

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, September 8, 2011

The Senate met at 10 a.m.  
Hon. Darrell Steinberg, of the 6th 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**

Upon invitation of the President pro Tempore, the following prayers were offered to mark the tenth anniversary of the September 11 tragedy:

Prayer offered by

*Rabbi Mona Alfi,  
B'nai Israel, Sacramento*

*O Great and Merciful God,* Each day the Senate is in session we begin with holy words, a prayer to You and a pledge of allegiance to our country.

With a prayer we remind ourselves that to serve others is a sacred task, and with our pledge we affirm our devotion to our country and our obligation to protect and preserve it.

Ten years ago we were left without adequate words as we watched in horror as our nation was attacked. But we found solace in prayer and we recommitted ourselves to the service and protection of our country.

On that tragic day we did not think of our differences, we were not Democrats or Republicans, Christians, Muslims, Jews, Sikhs, Bhuddists or Hindus. Through that terrible tragedy we came together, in unity, as Americans.

On this day, we stand before You in remembrance of those who were killed. We stand together as brothers and sisters, praying for your help in repairing a world that was shattered, we ask for healing and for guidance. We ask you to protect our country and all who dwell here, but most of all, we ask for peace.

May this be God's will.—AMEN.

*Prayer by Fr. Michael F. Kiernan  
Cathedral of the Blessed Sacramento*

*O God Of Love, Compassion, and Healing,*  
look on us, people of many different faiths and traditions,  
who gather here today to remember  
the incredible violence and pain on September 11, 2001.

We ask you in your goodness  
to give eternal light and peace  
to all who died on that day:

The heroic first-responders—

The fire fighters, police officers,  
emergency service workers, and  
Port Authority personnel;  
along with all the innocent men and women  
who were victims of this tragedy  
simply because of their work or service.

We ask you, in your compassion,  
to bring healing to those  
who, because of their very presence on that day,  
suffer from injuries and illness.



Heal, too, the pain of still-grieving families  
and all who lost loved ones in this tragedy.  
Give them strength to continue their lives  
with courage and hope.

God of peace, bring your peace to our violent world:  
peace in the hearts of all men and women,  
and peace among the nations of the earth.  
Turn to your way of love  
those whose hearts and minds  
are consumed with hatred.

God of understanding,  
we are overwhelmed by the magnitude of this tragedy, and  
we seek your light and guidance  
as we confront such terrible events.  
Grant that those whose lives were spared  
may live so that the lives lost  
may not have been lost in vain.

Comfort and console us,  
strengthen us in hope,  
and give us the wisdom and courage  
to work tirelessly for a world  
where true peace and love reign  
among nations and in the hearts of all.

O Almighty and merciful God, You cannot be understood by one who  
sows discord. You cannot be accepted by one who loves violence. Look  
upon our painful human condition tried by cruel acts of terror and death.  
Comfort your children and open our hearts to hope, so that our time may  
again know days of serenity and peace.—AMEN.

Prayer offered by

*Imam Mohamed Abdul Azeez*

*Sacramento Area League of Associated Muslims*

*Dear God!* You are my lord, there is no god but You.

Upon You I depend, and You are the lord of the greatest throne.

Whatever God wills will be, and whatever He wills not, will never be.  
There is no power nor strength without God, the most high, the greatest.

I believe that God is capable of everything, and that his knowledge  
encompasses everything!

Dear God! I seek refuge in You from the evil of my soul, and from the  
evil of every creation that is under Your sway. Verily, my Lord is on the  
most righteous path!

Dear God, with humble hearts and submitting souls, we ask of you  
With gratitude to all of your blessings, we ask of you  
With full appreciation to all of your bounties, we ask of you



We ask you on this blessed day to bring humility, strength and understanding to the hearts of our brothers and sisters who have been elected to be the trustees of our great state, to guide their decisions, to strengthen their backs, and to increase their resolve to serve.

We ask you to alleviate our pain, to allay our fears and to console our hearts. We ask you to bring our state, and our nation out of hardship, and to fill our hearts with hope of a better tomorrow.

Prayer offered by

*Ranjeet Singh*

*Sikh Temple of West Sacramento*

Having first remembered God the Almighty, think of Guru Nanak. The Tenth Master Guru Gobind Singh Jee, father of the Khalsa who has blessed us with the gift of Amrit—may we enjoy his protection everywhere. Turn your thoughts, O Khalsa, to the teachings of Guru Granth Sahib and call on God Wonderful Lord!

Almighty God, we humbly request you to keep all men and women who have laid their lives to protect freedom and peace since 9/11 till today the tenth anniversary please keep them in your glorious feet and protect them forever and comfort their families

“Nanak Naam charhdee kala. Tere bhaaney sarbat da bhala”.

(O Nanak, may the Name be ever in ascendance! In Your will may the good of all prevail!)

Prayer offered by

*The Very Rev. Dr. Brian Baker*

*Trinity Episcopal Cathedral*

As we remember this week the horror of evil inflicted, towers falling, lives crushed and tears shed, help us, Oh Lord, to never forget the heroism, the open-hearted sacrifice of the police, fire-fighters and ordinary citizens who took no heed of their own safety when others were in danger,

And give us the grace, we pray to live into their example as we strive for reconciliation and peace, as we seek to be agents of your love, in this war-torn world.—AMEN.

#### **PLEDGE OF ALLEGIANCE TO THE FLAG**

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



**Senator Kehoe Presiding**

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol  
September 8, 2011

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective close of business September 8, 2011, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Ronald J. Garcia                      Member, Alfred E. Alquist Seismic  
Safety Commission.

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, September 7, 2011

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

AJR 18

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, September 8, 2011

*The Honorable Greg Schmidt*  
*Secretary of the Senate*

Dear Greg: The Assembly on this day withdrew AB 621 from Enrollment and pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

Above measure ordered held at Desk.

Assembly Chamber, September 8, 2011

*The Honorable Greg Schmidt*  
*Secretary of the Senate*

Dear Greg: The Assembly on this day withdrew AB 983 from Enrollment and pursuant to the instructions of the Assembly, I am herewith returning the bills to the Senate for further action.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

Above measure ordered held at Desk.



Assembly Chamber, September 8, 2011

*The Honorable Greg Schmidt*  
*Secretary of the Senate*

Dear Greg: The Assembly on this day withdrew AB 1245 from Enrollment and pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

Above measure ordered held at Desk.

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

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

**Assembly Joint Resolution 18**—Relative to Sickie Cell Awareness Month.

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

##### **Committee on Rules**

Senate Chamber, September 8, 2011

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

AB 506

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**

**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.

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

##### **Committee on Business, Professions and Economic Development**

Date of Hearing, September 8, 2011

Madam President: The Committee on Business, Professions and Economic Development, to which was referred:

AJR 15

Reports the same back with the recommendation: Be adopted.

PRICE, Chair

Above resolution ordered to third reading.



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

**Assembly Bill 238**—An act to amend Sections 2983 and 2983.1 of the Civil Code, relating to motor vehicle sales, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 1426**—An act to amend Sections 110, 123.5, 123.6, 127, 133, 138, 138.1, 138.2, 5307, 5307.3, 5310, 5311.5, 5500.3, and 5502 of, and to repeal Section 127.5 of, the Labor Code, relating to workers' compensation, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SR 20, ACR 67, ACR 71, ACR 77, ACR 79, ACR 80, ACR 81, ACR 26, ACR 78, ACR 56, ACR 58, ACR 70, ACR 75, ACR 76, and ACR 82** were withdrawn from Committee and placed on today's Special Consent Calendar.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 217** was re-referred to the Committee on Rules.

Pursuant to Senate Rule 29.10, the issue raised by the Assembly amendments to **SB 292** was re-referred to the Committee on Rules.

**UNANIMOUS CONSENT GRANTED (AB 1181)  
TO RESCIND ACTION AND TO PLACE ON INACTIVE FILE**

Without objection, unanimous consent was granted that the action be rescinded whereby **AB 1181** was passed to the Assembly, and that the bill be placed on the inactive file.

The President ordered the above measure to the inactive file.

**MEASURE RE-REFERRED TO COMMITTEE**

Without objection, **SB 116** was re-referred to the Committee on Rules.

**MOTIONS TO PLACE MEASURES ON INACTIVE FILE**

Senator Kehoe moved that **AB 1275** be placed on the inactive file.

Senator Calderon moved that **AB 1419** and **AB 1421** be placed on the inactive file.

Senator Wright moved that **AB 1146** and **AB 1241** be placed on the inactive file.

Senator Hernandez moved that **AB 1083** be placed on the inactive file.

Senator Wolk moved that **AB 710** be placed on the inactive file.

Motions carried.



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

State Capitol, September 8, 2011

Madam President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 5–0, has referred the following bills:

SB 217 to the Banking and Financial Institutions Committee

SB 292 to the Environmental Quality Committee

AB 931 to the Environmental Quality Committee

STEINBERG, Chair

**Committee on Banking and Financial Institutions**

September 8, 2011

Madam President: The Committee on Banking and Financial Institutions, to which was referred:

SB 217

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

VARGAS, Chair

Above measure ordered to unfinished business.

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

**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.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Bill 1062**—An act to amend Section 1294 of the Code of Civil Procedure, relating to arbitration.

Bill read third time and presented by Senator Evans.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.





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

**Assembly Bill 22**—An act to amend Section 1785.20.5 of the Civil Code, and to add Chapter 3.6 (commencing with Section 1024.5) to Part 2 of Division 2 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 Concurrent Resolution 13**—Relative to Rare Disease Day. Resolution read third time and presented by Senator Leno.

**Roll Call**

The roll was called and the resolution was 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.

Resolution ordered transmitted to the Assembly.

**Assembly Bill 634**—An act to amend Sections 6025.5 and 6027.1 of, and to add and repeal Section 6025.4 of, the Food and Agricultural Code, relating to vertebrate pests.

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

NOES (1)—Senator Pavley.

Bill ordered transmitted to the Assembly.

**Assembly Bill 809**—An act to amend Section 21628.2 of the Business and Professions Code, to amend Sections 17000, 26600, 26610, 26615, 26805, 26820, 26840, 26845, 26850, 26865, 26890, 26905, 26955, 26960, 26965, 27050, 27060, 27065, 27130, 27400, 27410, 27415, 27540, 27560, 27565, 27590, 27600, 27610, 27615, 27655, 27660, 27665, 27730, 27860,



27875, 27880, 27920, 28000, 28060, 28100, 28160, 28170, 28180, 28210, 28215, 28220, 28230, 28240, 28245, 28400, 28410, 28415, 30105, 30150, 30160, 30165, 31705, 31715, 31720, 31735, 33850, 33860, 33865, 34355, 34365, and 34370 of, to amend and repeal Sections 27110, 27710, 27870, 27915, 27965, 28165, 31775, 31795, and 33890 of, to amend, repeal, and add Section 11106 of, and to add Section 27966 to, the Penal Code, relating to firearms.

Bill read third time and presented by Senator De León.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

**Assembly Bill 525**—An act to amend Section 42885.5 of, to add Section 48704.1 to, and to add and repeal Section 42872.5 of, the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Corbett.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

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

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 (23)—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu,



Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, 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.

Bill ordered transmitted to the Assembly.

**Assembly Bill 418**—An act relating to tidelands and submerged lands.  
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 (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Corbett, Correa, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**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 third time and presented by Senator Lowenthal.

**Roll Call**

The roll was called and the bill 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, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Bill ordered transmitted to the Assembly.

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

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, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete



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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 1398**—An act to amend Section 1393.5 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 (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, 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, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**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 third time and presented by Senator Rubio.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

**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 third time and presented by Senator Padilla.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

**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 third time and presented by Senator Padilla.

#### **Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

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

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

Bill read third time and presented by Senator Evans.

The roll was called.

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

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

Motion carried.

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

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

Bill read third time and presented by Senator Walters.

#### **Roll Call**

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

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, 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, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

#### **Senator Price Presiding**

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

Bill read third time and presented by Senator Wright.

#### **Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1414**—An act to amend Sections 4514, 4514.5, 4526, 4526.5, 4527, 4527.5, 4528.5, 4551.5, 4553, 4561, 4562.7, 4583.2, 4583.5, 4584, and 4603, to amend the heading of Article 3 (commencing with Section 4531) of Chapter 8 of Part 2 of Division 4 of, and to repeal Sections 4522, 4522.5, 4532, 4533, 4534, 4536, 4537, 4538, 4539, 4540, 4561.2, and 4561.3 of, the Public Resources Code, and to repeal Section 14 of Chapter 1290 of the Statutes of 1989, relating to forestry.

Bill read third time and presented by Senator Pavley.

#### **Roll Call**

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

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, 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, 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 525)**

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



**Roll Call**

The names of the absentees were called and AB 525 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, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Above bill ordered transmitted to the Assembly.

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

**Assembly Bill 1121**—An act to amend Sections 30525, 30801, and 30804.5 of, and to add Sections 30503.5 and 30505 to, the Food and Agricultural Code, and to amend Section 38792 of the Government Code, relating to dog licensing.

Bill read third time and presented by Senator Leno.

**Roll Call**

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

AYES (27)—Senators Alquist, Berryhill, Blakeslee, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (10)—Senators Anderson, Correa, Dutton, Fuller, Gaines, Harman, Huff, La Malfa, Negrete McLeod, and Runner.

Bill ordered transmitted to the Assembly.

**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 third time and presented by Senator Evans.

**Roll Call**

The roll was called and the bill 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, Padilla, Pavley, Price, Rubio, Runner, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



**Senator Price Presiding****UNFINISHED BUSINESS****Consideration of Assembly Amendments**

**Senate Bill 436**—An act to amend Section 65965 of, to add Sections 65966 and 65967 to, and to add and repeal Section 65968 of, the Government Code, relating to land use.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 436?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**Senate Bill 771**—An act to amend Section 26003 of the Public Resources Code, relating to energy.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 771?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

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

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

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

Bill ordered transmitted to the Assembly.

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

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

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

Bill ordered transmitted to the Assembly.

**Senator Kehoe Presiding**

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

Bill read third time and presented by Senator Simitian.

**Urgency Clause**

Urgency clause read.

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

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

**Assembly Joint Resolution 16**—Relative to McDonnell Hall.

Resolution read third time and presented by Senator Alquist.

**Roll Call**

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

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Gaines, 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 (0)—None.

Resolution ordered transmitted to the Assembly.

**MOTION TO WITHDRAW MEASURE FROM COMMITTEE**

A motion was made that, without objection, **AB 221** be withdrawn from the Committee on Rules and placed on second reading.

Objection raised.

**Roll Call**

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

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

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

Above measure ordered to second reading.

**REQUEST TO WITHDRAW FROM COMMITTEE**

A request was made to withdraw **AB 340**, **AB 724**, **AB 1059**, **AB 56**, and **AB 172** from the Committee on Rules and to place the measures on third reading; and to withdraw

**AB 306**, and **AB 750** from the Committee on Appropriations and to place the measures on third reading.

Objection was raised to granting the above request.

**Roll Call**

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

AYES (23)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Lowenthal,



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

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

Above measures ordered to third reading.

#### **REQUEST TO SUSPEND SENATE RULE 29.3(b)**

A request was made to suspend Senate Rule 29.3(b) as it relates to AB 1391 and AB 1050.

Objection was raised to granting the above request.

#### **Roll Call**

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

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

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

### **REPORTS OF STANDING COMMITTEES**

#### **Committee on Rules**

Senate Chamber, September 8, 2011

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

AB 1050

AB 1391

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**

**Assembly Bill 1050**—An act to add and repeal Section 41127.9 of the Revenue and Taxation Code, relating to telecommunications.

Bill read second time.

#### **Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 1050 pursuant to Joint Rule 58.

ASSEMBLY MEMBER MA

#### **Permission of Rules Committee**

Senate Chamber, September 8, 2011

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1050.

STEINBERG, Chair



**Assembly Bill 1391**—An act to add and repeal Section 14236 of the Unemployment Insurance Code, relating to workforce development.

Bill read second time.

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

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

**Assembly Bill 1307**—An act to amend Section 7145.5 of the Business and Professions Code, to add Section 15624.5 to the Government Code, to add Section 6070.5 to the Revenue and Taxation Code, and to amend Section 1088.5 of the Unemployment Insurance Code, relating to taxation.

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 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.

**Assembly Bill 1053**—An act to amend Sections 100430 and 103625 of, and to amend, repeal, and add Section 100425 of, the Health and Safety Code, and to amend Section 903.15 of the Welfare and Institutions Code, relating to local government.

Bill read third time and presented by Senator Hancock.

**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, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (17)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Negrete McLeod, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE**  
**DISPENSED WITH (AB 809)**

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



**Roll Call**

The names of the absentees were called and AB 809 was passed by the following vote:

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

NOES (19)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Negrete McLeod, Rubio, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered transmitted to the Assembly.

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator DeSaulnier:

Senate Chamber, September 8, 2011

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(13) in order that AB 378 may be reported by the Committee on Veterans Affairs after the deadline.

SENATOR DESAULNIER

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

STEINBERG, Chair

**Joint Rules Dispensed With**

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(13) was dispensed with as requested.

**CONSIDERATION OF DAILY FILE (RESUMED)  
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 438)**

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 438 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, Padilla, Pavley, Price, Rubio, 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 22)**

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 22 was passed by the following vote:

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

NOES (17)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, 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 74)**

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

**Roll Call**

The names of the absentees were called and AB 74 was passed 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, Rubio, Steinberg, Vargas, Wolk, and Wright.

NOES (16)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, 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 1389)**

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

**Roll Call**

The names of the absentees were called and AB 1389 was passed by the following vote:

AYES (21)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Liu, Lowenthal,



Negrete McLeod, Padilla, Price, Simitian, Steinberg, Wolk, Wright, and Yee.

NOES (19)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Lieu, Pavley, Rubio, Runner, Strickland, Vargas, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1220)**

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 1220 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, Padilla, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Above bill ordered transmitted to the Assembly.

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

**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 and presented by Senator Hernandez.

**Roll Call**

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

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

NOES (17)—Senators Anderson, Berryhill, Blakeslee, Cannella, Correa, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Rubio, Runner, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

**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 third time and presented by Senator De León.

The roll was called.

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

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

Motion carried.

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

**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 third time and presented by Senator De León.

The roll was called.

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

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

Motion carried.

#### **FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 144)**

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

#### **Roll Call**

The names of the absentees were called and AB 144 was passed by the following vote:

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

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

Above bill ordered transmitted to the Assembly.

#### **Motion to Reconsider**

Senator LaMalfa moved to reconsider the vote whereby AB 144 was passed.





**Roll Call**

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

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

NOES (20)—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Negrete McLeod, Padilla, Pavley, Price, Steinberg, Vargas, Wolk, and Yee.

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

**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 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.

**THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution 59**—Relative to September 11, 2001 tenth anniversary.

Resolution read third time and presented by Senator Correa.

**Roll Call**

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Calderon:

Senate Chamber, September 8, 2011

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(13) in order that AB 621 may be amended on the floor after the deadline.

SENATOR CALDERON



**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

STEINBERG, Chair

**Joint Rules Dispensed With**

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(13) was dispensed with as requested.

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

**Senate Concurrent Resolution 55**—Relative to California Runaway and Homeless Youth Month.

Resolution read third time and presented by Senator Liu.

**Roll Call**

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, 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.

Resolution ordered transmitted to the Assembly.

**Senate Resolution 19**—Relative to the Joint Bioenergy Institute.

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 (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.

Resolution ordered transmitted to the Assembly.

**UNFINISHED BUSINESS (RESUMED)  
Consideration of Assembly Amendments**

**Senate Bill 439**—An act to add Section 22365 to the Education Code, and to amend Section 89503 of, and to add Section 20154 to, the Government Code, relating to the Political Reform Act of 1974.

Bill presented by Senator Negrete McLeod.

The question being: Shall the Senate concur in the Assembly amendments to SB 439?



**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 224**—An act to amend Sections 10296, 10335, 10340, and 10430 of, and to add Sections 10295.6 and 10304.1 to, the Public Contract Code, relating to public contracts.

Bill presented by Senator Pavley.

The question being: Shall the Senate concur in the Assembly amendments to SB 224?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 474**—An act to amend Sections 2782 and 2783 of, and to add Section 2782.05 to, the Civil Code, relating to indemnity.

Bill presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SB 474?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Strickland.

Above bill ordered enrolled.



**Senate Bill 910**—An act to amend Sections 21460 and 21750 of, and to add Section 21750.1 to, the Vehicle Code, relating to vehicles.

Bill presented by Senator Lowenthal.

The question being: Shall the Senate concur in the Assembly amendments to SB 910?

**Roll Call**

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

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

NOES (11)—Senators Anderson, Correa, Dutton, Fuller, Harman, Huff, Negrete McLeod, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 101)**

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 101 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, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, 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.

**UNFINISHED BUSINESS (RESUMED)**

**Consideration of Assembly Amendments**

**Senate Bill 363**—An act to amend Sections 4980.01, 4980.03, 4980.36, 4980.42, and 4980.43 of the Business and Professions Code, relating to marriage and family therapists.

Bill presented by Senator Emmerson.

The question being: Shall the Senate concur in the Assembly amendments to SB 363?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 897**—An act to add Section 1569.686 to the Health and Safety Code, relating to residential care facilities for the elderly.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 897?

#### Roll Call

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 299**—An act to amend Section 12945 of the Government Code, relating to employment.

Bill presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SB 299?

#### Roll Call

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

AYES (27)—Senators Alquist, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Harman, 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, La Malfa, Runner, Walters, and Wyland.

Above bill ordered enrolled.

#### 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 passed by the following vote:

AYES (21)—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, Wright, and Yee.

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

Above bill ordered transmitted to the Assembly.

**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill 15**—An act to amend Section 13308 of the Government Code, relating to the state budget.

Bill presented by Senator DeSaulnier.

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

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 20**—An act to repeal and add Section 114094 of the Health and Safety Code, relating to food facilities.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 20?

**Roll Call**

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

AYES (38)—Senators Alquist, Berryhill, Blakeslee, Calderon, 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, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Anderson.

Above bill ordered enrolled.

**Senate Bill 26**—An act to add Section 4576 to the Penal Code, relating to prisons, 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 26?

#### Urgency Clause

The urgency clause was 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 Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 53**—An act to amend Sections 10079, 10176, 10237, and 10238 of, to amend, repeal, and add Sections 10156.2 and 10177 of, to add Sections 10080.9, 10088, 10141.6, and 10236.7 to, to repeal Section 10239.4 of, and to repeal Article 6 (commencing with Section 10237) and Article 6.5 (commencing with Section 10239) of Chapter 3 of Part 1 of Division 4 of, the Business and Professions Code, and to add Section 1808.51 to the Vehicle Code, relating to real estate licensees.

Bill presented by Senator Calderon.

The question being: Shall the Senate concur in the Assembly amendments to SB 53?



**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 61**—An act to amend Sections 629.62 and 629.98 of the Penal Code, relating to wiretapping.

Bill presented by Senator Pavley.

The question being: Shall the Senate concur in the Assembly amendments to SB 61?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 108**—An act to amend Sections 2727.1 and 2770 of, and to add Section 2777.5 to, the Public Resources Code, relating to surface mining.

Bill presented by Senator Rubio.

The question being: Shall the Senate concur in the Assembly amendments to SB 108?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.

Above bill ordered enrolled.





**Senate Bill 139**—An act to add and repeal Section 5040 of the Penal Code, relating to corrections.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 139?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 1019)**

On motion of Senator Simitian, 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 1019 was refused adoption by the following vote:

AYES (24)—Senators Alquist, Calderon, Corbett, 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 (14)—Senators Anderson, Berryhill, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

**Motion to Reconsider (AB 1019)**

Senator Simitian moved to reconsider the vote whereby the urgency clause to AB 1019 was refused adoption.

**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.

Measure ordered returned to third reading.

### **UNFINISHED BUSINESS (RESUMED)**

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

**Senate Bill 179**—An act to amend Section 3000 of the Penal Code, and to amend Section 6601 of the Welfare and Institutions Code, relating to sex offenders.

Bill presented by Senator Pavley.

The question being: Shall the Senate concur in the Assembly amendments to SB 179?

#### **Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

#### **REQUEST TO SUSPEND SENATE RULE 29.3(b)**

A request was made to suspend Senate Rule 29.3(b) as it relates to AB 900.

Objection was raised to granting the above request.

#### **Roll Call**

The roll was called and the request was granted 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, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (11)—Senators Berryhill, Blakeslee, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, Walters, and Wyland.

### **UNFINISHED BUSINESS (RESUMED)**

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

**Senate Bill 222**—An act to add Section 10123.865 to the Insurance Code, relating to health care coverage.

Bill presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SB 222?



**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 (12)—Senators Anderson, Berryhill, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Walters, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 732)**

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

**Roll Call**

The names of the absentees were called and AB 732 was passed by the following vote:

AYES (39)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, 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.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, September 8, 2011

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

SB 470

Above measure ordered enrolled.

Assembly Chamber, September 8, 2011

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

SB 43	SB 429	SB 705	SB 861
SB 126	SB 454	SB 706	SB 866
SB 310	SB 468	SB 752	SB 931
SB 416	SB 651	SB 790	

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

Above measures ordered to unfinished business file.



Assembly Chamber, September 8, 2011

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

AB 29	AB 54	AB 89	AB 180
AB 767	AB 1088	AB 1136	

E. DOTSON WILSON, Chief Clerk of the Assembly

**CONSIDERATION OF DAILY FILE (RESUMED)**

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

**Assembly Bill 1418**—An act to repeal and add Section 12012.551 of the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Wright.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (39)—Senators 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 (39)—Senators 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 (RESUMED)**

**Consideration of Assembly Amendments**

**Senate Bill 293**—An act to amend Section 7108.5 of the Business and Professions Code, to amend Sections 8612 and 9560 of, and to amend and repeal Section 3252 of, the Civil Code, and to amend Sections 10262 and 10262.5 of, to amend, repeal, and add Section 10261 of, and to add and repeal Section 7201 of, the Public Contract Code, relating to payment bonds.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 293?



**Roll Call**

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

AYES (39)—Senators 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 enrolled.

**Senate Bill 368**—An act to amend Sections 319, 361, 706.5, 709, 726, 4512, 4514, 4646, 4646.5, 4648, 4701.6, 4726, and 5328, of the Welfare and Institutions Code, relating to developmental services.

Bill presented by Senator Liu.

The question being: Shall the Senate concur in the Assembly amendments to SB 368?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 427**—An act to amend Section 3479 of the Civil Code, and to amend Sections 16650, 30312, 30352, 30355, 30357, 30362, and 30365 of the Penal Code, relating to ammunition and firearms.

Bill presented by Senator De León.

The question being: Shall the Senate concur in the Assembly amendments to SB 427?

**Roll Call**

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

AYES (21)—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu,



Lowenthal, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, Wolk, and Yee.

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

Above bill ordered enrolled.

**Senate Bill 450**—An act to amend Sections 33080, 33080.1, 33080.2, 33080.8, 33334.2, 33334.3, 33334.4, 33334.12, 33334.16, 33413, 33413.5, 33418, 33487, and 33490 of, to add Sections 33080.9, 33080.11, 33080.12, 33506, and 50464.5 to, and to add Article 13 (commencing with Section 33460) to Chapter 4 of Part 1 of Division 24 of, the Health and Safety Code, relating to redevelopment.

Bill presented by Senator Lowenthal.

The question being: Shall the Senate concur in the Assembly amendments to SB 450?

#### Roll Call

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 459**—An act to add Sections 226.8 and 2753 to the Labor Code, relating to employment.

Bill presented by Senator Corbett.

The question being: Shall the Senate concur in the Assembly amendments to SB 459?

#### Roll Call

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

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

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

Above bill ordered enrolled.



**Senate Bill 503**—An act to amend Section 75506.5 of the Government Code, relating to judges' retirement.

Bill presented by Senator Vargas.

The question being: Shall the Senate concur in the Assembly amendments to SB 503?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (2)—Senators Anderson and Strickland.

Above bill ordered enrolled.

**Senate Bill 509**—An act to amend Section 1240.3 of the Education Code, relating to instructional materials.

Bill presented by Senator Price.

The question being: Shall the Senate concur in the Assembly amendments to SB 509?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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, 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 enrolled.

**Senate Bill 540**—An act to amend Sections 651, 1603, 1628.7, 1632, 1695.5, 1725, 1752.3, 1753.4, 1905.2, and 1973 of, to amend and repeal Sections 1901 and 1903 of, to add Section 1611.3 to, to repeal and amend Sections 1601.1 and 1616.5 of, and to repeal and add Section 1742 of, the Business and Professions Code, relating to dentistry.

Bill presented by Senator Price.

The question being: Shall the Senate concur in the Assembly amendments to SB 540?



**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 551**—An act to repeal Article 4 (commencing with Section 6361) of Chapter 4 of Part 1 of Division 6 of the Public Resources Code, relating to tidelands, and making an appropriation therefor.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 551?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**Senator Price Presiding**

**Senate Bill 567**—An act to add Sections 42358.5 and 42359.9 to, to repeal Chapter 5.8 (commencing with Section 42359) of, and to repeal and add Chapter 5.7 (commencing with Section 42355) of, Part 3 of Division 30 of the Public Resources Code, relating to recycling.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 567?

**Roll Call**

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

AYES (26)—Senators Alquist, Blakeslee, Calderon, Corbett, De León, DeSaulnier, Evans, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu,





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

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

Above bill ordered enrolled.

**Senate Bill 601**—An act to add Section 5055.5 to the Penal Code, relating to prisons.

Bill presented by Senator Hancock.

The question being: Shall the Senate concur in the Assembly amendments to SB 601?

#### Roll Call

The roll was called and the Senate concurred in Assembly amendments 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, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above bill ordered enrolled.

**Senate Bill 676**—An act to add Division 24 (commencing with Section 81000) to the Food and Agricultural Code, and to amend Section 11018 of, and to add Section 11018.5 to, the Health and Safety Code, relating to industrial hemp.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 676?

#### Roll Call

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

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

NOES (13)—Senators Anderson, Blakeslee, Cannella, Correa, Dutton, Fuller, Gaines, Harman, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

**Senate Bill 737**—An act to amend Section 8484.3 of the Education Code, and to amend Sections 1596.793 and 18897 of, and to add



Sections 18897.8 and 18897.9 to, the Health and Safety Code, relating to organized camps.

Bill presented by Senator Walters.

The question being: Shall the Senate concur in the Assembly amendments to SB 737?

#### Roll Call

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 753**—An act to amend Sections 313 and 60810 of the Education Code, relating to pupils.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 753?

#### Roll Call

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

AYES (39)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, 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 enrolled.

**Senate Bill 850**—An act to amend Section 56.101 of the Civil Code, relating to medical records.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 850?

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.



**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

**Senate Bill 860**—An act to amend Section 1 of Chapter 594 of the Statutes of 1917, to amend Section 12 of Chapter 898 of the Statutes of 1997, to amend Section 5 of Chapter 734 of the Statutes of 2000, to amend Sections 2 and 9 of Chapter 543 of the Statutes of 2004, and to amend Sections 1 and 11 of Chapter 203 of the Statutes of 2009, relating to tidelands and submerged lands.

Bill presented by Senator Pavley.

The question being: Shall the Senate concur in the Assembly amendments to SB 860?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 869**—An act to add Section 9884.76 to the Business and Professions Code, relating to automotive repair dealers.

Bill presented by Senator Yee.

The question being: Shall the Senate concur in the Assembly amendments to SB 869?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 879**—An act to amend Section 2107 of, and to add Section 969 to, the Public Utilities Code, relating to gas corporations.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 879?



**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Senate Bill 933**—An act to amend Sections 205, 2530, 2530.1, 2531.02, 2531.06, 2533, 2533.3, 2534, 2539.1, and 2539.14 of, to amend the heading of Article 9 (commencing with Section 2539.1) of, and to add Article 8 (commencing with Section 2538.10) to, Chapter 5.3 of, and to repeal Chapter 7.5 (commencing with Section 3300) of, Division 2 of, the Business and Professions Code, relating to professions and vocations.

Bill presented by Senator Runner.

The question being: Shall the Senate concur in the Assembly amendments to SB 933?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

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

Resolution presented by Senator La Malfa.

The question being: Shall the Senate concur in the Assembly amendments to SCR 17?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 resolution ordered enrolled.

**Senator Kehoe Presiding**

**REQUEST FOR UNANIMOUS CONSENT  
TO RESCIND ACTION (AB 983)**

Senator Simitian requested unanimous consent that the action be rescinded whereby AB 983 was passed to the Assembly, and that the measure be placed on third reading.

**Roll Call**

The roll was called and the request 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 to third reading

**UNFINISHED BUSINESS (RESUMED)**

**Consideration of Governor's Appointment**

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

MADELYN J. GLICKFELD, Member, Water Quality Control Board, Los Angeles Region.

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

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



**REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Simitian:

Senate Chamber, September 8, 2011

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(12) and Joint Rule 62(a) in order that AB 900 may be heard and reported by the Committee on Environmental Quality after the deadline.

SENATOR SIMITIAN

**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

STEINBERG, Chair

**Joint Rules Dispensed With**

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(12) was dispensed with as requested.

**JOINT RULE 62(a) SUSPENDED**

Senator Simitian asked for, and was granted, unanimous consent to suspend Joint Rule 62(a) for the purpose of permitting the Committee on Environmental Quality to hear and report AB 900 without four days notice in the daily file.

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

Senate Chamber, September 8, 2011

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

AB 900

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**

**Assembly Bill 900**—An act to add and repeal Chapter 6.5 (commencing with Section 21178) of Division 13 of the Public Resources Code, relating to environmental quality.

Bill read second time.

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

**Committee on Rules**

State Capitol, September 8, 2011

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

**Environmental Quality**—AB 900.



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

**Senate Bill 612**—An act to amend Sections 99200, 99200.5, 99201, 99202, 99203, and 99206 of the Education Code, relating to instructional strategies.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 612?

**Roll Call**

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

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

**NOES (10)**—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Gaines, Harman, La Malfa, Strickland, and Walters.

Above bill ordered enrolled.

**Senate Bill 217**—An act to amend Section 10166.05 of the Business and Professions Code, and to amend Sections 22109.1 and 50141 of, and to add Section 22065 to, the Financial Code, relating to mortgage loan originators.

Bill presented by Senator Vargas.

The question being: Shall the Senate concur in the Assembly amendments to SB 217?

**Roll Call**

The roll was called and the Senate concurred in Assembly amendments 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 enrolled.

**Consideration of Assembly Joint Resolution 15**

**Assembly Joint Resolution 15**—Relative to California cut flowers. Resolution read third time and presented by Senator Rubio.



**Roll Call**

The roll was called and the resolution was 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.

Resolution ordered transmitted to the Assembly.

**Consideration of Assembly Bill 340**

**Assembly Bill 340**—An act relating to public employees' retirement. 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 (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.

Bill ordered transmitted to the Assembly.

**Consideration of Assembly Bill 1059**

**Assembly Bill 1059**—An act to amend Section 1797.98b of the Health and Safety Code, relating to emergency medical care.

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 (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.

**Senator Simitian Presiding****Consideration of Assembly Bill 56**

**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 third time and presented by Senator Corbett.





**Roll Call**

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

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

NOES (1)—Senator Berryhill.

Bill ordered transmitted to the Assembly.

**Consideration of Assembly Bill 306**

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

Bill read third time and presented by Senator Strickland.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**Consideration of Assembly Bill 750**

**Assembly Bill 750**—An act to add and repeal Division 5 (commencing with Section 64160) of Title 6.7 of the Government Code, relating to finance.

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

Bill ordered transmitted to the Assembly.

**RECESS**

At 8:20 p.m., the Senate recessed in order to convene in first extraordinary session.

**REASSEMBLED**

At 10:33 p.m., the Senate reconvened.

Hon. Christine Kehoe, of the 39th District, presiding.



**CONSIDERATION OF DAILY FILE (RESUMED)****Consideration of Assembly Bill 172**

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

Bill read third time and presented by Senator Leno.

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 688)**

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

**Roll Call**

The names of the absentees were called and AB 688 was passed by the following vote:

**AYES (27)**—Senators Alquist, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Wolk, Wright, and Yee.

**NOES (12)**—Senators Anderson, Berryhill, Cannella, Dutton, Fuller, Gaines, Huff, La Malfa, Negrete McLeod, Runner, Walters, and Wyland.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 350)**

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

**Roll Call**

The names of the absentees were called and AB 350 was refused passage by the following vote:

**AYES (18)**—Senators Alquist, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Negrete McLeod, Padilla, Price, Simitian, Steinberg, Vargas, and Yee.

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

**Motion to Reconsider**

Senator Padilla moved to reconsider the vote whereby AB 350 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 1062)**

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

**Roll Call**

The names of the absentees were called and AB 1062 was refused passage by the following vote:

AYES (15)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Kehoe, Leno, Liu, Lowenthal, Padilla, Pavley, Simitian, Steinberg, and Wolk.

NOES (21)—Senators Anderson, Berryhill, Blakeslee, Calderon, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Hernandez, Huff, La Malfa, Negrete McLeod, Price, Runner, Strickland, Walters, Wright, Wyland, and Yee.

**Motion to Reconsider**

Senator Evans moved to reconsider the vote whereby AB 1062 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 (SB 850)**

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



**Roll Call**

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 850 by the following vote:

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

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

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 306)**

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

**Roll Call**

The names of the absentees were called and AB 306 was passed by the following vote:

AYES (27)—Senators Anderson, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, Hancock, La Malfa, Leno, Liu, Lowenthal, Padilla, Pavley, Price, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wyland, and Yee.

NOES (9)—Senators Alquist, Blakeslee, Fuller, Harman, Huff, Kehoe, Lieu, Negrete McLeod, and Wright.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 172)**

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

**Roll Call**

The names of the absentees were called and AB 172 was passed by the following vote:

AYES (27)—Senators Alquist, Blakeslee, 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, Wyland, and Yee.

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

Above bill ordered transmitted to the Assembly.



**SPECIAL CONSENT CALENDAR**

**Senate Resolution 20**—Relative to California Case Management Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 67**—Relative to Native Hawaiians and Pacific Islanders communities.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 71**—Relative to Plasma Protein Therapies Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 77**—Relative to Suicide Prevention Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 79**—Relative to women in business.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 80**—Relative to Yellow Ribbon Week.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

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

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 26**—Relative to chronic obstructive pulmonary disease.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 78**—Relative to California Senior Center Month.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Concurrent Resolution 56**—Relative to the American flag. Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 58**—Relative to the Captain Ted Hall and Engineer Arnie Quinones Memorial Interchange.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 70**—Relative to the CHP Officers Gayle W. Wood, Jr. and James E. McCabe Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 75**—Relative to the CHP Officer Charles T. Smith Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 76**—Relative to the CHP Officer Thomas R. Adams Memorial Highway and the CHP Officer Paul C. Jarske Memorial Highway.

Resolution read, adopted, and ordered transmitted to the Assembly.

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 82**—Relative to domestic violence.

Resolution read, adopted, 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.

#### **REQUEST TO DISPENSE WITH JOINT RULES**

The following request was presented by Senator Simitian:

Senate Chamber, September 8, 2011

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(13) in order that AB 983 may be amended on the floor after the deadline.

SENATOR SIMITIAN



**Recommendation of Rules Committee**

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

STEINBERG, Chair

**Joint Rules Dispensed With**

Without objection, pursuant to Joint Rule 33.1, Joint Rule 61(a)(13) was dispensed with as requested.

**REQUEST TO WITHDRAW AND RE-REFER TO COMMITTEE**

A request was made to withdraw **AB 391** from the Committee on Appropriations and that the measure be re-referred to the Committee on Rules.

Objection was raised.

**Roll Call**

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

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

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

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

Senate Chamber, September 8, 2011

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

AB 391

AB 1150

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**

**Assembly Bill 391**—An act to add Section 399.32 to the Public Utilities Code, relating to energy.

Bill read second time.

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

Bill read second time.

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



**REQUEST TO SUSPEND SENATE RULE 29.3(b)**

A request was made to suspend Senate Rule 29.3(b) as it relates to AB 391.

Objection was raised to granting the above request.

**Roll Call**

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

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

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

**REQUEST TO SUSPEND SENATE RULE 29.3(b)**

A request was made to suspend Senate Rule 29.3(b) as it relates to AB 1150.

Objection was raised to granting the above request.

**Roll Call**

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

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

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

**SECOND READING OF ASSEMBLY BILL (OUT OF ORDER)**

**Assembly Bill 221**—An act to amend Sections 53533 and 53545 of the Health and Safety Code, relating to redevelopment.

Bill read second time and ordered to third reading.

**SENATE RULE 29.3 SUSPENDED**

Without objection, Senate Rule 29.3 (b) was suspended to as it related to AB 506.

**REQUEST TO BE ADDED TO ROLL CALL**

September 8, 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:

ACR 13—Aye	AB 634—Aye	AB 947—Aye
AB 1398—Aye	AB 341—Aye	AB 270—Aye
AB 525—Aye	AB 1121—Aye	AB 1403—Aye
AB 615—Aye	AJR 16—Aye	AB 1307—Aye
AB 732—Aye	AB 1418—Aye	SB 503—Aye



SB 509—Aye  
AB 1059—Aye

SB 551—Aye  
AB 56—Aye

AB 340—Aye  
AB 750—Aye

DARRELL STEINBERG, President pro Tempore

September 8, 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 947—No  
AB 325—No  
SB 222—No  
SB 427—No  
SB 551—Aye  
SB 509—Aye

AB 418—Aye  
AB 1398—Aye  
AB 1418—Aye  
SB 459—No  
SB 567—No  
SB 676—No

AB 203—No  
AB 74—No  
SB 368—Aye  
SB 503—Aye  
SB 601—Aye  
AB 56—Aye

ROBERT D. DUTTON, Minority Floor Leader

**UNANIMOUS CONSENT TO PRINT IN JOURNAL**

Without objection, the following letter was printed in the Journal.

September 8, 2011

*Mr. Gregory Schmidt*  
*Secretary of the Senate*

Re: Letter to the Journal, Senate Bill 835 (Wolk)

Dear Mr. Schmidt:

I would like to request that this letter be printed in the Senate Daily Journal regarding Senate Bill 835. SB 835 extends to January 1, 2017 and expands to all University of California (UC) campuses the pilot program that authorizes the UC to award construction contracts that are valued over \$1,000,000 based on “best value” rather than lowest bid.

I wish to clarify that through negotiations on this measure, in good faith, the UC has agreed to amend their construction general conditions to reflect a pilot program on best value projects relating to the issue of construction change order approval. This bill does not contain language regarding the construction change order approval pilot program due to concerns raised by the UC regarding autonomy from the Public Contract Code. The change order language was agreed to by all interested parties, and its use and study will provide the construction industry with a pilot program and venue to improve the change order approval process.

Sincerely,

LOIS WOLK  
Senator, 5th District

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Without objection, the following letter was printed in the Journal.

September 8, 2011

*The Honorable Darrell Steinberg*  
*President pro Tempore*

Re: Letter to the Journal, Senate Bill 474 (Evans)

Dear Senator Steinberg:

I would like to request that this letter be printed in the Senate Daily Journal regarding Senate Bill 474. SB 474 is a measure intended to require all parties to a construction contract to be responsible for their own active negligence. I wish to clarify that this bill does not preclude or prohibit a general contractor from requesting an additional insured endorsement for the passive negligence of the general contractor.

Additionally, I wish to clarify that subdivisions (m) and (n) of new Civil Code Section 2782.05 in this bill regarding contractual defense or indemnity obligations of a contractor to a public agency or private commercial construction owner are intended to refer those contracting parties and courts to subdivisions (b) and (c) of Civil Code Section 2782 for sole enforcement. The purpose of these two subdivisions is to maintain the existing interpretation of any contractual defense or indemnity obligations that may or may not exist between parties under Civil Code 2782 without influence by the statutory provisions related to these types of obligations within the new Civil Code 2782.05.

Sincerely,

NOREEN EVANS  
2nd Senate District

**REPORTS OF STANDING COMMITTEES**  
**Committee on Environmental Quality**

September 8, 2011

Madam President: The Committee on Environmental Quality, to which was referred:

SB 292

Reports the same back with the recommendation: That the Assembly amendments be concurred in.

SIMITIAN, Chair

Above measure ordered to unfinished business.

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

**Assembly Bill 378**—An act to amend Sections 139.3, 139.31, and 5307.1 of the Labor Code, relating to workers' compensation.

Bill read third time.

**Amendments Adopted**

Amendments to AB 378 proposed by Senator DeSaulnier were read and adopted and the measure ordered printed and to second reading.



**UNANIMOUS CONSENT GRANTED  
TO RESCIND ACTION (AB 621)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 621 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

**Consideration of Assembly Bill 621**

**Assembly Bill 621**—An act to amend, repeal, and add Section 1936 of the Civil Code, relating to vehicle rental agreements.

Bill read.

**Motion to Amend**

Amendments to AB 621 proposed by Senator Calderon were read and adopted and the measure ordered printed and to second reading.

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

**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 third time.

**Motion to Amend**

Amendments to AB 983 proposed by Senator Simitian were read and adopted and the measure ordered printed and to second reading.

Motion carried.

**SENATE COMMITTEE ROLL CALLS**

**Committee on Banking and Financial Institutions**

**SB 217**—That the Assembly amendments be concurred in

AYES (6)—Senators Blakeslee, Kehoe, Liu, Padilla, Vargas, and Walters.

NOES (0)—None.

Date of Hearing: 9/8/2011

Vargas (Chair)

**Committee on Business, Professions and Economic Development**

**AJR 15**—Be adopted

AYES (7)—Senators Corbett, Correa, Emmerson, Negrete McLeod, Price, Vargas, and Walters.

NOES (0)—None.

Date of Hearing: 9/8/2011

Price (Chair)

**Committee on Environmental Quality**

**SB 292**—That the Assembly amendments be concurred in

AYES (5)—Senators Blakeslee, Lowenthal, Pavley, Simitian, and Strickland.

NOES (2)—Senators Hancock and Kehoe.



**AB 931**—That the measure be returned to Senate floor for consideration. Ordered to third reading

AYES (1)—Senator Simitian.

NOES (5)—Senators Blakeslee, Hancock, Kehoe, Lowenthal, and Strickland.  
Failed passage

**AB 931**—Reconsideration granted

AYES (6)—Senators Blakeslee, Hancock, Kehoe, Lowenthal, Simitian, and Strickland.

NOES (0)—None.

Date of Hearing: 9/8/2011

Simitian (Chair)

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

At 10:45 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 adjourn until Friday, September 9, 2011.

**REQUEST TO ADJOURN IN MEMORIAM**

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Marsha Antonelli of Whittier and Elaine Kirchner of Montebello.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Phil Oppenheimer of Hayward.

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Fred Jackson of Richmond.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Joyce Tusan-Dalton of Davis.

**ADJOURNMENT**

At 10:45 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 11 a.m., Friday, September 9, 2011.

PAULA K. ROSSETTO, Minute Clerk

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