and AB 152 was passed by the following vote:

AYES (40)—Senators 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.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 155)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to AB 155 was refused adoption by the following vote:

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

NOES (12)—Senators Anderson, Blakeslee, Correa, Dutton, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.





**Motion to Reconsider**

Senator Hancock moved to reconsider the vote whereby the urgency clause to AB 155 was refused passage.

**Roll Call**

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

**AYES (40)**—Senators 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.

**NOES (0)**—None.

Bill ordered returned to

**SPECIAL CONSENT CALENDAR**

**Senate Bill 6**—An act to amend Sections 10176 and 11345.4 of, and to add Sections 10177.3 and 11345.7 to, the Business and Professions Code, and to amend Section 1090.5 of the Civil Code, relating to real estate.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 306**—An act to add Section 5057 to, and to repeal and add Section 5096.14 of, the Business and Professions Code, relating to accountancy, and declaring the urgency thereof, to take effect immediately.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 541**—An act to add Section 40 to the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 621**—An act to add Section 10110.6 to 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 647**—An act to amend Sections 116.780, 116.820, 700.160, 2029.610, and 2029.620 of the Code of Civil Procedure, to amend Section 14502 of the Corporations Code, to amend Section 915.2 of the Government Code, to amend Section 7100 of the Health and Safety Code, to amend Sections 259, 2583, and 8250 of the Probate Code, to amend Section 19280 of the Revenue and Taxation Code, and to amend Section 903.47 of the Welfare and Institutions Code, relating to civil law.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 944**—An act to amend Sections 5805, 6710.1, 6711, 6712, 6775, 6775.1, 7027, 7029.5, 7030, 7058.6, 7058.8, 7066.5, 7204, 7211, 7215, 7217, 7500.1, 7506.9, 7507.9, 7820, 7821, 7852, 7852.1, 8710.1, 8780, 8780.1, 8805, 22253.2, and 22255 of, to add Sections 6721, 7504.8, 7841.2, and 8714 to, to add Article 2.1 (commencing with Section 7826) to Chapter 12.5 of Division 3 of, and to repeal Section 7823 of, the Business and Professions Code, to amend Section 3099.2 of the Labor Code, and to amend Section 7106 of the Public Contract Code, relating to business and professions.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 947**—An act to amend Sections 63.1, 69, 69.3, 69.5, 74.5, 74.6, 276.2, 278, 483, 531.1, 830, 862, 1150, 1154, 2821, 4831, 5303, 11551, and 11596 of, to add Section 271.5 to, and to repeal Section 75.23 of, the Revenue and Taxation Code, relating to taxation.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Bill 948**—An act to amend Sections 408, 620, 2611.1, 2923, 3698.8, 4675, 4676, 4842, 4911, 5096, 5097.2, and 5150.5 of the Revenue and Taxation Code, relating to taxation.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1016**—An act to amend Section 4750 of the Penal Code, and to amend Section 4117 of the Welfare and Institutions Code, relating to state hospitals, and making an appropriation therefor.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 1429**—An act to amend Section 8686 of the Government 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 301**—An act to amend Sections 14094.3 and 14105.18 of the Welfare and Institutions Code, relating to Medi-Cal.

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

*(NOTE: See Consent Calendar Roll Call)*

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 882**—An act to amend Sections 68074 and 68075 of the Education Code, relating to military and veterans.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1056**—An act to add and repeal Section 71091 of the Education Code, relating to community colleges.

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

*(NOTE: See Consent Calendar Roll Call)*

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

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

AYES (40)—Senators 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.

NOES (0)—None.

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

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



**MOTION TO ADJOURN**

Senator Steinberg moved that the Senate stand in recess until the hour of 7 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 7 p.m., the Senate will adjourn until Wednesday, September 7, 2011.

Motion carried.

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

State Capitol, September 6, 2011

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

AB 101 to the Labor and Industrial Relations Committee

AB 506 to the Governance and Finance Committee

AB 922 to the Health Committee

AB 1019 to the Environmental Quality Committee

AB 1391 to the Energy, Utilities, and Communications Committee

AB 1403 to the Judiciary Committee

AB 1413 to the Elections and Constitutional Amendments Committee

STEINBERG, Chair

Senate Chamber, September 6, 2011

Madam President: The Committee on Rules has examined:

SCR 45

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 6th day of September, 2011, at 2:30 p.m.

STEINBERG, Chair

Senate Chamber, September 6, 2011

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

SJR 14

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 Joint Resolution 14**—Relative to Internet gambling.

Resolution read second time.

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

**Committee on Appropriations**

Senate Chamber, September 6, 2011

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

AB 1121

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

KEHOE, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, September 6, 2011

Madam President: The Committee on Rules has examined:

SB 3	SB 170	SB 296	SB 442
SB 33	SB 177	SB 328	SB 482
SB 41	SB 193	SB 339	SB 484
SB 100	SB 194	SB 361	SB 489
SB 128	SB 199	SB 405	SB 495
SB 131	SB 215	SB 420	SB 502
SB 146	SB 225	SB 425	
SB 164	SB 267	SB 428	

And reports that the same have been correctly enrolled, and presented to the Governor on the 6th day of September, 2011, at 4:30 p.m.

STEINBERG, Chair

**Committee on Health**

Date of Hearing: September 6, 2011

Madam President: The Committee on Health, to which was referred:

AB 922

Reports the same back with the recommendation: That the measure be returned to the Senate Floor for consideration.

HERNANDEZ, Chair

Above measure ordered to third reading.

**Committee on Labor and Industrial Relations**

Date of Hearing, September 6, 2011

Madam President: The Committee on Labor and Industrial Relations, to which was referred:

AB 1426

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

LIEU, Chair

Above measure re-referred to the Committee on Appropriations.



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

Without objection, **AB 796** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

**SENATE COMMITTEE ROLL CALLS****Committee on Labor and Industrial Relations**

**AB 1426**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators DeSaulnier, Leno, Lieu, Padilla, Runner, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 9/6/2011

Lieu (Chair)

**Committee on Health**

**AB 922**—That the measure be returned to Senate floor for consideration. Ordered to third reading

AYES (5)—Senators De León, DeSaulnier, Hernandez, Rubio, and Wolk.

NOES (3)—Senators Anderson, Blakeslee, and Strickland.

Date of Hearing: 9/6/2011

Hernandez (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Simitian requested that when the Senate adjourns this day it do so in memory of William H. Clark of Palo Alto.

**ADJOURNMENT**

At 7 p.m., on motion of Senator Steinberg, the Senate adjourned until 10 a.m., Wednesday, September 7, 2011.

PAULA K. ROSSETTO, Minute Clerk

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