

CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Friday, September 9, 2011

The Senate met at 11:20 a.m.

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

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

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

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

Quorum present.



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

O Gracious and Loving God, We give thanks to you on this beautiful morning for all that has been accomplished over these many months. As we begin this final day of session, we give thanks for being given the opportunity to serve others.

To care for others, to carry their concerns with our own, is a sacred privilege. To be granted the gift of being engaged in work that can uplift the lives of others is a blessed thing. To be given the responsibility and trust of our neighbors and fellow citizens is an honor never to be taken for granted.

May you bless those who serve others, may you grant them satisfaction in their work, and may you bless all of their worthy endeavors. May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
September 9, 2011

To the Senate of the State of California:

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

Sincerely,

EDMUND G. BROWN JR., Governor

CHARLTON H. BONHAM, has served in multiple positions at Trout Unlimited since 2000, including California director and senior attorney. He was an instructor and trip leader for the Nantahala Outdoor Center from 1994 to 1997 and was a small business development agent for the United States Peace Corp in Senegal, West Africa from 1991 to 1993. Appointed 09/06/11. Effective 09/06/11.

Director of Fish and Game, vice, John W. McCamman, reassigned, term ending at the Pleasure of the Governor.



ASKIA M. ABDULMAJEED, has served on the Board of Parole Hearings since 2007. Abdulmajeed was a correctional chaplain in the California Department of Corrections and Rehabilitation from 2004 to 2006 and a program consultant for the Gates Recovery Foundation from 2002 to 2004. He served as special projects manager for Center Point, Inc., a co-ed community corrections program, from 1999 to 2002. Abdulmajeed was assistant deputy director of the California Department of Alcohol and Drug Programs from 1991 to 1998. Reappointed 08/30/11. Effective 09/02/11.

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

Above appointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 9, 2011

Madam President: The Committee on Rules has examined:

SB 14	SB 216	SB 570	SB 834
SB 29	SB 233	SB 585	SB 852
SB 36	SB 309	SB 599	SB 857
SB 44	SB 349	SB 602	SB 859
SB 56	SB 386	SB 622	SB 914
SB 127	SB 456	SB 684	SB 943
SB 140	SB 469	SB 704	SB 945
SB 182	SB 534	SB 739	
SB 185	SB 537	SB 773	
SB 201	SB 550	SB 824	

And reports that the same have been correctly enrolled, and presented to the Governor on the 9th day of September, 2011, at 9:45 a.m.

STEINBERG, Chair

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

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 second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

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

Bill read second time and ordered to third reading.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, the issues raised by the Assembly amendments to **SB 126** and **SB 931** were referred to the Committee on Rules.

MOTIONS TO PLACE MEASURES ON INACTIVE FILE

Senator Evans moved that **AB 1062** be placed on the inactive file.

Without objection, **AB 226**, **AB 1081**, and **AB 1387** were placed on the inactive file.

Senator Rubio moved that **AB 16** be placed on the inactive file.

Senator Negrete McLeod moved that **AB 344** be placed on the inactive file.

Senator Price moved that **AB 278** be placed on the inactive file.

Senator Steinberg moved that **AB 391** be placed on the inactive file.

Motions carried.

JOINT RULE 10.5 SUSPENDED

Without objection, pursuant to Joint Rule 33.1, Joint Rule 10.5 was suspended for Assembly Bill 900.

REPORTS OF STANDING COMMITTEES

Committee on Environmental Quality

Date of Hearing, September 9, 2011

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

AB 900

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

SIMITIAN, Chair

Above measure re-referred to the Committee on Appropriations.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **AB 900** was withdrawn from Committee and placed on third reading.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD 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 third time and presented by Senator Fuller.



Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (33)—Senators Anderson, Berryhill, Blakeslee, 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, Rubio, Runner, Steinberg, Vargas, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Roll Call

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

AYES (33)—Senators Anderson, Berryhill, Blakeslee, 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, Rubio, Runner, Steinberg, Vargas, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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 third time and presented by Senator Lieu.

Urgency Clause

Urgency clause read and adopted by the following vote:

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



UNFINISHED BUSINESS**Consideration of Assembly Amendments**

Senate Bill 43—An act to add Section 18926.5 to the Welfare and Institutions Code, relating to public social services.

Bill presented by Senator Liu.

The question being: Shall the Senate concur in the Assembly amendments to SB 43?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 752—An act to add Section 1065 to the Fish and Game Code, relating to entitlements.

Bill presented by Senator Berryhill.

The question being: Shall the Senate concur in the Assembly amendments to SB 752?

Roll Call

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

AYES (38)—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, 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 (SB 43)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 43 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.

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 429—An act to amend Sections 8483.7 and 8483.75 of, and to add Section 8483.76 to, the Education Code, relating to before and after school programs.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 429?

Roll Call

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

AYES (30)—Senators Alquist, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Strickland, Vargas, Wolk, Wright, and Yee.

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

Above bill ordered enrolled.

Senate Bill 136—An act to add Section 1720.6 to the Labor Code, relating to public contracts.

Bill presented by Senator Yee.

The question being: Shall the Senate concur in the Assembly amendments to SB 136?

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

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

Above bill ordered enrolled.



Senator Price Presiding

Senate Bill 454—An act to amend Section 25900 of, and to add Section 25402.11 to, the Public Resources Code, and to amend Section 399.4 of the Public Utilities Code, relating to energy.

Bill presented by Senator Pavley.

The question being: Shall the Senate concur in the Assembly amendments to SB 454?

Roll Call

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

AYES (26)—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, and Yee.

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

Above bill ordered enrolled.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, September 9, 2011

Mr. President: Pursuant to Senate Rule 29.10, the Senate Rules Committee, on a vote of 3–0, has re-referred the following bills:

SB 126 to the Labor and Industrial Relations Committee

SB 931 to the Banking and Financial Institutions Committee

STEINBERG, Chair

REQUEST FOR UNANIMOUS CONSENT (AB 900)

Senator Steinberg asked for, and was granted, unanimous consent to take up AB 900 at this time, without reference to file.

Consideration of Assembly Bill 900

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, and declaring the urgency thereof, to take effect immediately.

Roll Call

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

AYES (32)—Senators Alquist, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Gaines, Hancock,



Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, and Yee.

NOES (7)—Senators Anderson, Blakeslee, Evans, Fuller, Huff, La Malfa, and Wyland.

Bill ordered transmitted to the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 292—An act to add and repeal Section 21168.6.5 of the Public Resources Code, relating to environmental quality.

Bill presented by Senator Padilla.

The question being: Shall the Senate concur in the Assembly amendments to SB 292?

Roll Call

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

AYES (32)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, Dutton, Emmerson, Fuller, Gaines, Harman, Hernandez, La Malfa, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Walters, Wright, Wyland, and Yee.

NOES (7)—Senators DeSaulnier, Evans, Hancock, Huff, Kehoe, Leno, and Wolk.

Above bill ordered enrolled.

REQUEST TO RE-REFER TO COMMITTEE

A request was made that **AB 1094** be re-referred to the Committee on Rules.

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, Pavley, Price, Rubio, Simitian, 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.



REQUEST TO WITHDRAW FROM COMMITTEE

A request was made that **AB 506** be withdrawn from the Committee on Rules and placed 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 (24)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, 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.

REQUEST TO WITHDRAW FROM COMMITTEE

A request was made that **AB 1150** be withdrawn from the Committee on Rules and placed 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 (24)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, 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.

REQUEST TO SUSPEND SENATE RULE 29.3(b)

A request was made to suspend Senate Rule 29.3(b) as it relates to AB1069.

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, Pavley, Price, Rubio, Simitian, 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.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 9, 2011

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

AB 1069

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

Bill read second time.

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

REQUEST TO WITHDRAW FROM COMMITTEE

A request was made that that **AB 1069** be withdrawn from the Committee on Rules and placed on third reading.

Roll Call

The roll was called and the motion carried 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, Simitian, 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.

REQUEST TO WITHDRAW FROM COMMITTEE

Senator Simitian moved that **AB 391** be withdrawn from the Committee on Rules and placed on third reading.

Roll Call

The roll was called and the motion carried 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, Simitian, 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.



REQUEST TO SUSPEND SENATE RULE 29.3(b)

A request was made to suspend Senate Rule 29.3(b) as it relates to AB 1094.

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, Pavley, Price, Rubio, Simitian, 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.

REPORTS OF STANDING COMMITTEES

Senate Chamber, September 9, 2011

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

AB 1094

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 1094—An act to add Article 8.5 (commencing with Section 32377) to Chapter 3 of Part 19 of Division 1 of Title 1 of the Education Code, relating to public school campuses.

Bill read second time.

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

SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was suspended to permit consideration of AB 378, AB 621 and AB 983 at this time, as in print and properly before the Senate.

REQUEST FOR UNANIMOUS CONSENT (AB 378)

Senator DeSaulnier asked for, and was granted, unanimous consent to take up AB 378, at this time, without reference to file.

Consideration of Assembly Bill 378

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



Roll Call

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 621)

Senator DeSaulnier asked for, and was granted, unanimous consent to take up AB 621 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.

Roll Call

The roll was called and the measure 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.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 983)

Senator Simitian asked for, and was granted, unanimous consent to take up AB 983 at this time, without reference to file.

Consideration of Assembly Bill 983

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.

Roll Call

The roll was called and the measure was adopted 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 (0)—None.

Bill ordered transmitted to the Assembly.



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

Assembly Bill 375—An act to add Section 3212.13 to the Labor Code, relating to workers' compensation.

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 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.

UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 468—An act to add Sections 103 and 149.10 to the Streets and Highways Code, relating to transportation.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 468?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Bill 416—An act to add Chapter 5 (commencing with Section 103950) to Part 2 of Division 102 of the Health and Safety Code, related to health.

Bill presented by Senator Kehoe.

The question being: Shall the Senate concur in the Assembly amendments to SB 416?



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

Above bill ordered enrolled.

Senate Bill 861—An act to add Section 10490 to the Public Contract Code, relating to public contracts.

Bill presented by Senator Corbett.

The question being: Shall the Senate concur in the Assembly amendments to SB 861?

Roll Call

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

NOES (0)—None.

Above bill ordered enrolled.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

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

Bill read third time and presented by Senator Emmerson.

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

Senate Bill 651—An act to amend Sections 297 and 2320 of, and to add Sections 297.1 and 298.7 to, the Family Code, relating to family law.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 651?

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 705—An act to add Sections 961 and 963 to the Public Utilities Code, relating to public utilities.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 705?

Roll Call

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

AYES (33)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, and Yee.

NOES (6)—Senators Anderson, Dutton, Gaines, La Malfa, Walters, and Wyland.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 468)**

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 the Senate concurred in Assembly amendments to SB 468 by the following vote:

AYES (24)—Senators Alquist, Calderon, Corbett, De León, DeSaulnier, Evans, Fuller, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu,



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

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

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 790—An act to amend Sections 331.1, 365.1, 366.2, 380, 381.1, and 395.5 of, to add Sections 396.5 and 707 to, and to add Part 5 (commencing with Section 3260) to Division 1 of, the Public Utilities Code, relating to electricity.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 790?

Roll Call

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

AYES (25)—Senators Alquist, Berryhill, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, Leno, Lieu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Wolk, and Yee.

NOES (13)—Senators Anderson, Cannella, Dutton, Emmerson, Fuller, La Malfa, Liu, Negrete McLeod, Runner, Strickland, Walters, Wright, and Wyland.

Above bill ordered enrolled.

Senate Bill 310—An act to amend Section 53395.14 of, to add Section 53393.3.5 to, and to add Article 9 (commencing with Section 65470) to Chapter 3 of Division 1 of Title 7 of, the Government Code, relating to local development.

Bill presented by Senator Hancock.

The question being: Shall the Senate concur in the Assembly amendments to SB 310?

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, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Above bill ordered enrolled.



Senate Bill 706—An act to amend Sections 27, 10004, 10166.02, 10166.12, 10175.2, 10236.2, 10450.6, 10470, 10470.1, 10471, 10471.1, 10471.3, 10471.5, 10472, 10472.1, 10473, 10473.1, 10474, 10474.5, 10475, 10476, 10477, 10479, 10481, and 11318 of, to amend, repeal, and add Section 11360 of, and to add Sections 10050.1, 10083.2, 10100.4, 10106, 10186, 10186.1, 10186.2, 10186.9, 11310.1, 11313.2, 11317.2, and 11319.2 to, the Business and Professions Code, relating to business and professions.

Bill presented by Senator Price.

The question being: Shall the Senate concur in the Assembly amendments to SB 706?

Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 866—An act to add Section 1367.241 to the Health and Safety Code, and to add Section 10123.191 to the Insurance Code, relating to health care coverage.

Bill presented by Senator Hernandez.

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

Roll Call

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

AYES (28)—Senators Alquist, Anderson, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

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

Above bill ordered enrolled.

MOTION TO TAKE MEASURE FROM THE INACTIVE FILE

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

Motion carried.



MOTION TO SUSPEND SENATE RULES

Senator Wolk moved to suspend Senate Rule 29 as it relates to AB 710.

Roll Call

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

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

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

REQUEST FOR UNANIMOUS CONSENT (AB 710)

Senator Wolk asked for, and was granted, unanimous consent to take up AB 710 at this time, without reference to file.

Consideration of Assembly Bill 710

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

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 244—An act to amend Sections 56375, 56425, and 56430 of, and to add Sections 53082.5, 56033.5, and 65302.10 to, the Government Code, and to add Section 13481.7 to the Water Code, relating to local government.

Bill presented by Senator Wolk.

The question being: Shall the Senate concur in the Assembly amendments to SB 244?

The roll was called.

CALL OF THE SENATE

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

Motion carried.



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

Senate Bill 51—An act to add Sections 1367.001 and 1367.003 to the Health and Safety Code, and to add Sections 10112.1 and 10112.25 to the Insurance Code, relating to health care coverage.

Bill presented by Senator Alquist.

The question being: Shall the Senate concur in the Assembly amendments to SB 51?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 356—An act to add Section 5080.43 to the Public Resources Code, relating to state parks, and making an appropriation therefor.

Bill presented by Senator Blakeslee.

The question being: Shall the Senate concur in the Assembly amendments to SB 356?

Roll Call

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

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

NOES (0)—None.

Above bill ordered enrolled.

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 adopted:

SCR 25

SCR 30

Above resolutions ordered enrolled.



Assembly Chamber, September 7, 2011

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

SB 223 SB 360 SB 695

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 amended, and on this day passed, as amended:

SB 163 SB 384 SB 806 SCR 28
SB 263 SB 402 SB 827
SB 334 SB 543 SCR 26

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

Above measures ordered to unfinished business file.

Assembly Chamber, September 9, 2011

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

SB 51 SB 244 SB 356
SB 576 SB 617 SB 734
SB 946 SB 922 SB 202

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

Above measures ordered to unfinished business file.

Assembly Chamber, September 9, 2011

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

AJR 8 AJR 17 ACR 84



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 22	AB 418	AB 894	AB 1156
AB 74	AB 438	AB 913	AB 1164
AB 86	AB 509	AB 922	AB 1210
AB 136	AB 520	AB 947	AB 1219
AB 152	AB 525	AB 957	AB 1220
AB 186	AB 565	AB 959	AB 1296
AB 239	AB 592	AB 981	AB 1297
AB 270	AB 615	AB 1021	AB 1329
AB 291	AB 622	AB 1024	AB 1330
AB 319	AB 628	AB 1028	AB 1379
AB 325	AB 634	AB 1034	AB 1344
AB 335	AB 641	AB 1053	AB 1389
AB 341	AB 665	AB 1084	AB 1398
AB 358	AB 681	AB 1112	AB 1403
AB 366	AB 712	AB 1121	AB 1420
AB 396	AB 809	AB 1122	AB 1423
AB 415	AB 873	AB 1149	AB 1425

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, September 9, 2011

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

AB 101	AB 242	AB 706
AB 946	AB 1352	

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, September 9, 2011

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: The Assembly on this day withdrew AB 1203 from Enrollment and pursuant to the instructions of the Assembly, I am herewith returning the bill to the Senate for further action.

Above measure ordered held at Desk.

Assembly Chamber, September 9, 2011

The Honorable Greg Schmidt
Secretary of the Senate

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning AB 900 to the Senate.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Above measure ordered held at Desk.

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RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 946**, **SB 617**, **SB 827**, and **SB 922** were re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 9, 2011

Madam President: The Committee on Rules has examined:

SB 16	SB 364	SB 461	SB 746
SB 161	SB 381	SB 610	SB 747
SB 300	SB 397	SB 658	SB 757
SB 337	SB 441	SB 679	SB 930

And reports that the same have been correctly enrolled, and presented to the Governor on the 9th day of September, 2011, at 4 p.m.

STEINBERG, Chair

State Capitol, September 9, 2011

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

SB 617 to the Governmental Organization Committee

SB 922 to the Governance and Finance Committee

SB 946 to the Appropriations Committee

STEINBERG, Chair

Committee on Labor and Industrial Relations

September 9, 2011

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

SB 126

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

LIEU, Chair

Above measure ordered to unfinished business.

Committee on Governance and Finance

September 9, 2011

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

SB 922

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

WOLK, Chair

Above measure ordered to unfinished business.



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

Senate Bill 734—An act to add Section 14211 to the Unemployment Insurance Code, relating to workforce development.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 734?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

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

Senate Bill 576—An act to amend Sections 186.22, 186.33, 667.61, 1170, 1170.1, and 1170.3 of, and to amend, add, and repeal Sections 12021.5, 12022.2, and 12022.4 of, the Penal Code, relating to sentencing, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Calderon.

The question being: Shall the Senate concur in the Assembly amendments to SB 576?

Urgency Clause

The urgency clause was read and adopted by the following vote:

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

Roll Call

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

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



REPORTS OF STANDING COMMITTEES
Committee on Banking and Financial Institutions

September 9, 2011

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

SB 931

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

VARGAS, Chair

Above measure ordered to unfinished business.

Senator Price Presiding
Committee on Governmental Organization

September 9, 2011

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

SB 617

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

WRIGHT, Chair

Above measure ordered to unfinished business.

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

Senate Bill 223—An act to add Part 5.7 (commencing with Section 11160) to Division 2 of the Revenue and Taxation Code, relating to local government finance.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 223?

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, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Above bill ordered enrolled.



Senate Bill 360—An act to amend Sections 11161.5, 11162.1, 11165, and 11165.1, of, and to add Sections 11165.2 and 11165.3 to, the Health and Safety Code, relating to controlled substances.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 360?

Roll Call

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

AYES (37)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, 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 695—An act to amend Section 14011.10 of, and to add and repeal Section 14011.11 of, the Welfare and Institutions Code, relating to Medi-Cal.

Bill presented by Senator Hancock.

The question being: Shall the Senate concur in the Assembly amendments to SB 695?

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.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 244)**

On motion of Senator Wolk, 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 244 by the following vote:

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



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

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

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Concurrent Resolution 28—Relative to the Federal Correctional Officer Scott Williams Memorial Highway.

Resolution presented by Senator Strickland.

The question being: Shall the Senate concur in the Assembly amendments to SCR 28?

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 resolution ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 51)

On motion of Senator Alquist, 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 51 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 (14)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, Runner, Strickland, Walters, and Wyland.

Above bill ordered enrolled.



UNFINISHED BUSINESS (RESUMED)
Consideration of Assembly Amendments

Senate Concurrent Resolution 26—Relative to the Vietnam Veterans Memorial Highway.

Resolution presented by Senator Blakeslee.

The question being: Shall the Senate concur in the Assembly amendments to SCR 26?

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 resolution ordered enrolled.

Senate Bill 163—An act to amend Sections 6005, 6006, 6007, 6008.1, 6008.4, 6010, 6011, 6013.6, 6015, 6016, 6018, 6019, 6020, 6021, 6024, 6033, 6036, 6037, 6040, 6042, 6046.7, 6069, 6070, 6076, 6076.5, 6079.5, 6086, 6086.5, 6086.14, 6140, 6140.01, 6140.05, 6140.5, 6141, 6161, 6168, 6169, 6170, 6190.1, 6200, 6201, 6203, 6204, 6206, 6222, 6225, 6226, 6231, and 6238 of, to add Sections 6001.1, 6009.7, 6012, 6013.2, 6013.3, 6013.5.5, 6026.7, and 6140.12 to, to add and repeal Section 6140.02 of, to repeal Sections 6012.5, 6013.4, 6014, and 6017 of, and to repeal and add Sections 6001.2 and 6013.1 of, the Business and Professions Code, relating to attorneys.

Bill presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SB 163?

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 263—An act to amend Section 13752 of the Water Code, relating to water.

Bill presented by Senator Pavley.

The question being: Shall the Senate concur in the Assembly amendments to SB 263?

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 334—An act to amend Sections 9084 and 9086 of the Elections Code, and to amend Sections 88001 and 88002 of the Government Code, relating to elections.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 334?

Roll Call

The roll was called and the Senate concurred in Assembly amendments 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, Simitian, Steinberg, Vargas, Wolk, and Yee.

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

Above bill ordered enrolled.

Senate Bill 384—An act to add Section 6106.2 to the Business and Professions Code, to amend Section 55.3 of the Civil Code, to amend, repeal, and add Section 437c of the Code of Civil Procedure, and to amend Section 70616 of the Government Code, relating to civil actions.

Bill presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SB 384?



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 (0)—None.

Above bill ordered enrolled.

RE-REFERENCE TO COMMITTEE

Pursuant to Senate Rule 29.10, **SB 202** was re-referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, September 9, 2011

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

SB 202 to the Appropriations Committee

SB 827 to the Public Employment and Retirement Committee

STEINBERG, Chair

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator De León, AB 1222 was returned to the Assembly.

REQUEST TO RE-REFER TO COMMITTEE

A request was made that **SB 402** be re-referred to the Committee on Rules.

Request was granted.

MEASURE WITHDRAWN FROM COMMITTEE

Without objection, **SJR 14** was withdrawn from Committee and placed on third reading; and

SB 827 was withdrawn from Committee and placed on unfinished business.



Senator Kehoe Presiding

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 806—An act to amend, repeal, and add Section 19775.2 of the Government Code, relating to state compensation, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator Correa.

The question being: Shall the Senate concur in the Assembly amendments to SB 806?

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 543—An act to amend Sections 144, 205, 210, 5000, 5015.6, 5076, 5076.1, 5510, 5517, 5552.5, 5620, 5621, 5622, 6510, 6710, 6714, 6763.1, 7000.5, 7011, 7200, 7215.6, 7885, 7886, 7887, 8710, 18602, 18613, and 18618 of, to add Sections 5063.10 and 6582.2 to, and to add and repeal Section 2674 of, the Business and Professions Code, relating to business and professions, and making an appropriation therefor.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 543?

Roll Call

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

AYES (32)—Senators Alquist, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Wolk, Wright, Wyland, and Yee.

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

Above bill ordered enrolled.



**REQUEST FOR UNANIMOUS CONSENT
TO RESCIND ACTION (AB 900)**

Senator Steinberg requested that the action be rescinded whereby AB 900 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

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.

Motion to Amend

Amendments to AB 900 proposed by Senator Steinberg were read and adopted and the measure ordered printed and to third reading.

REQUEST FOR UNANIMOUS CONSENT (AB 900)

Senator Steinberg asked for, and was granted, unanimous consent to take up AB 900 at this time, without reference to file.

Consideration of Assembly Bill 900

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.

Roll Call

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

AYES (35)—Senators Alquist, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Gaines, Hancock, Harman, Hernandez, 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 (4)—Senators Anderson, Evans, Fuller, and Huff.

Motion to Reconsider (AB 900)

Senator Steinberg moved to reconsider the vote whereby AB 900 passed by a favorable vote.

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.

Consideration of Assembly Bill 900 as Amended

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.

Roll Call

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

AYES (33)—Senators Alquist, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Gaines, Hancock, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

NOES (6)—Senators Anderson, Blakeslee, Evans, Fuller, Huff, and La Malfa.

Bill ordered transmitted to the Assembly.

Consideration of Assembly Bill 506

Assembly Bill 506—An act to amend Section 53760 of, and to add Sections 53760.1, 53760.3, 53760.5, and 53760.7 to, the Government Code, relating to local government.

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 (28)—Senators Alquist, Berryhill, Blakeslee, Calderon, Corbett, De León, DeSaulnier, Dutton, Emmerson, Evans, Hancock, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Steinberg, Vargas, Wolk, and Wright.

NOES (10)—Senators Anderson, Cannella, Correa, Fuller, Gaines, Harman, La Malfa, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

Consideration of Assembly Bill 1150

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

Bill read third time and presented by Senator Rubio.

Roll Call

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

AYES (31)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, De León, DeSaulnier, Emmerson, Evans, Fuller, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod,

Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, and Wright.

NOES (6)—Senators Anderson, Correa, Dutton, Harman, La Malfa, and Wyland.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 931)

Senator Evans asked for, and was granted, unanimous consent to take up SB 931 at this time, without reference to file.

Consideration of Senate Bill 931

Senate Bill 931—An act to amend Sections 215 and 225.5 of, and to add Section 213.5 to, the Labor Code, relating to employment.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 536—An act to amend Section 100 of, and to add Section 100.96 to, the Revenue and Taxation Code, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

Bill presented by Senator DeSaulnier.

The question being: Shall the Senate concur in the Assembly amendments to SB 536?

Roll Call

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

AYES (29)—Senators Alquist, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Evans, Fuller, Hancock, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, Wright, and Wyland.

NOES (6)—Senators Anderson, Gaines, Harman, Runner, Strickland, and Walters.

Above bill ordered enrolled.

Senate Bill 547—An act to amend Section 52052.5 of, to amend and repeal Sections 52052 and 52052.1 of, and to add Sections 52052.8, 52052.81, 52052.82, 52052.83, and 52052.84 to, the Education Code, relating to school accountability.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 547?



Roll Call

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

AYES (30)—Senators Alquist, Berryhill, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Fuller, Gaines, Hancock, Hernandez, Huff, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Steinberg, Vargas, Wolk, Wright, and Wyland.

NOES (7)—Senators Anderson, Blakeslee, Dutton, Harman, La Malfa, Strickland, and Walters.

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SJR 14)

Senator Wright asked for, and was granted, unanimous consent to take up SJR 14 at this time, without reference to file.

Consideration of Senate Joint Resolution 14

Senate Joint Resolution 14—Relative to Internet gambling.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Hancock:

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(13) in order that AB 155 may be amended on the floor after the deadline.

SENATOR HANCOCK**Recommendation of Rules Committee**

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

STEINBERG, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(13) be dispensed with as requested.

Resolution read and presented by Senator Hancock.

Roll Call

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

AYES (34)—Senators Anderson, Berryhill, 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, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.



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

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

Bill read third time.

Motion to Amend

Senator Hancock moved the adoption of amendments to AB 155.

Amendments read and adopted.

Consideration of Assembly Bill 155 as Amended

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

Bill read.

Urgency Clause

The urgency clause was read and adopted by the following vote:

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

NOES (1)—Senator Wyland.

Roll Call

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

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

NOES (1)—Senator Wyland.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SJR 14)**

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

Roll Call

The names of the absentees were called and SJR 14 was adopted 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.

Above resolution ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 734)**

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 the Senate concurred in Assembly amendments to SB 734 by the following vote:

AYES (25)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, 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, Harman, Huff, La Malfa, Runner, Simitian, Strickland, Walters, and Wyland.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 9, 2011

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

AB 340

E. DOTSON WILSON, Chief Clerk of the Assembly

Assembly Chamber, September 9, 2011

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

SB 226

SB 369

SB 431

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.

REQUEST TO SUSPEND SENATE RULE 29.3(b)

A request was made to suspend Senate Rule 29.3(b) as it relates to SB 116.

Objection was raised to granting the above request.



Roll Call

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

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

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, September 9, 2011

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

SB 116

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

STEINBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 116—An act to amend Sections 17062, 23101, 23151, 23153, and 25128 of, to amend and repeal Section 25128.5 of, to amend, repeal, and add Sections 17073.5 and 25136 of, and to add Sections 6377, 17137, 25128.7, and 25136.1 to, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

REQUEST TO WITHDRAW FROM COMMITTEE

A request that **SB 116** be withdrawn from the Committee on Rules and placed 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 (21)—Senators Alquist, Calderon, Corbett, De León, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Wolk, and Wright.

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



REQUEST TO RE-REFER TO COMMITTEE

A request was made that **AB 724** be re-referred to the Committee on Rules.

Objection was raised to granting the above request.

Roll Call

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

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

NOES (13)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, 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 724.

Objection was raised to granting the above request.

Roll Call

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

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

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

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **ACR 83**, **AJR 8**, and **AJR 18** were withdrawn from Committee and placed on today's Special Consent Calendar.

**CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 651)**

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 651 by the following vote:

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



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

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

Above bill ordered enrolled.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 931—An act to amend Sections 215 and 225.5 of, and to add Section 213.5 to, the Labor Code, relating to employment.

Bill presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SB 931?

Roll Call

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

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

NOES (17)—Senators Anderson, Berryhill, Blakeslee, Calderon, Cannella, Correa, Dutton, Emmerson, 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 710)

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

Roll Call

The names of the absentees were called and AB 710 was refused passage by the following vote:

AYES (18)—Senators Berryhill, Corbett, De León, DeSaulnier, Evans, Gaines, Hancock, Harman, Kehoe, Lieu, Liu, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Yee.

NOES (19)—Senators Alquist, Anderson, Blakeslee, Calderon, Cannella, Correa, Dutton, Emmerson, Fuller, Huff, La Malfa, Leno, Negrete McLeod, Pavley, Price, Rubio, Runner, Strickland, and Wyland.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (AB 375)

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 375 was refused passage by the following vote:

AYES (20)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, Wolk, and Yee.

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

REQUEST FOR UNANIMOUS CONSENT (SB 116)

Senator De León asked for, and was granted, unanimous consent to take up SB 116 at this time, without reference to file.

Consideration of Senate Bill 116

Senate Bill 116—An act to amend Sections 23101 and 25128 of, to amend and repeal Sections 25128.5 and 25136 of, to add Sections 6377, 25128.7, 25136.1, and 25136.2 to, and to repeal and amend Sections 17053.80 and 23623 of, the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator De León.

Urgency Clause

Urgency clause read.

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.

Senator Simitian Presiding**REPORTS OF STANDING COMMITTEES****Committee on Rules**

Senate Chamber, September 9, 2011

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

AB 724

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 724—An act to amend Section 25744 of, to add Sections 25740.6, and 25744.7 to, and to add Chapter 7.2 (commencing with Section 25621) to Division 15 of, and to repeal Sections 25740.5, 25743, 25744.5, 25746, and 25751 of, the Public Resources Code, and to amend Sections 384 and 399.8 of, and to add Section 399.8.5 to, and to add

Chapter 12 (commencing with Section 2120) to Part 1 of Division 1 of, the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 7, 2011

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

SB 618

SB 791

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measures ordered to unfinished business file.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

REQUEST FOR UNANIMOUS CONSENT (SB 922)

Senator Steinberg asked for, and was granted, unanimous consent to take up SB 922 at this time, without reference to file.

Consideration of Senate Bill 922

Consideration of Assembly Amendments

Senate Bill 922—An act to add Chapter 2.8 (commencing with Section 2500) to Part 1 of Division 2 of the Public Contract Code, relating to public contracts.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 922?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

REQUEST FOR UNANIMOUS CONSENT (SB 618)

Senator Wolk asked for, and was granted, unanimous consent to take up SB 618 at this time, without reference to file.

Consideration of Senate Bill 618

Consideration of Assembly Amendments

Senate Bill 618—An act to amend Sections 2805, 2835, 3511, 4700, 5050, and 5515 of the Fish and Game Code, to add Section 51255.1 to, and to add Chapter 6.9 (commencing with Section 51190) to Part 1 of



Division 1 of Title 5 of, the Government Code, and to amend Section 402.1 of the Revenue and Taxation Code, relating to local government.

Measure presented by Senator Wolk.

The question being: Shall the Senate concur in the Assembly amendments to SB 618?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 617—An act to amend Sections 11346.2, 11346.3, 11346.5, 11346.9, 11347.3, 11349.1, 13401, 13402, 13403, 13404, 13405, 13406, and 13407 of, and to add Sections 11342.548, 11346.36, and 11349.1.5 to, the Government Code, relating to state government.

Bill presented by Senator Calderon.

The question being: Shall the Senate concur in the Assembly amendments to SB 617?

The roll was called.

CALL OF THE SENATE

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

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 369—An act to amend Sections 8276.2, 8276.3, 8279.1, 8280.1, 8280.2, 8280.3, 8280.4, 8280.5, and 8280.6 of, and to add and repeal Sections 8276.4 and 8276.5 of, the Fish and Game Code, relating to commercial fishing.

Bill presented by Senator Evans.

The question being: Shall the Senate concur in the Assembly amendments to SB 369?

Roll Call

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

AYES (31)—Senators Alquist, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete



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

NOES (4)—Senators Anderson, Gaines, Runner, and Walters.

Above bill ordered enrolled.

Senator Kehoe Presiding

Senate Bill 827—An act relating to public employees' retirement.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 827?

Roll Call

The roll was called and the Senate refused to concur in Assembly amendments by the following vote:

AYES (9)—Senators Anderson, Blakeslee, De León, Gaines, Harman, Huff, Runner, Simitian, and Wyland.

NOES (21)—Senators Alquist, Corbett, Correa, DeSaulnier, Hancock, Hernandez, Kehoe, La Malfa, Leno, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Steinberg, Vargas, Walters, Wolk, and Wright.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Date of Hearing: September 9, 2011

Madam President: The Committee on Appropriations, to which were referred:

SB 202

SB 946

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

KEHOE, Chair

Above measures ordered to unfinished business.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Assembly Amendments

Senate Bill 226—An act to amend Section 65919.10 of the Government Code, and to amend Sections 21083.9 and 21084 of, and to add Sections 21080.35, 21094.5, 21094.5.5, and 25500.1 to, the Public Resources Code, relating to environmental quality.

Bill presented by Senator Simitian.

The question being: Shall the Senate concur in the Assembly amendments to SB 226?



Roll Call

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

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

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

Above bill ordered enrolled.

Senate Bill 431—An act to amend Sections 4104, 4105, and 4112 of the Business and Professions Code, relating to pharmacies.

Bill presented by Senator Emmerson.

The question being: Shall the Senate concur in the Assembly amendments to SB 431?

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.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, September 9, 2011

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

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

Bill read second time.

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

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

Senate Bill 126—An act to amend Sections 1156.3, 1158, 1160.4, and 1164 of the Labor Code, relating to employment.

Bill presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 126?

Roll Call

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

AYES (23)—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, and Wright.

NOES (14)—Senators Anderson, Berryhill, Blakeslee, Cannella, 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 (SB 922)**

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

Roll Call

The names of the absentees were called and the Senate concurred in Assembly amendments to SB 922 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, Simitian, Steinberg, Vargas, Wolk, and Wright.

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

Above bill ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT (SB 946)

Senator Steinberg asked for, and was granted, unanimous consent to take up SB 946 at this time, without reference to file.

Consideration of Senate Bill 946**Consideration of Assembly Amendments**

Senate Bill 946—An act to amend Section 121022 of, to add Section 1374.74 to, and to add and repeal Section 1374.73 of, the Health and Safety Code, to add and repeal Sections 10144.51 and 10144.52 of the Insurance



Code, and to amend Sections 5705, 5708, 5710, 5716, 5724, and 5750.1 of the Welfare and Institutions Code, relating to health.

Measure presented by Senator Steinberg.

The question being: Shall the Senate concur in the Assembly amendments to SB 946?

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, Gaines, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, and Wright.

NOES (4)—Senators Anderson, Huff, La Malfa, and Walters.

Above measure ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 9, 2011

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

SCR 52 SCR 56 SJR 13 SJR 14

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolutions ordered enrolled.

MOTION TO WITHDRAW FROM COMMITTEE

Senator Padilla moved that **AB 724** be withdrawn from the Committee on Rules and placed on third reading.

Roll Call

The roll was called and the motion carried 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, Wolk, and Wright.

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



IN SENATE

Senate Chamber, Sacramento
Saturday, September 10, 2011

REQUEST FOR UNANIMOUS CONSENT (AB 724)

Senator Padilla asked for, and was granted, unanimous consent to take up AB 724 at this time, without reference to file.

Consideration of Assembly Bill 724

Assembly Bill 724—An act to amend Section 25744 of, to add Sections 25740.6, and 25744.7 to, and to add Chapter 7.2 (commencing with Section 25621) to Division 15 of, and to repeal Sections 25740.5, 25743, 25744.5, 25746, and 25751 of, the Public Resources Code, and to amend Sections 384, 399.8, and 739 of, and to add Section 399.8.5 to, and to add Chapter 12 (commencing with Section 2120) to Part 1 of Division 1 of, the Public Utilities Code, relating to energy, and declaring the urgency thereof, to take effect immediately.

The roll was called.

CALL OF THE SENATE

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

Motion carried.

**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 1392)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1392 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 1392

Assembly Bill 1392—An act to amend Section 25471 of the Public Resources Code, relating to energy, and making an appropriation therefor.

Bill read.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Padilla:

Senate Chamber, September 9, 2011

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(13) in order that AB 1392 may be amended on the floor after the deadline.

SENATOR PADILLA



Recommendation of Rules Committee

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

STEINBERG, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(13) be dispensed with as requested.

Resolution read and presented by Senator Padilla.

Roll Call

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

AYES (35)—Senators Alquist, Anderson, Berryhill, 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, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.

Consideration of Assembly Bill 1392

Assembly Bill 1392—An act to amend Section 25471 of the Public Resources Code, relating to energy, and making an appropriation therefor.

Bill read third time.

Amendments Adopted

Amendments to AB 1392 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.

REQUEST TO WITHDRAW FROM COMMITTEE

A request was made that **AB 1391** be withdrawn from the Committee on Rules and placed 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, De León, DeSaulnier, Evans, Fuller, Hancock, Hernandez, Kehoe, Leno, Lieu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, and Wright.

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



REQUEST FOR UNANIMOUS CONSENT (AB 1392)

Senator Padilla asked for, and was granted, unanimous consent to take up AB 1392 at this time, without reference to file.

SENATE RULE 29.3 SUSPENDED

Without objection, Senate Rule 29.3 was suspended to permit consideration of AB 1392 at this time, as amended, in print, and properly before the Senate.

Consideration of Assembly Bill 1392 as Amended

Assembly Bill 1392—An act to amend Section 25471 of the Public Resources Code, relating to energy, and making an appropriation therefor.

Roll Call

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

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

NOES (1)—Senator Anderson.

Bill ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (AB 1069)

Senator Padilla asked for, and was granted, unanimous consent to take up AB 1069 at this time, without reference to file.

Consideration of Assembly Bill 1069

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

Roll Call

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

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

NOES (2)—Senators Evans and Liu.

Bill ordered transmitted to the Assembly.



REQUEST FOR UNANIMOUS CONSENT (SB 791)

Senator Simitian asked for, and was granted, unanimous consent to take up SB 791 at this time, without reference to file.

Consideration of Senate Bill 791

Senate Bill 791—An act to add and repeal Section 123222.3 of the Health and Safety Code, relating to mammograms.

Roll Call

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

AYES (35)—Senators Alquist, 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, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (1)—Senator Anderson.

Bill ordered transmitted to the Assembly.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, September 10, 2011

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

SCR 34

Above resolution ordered enrolled.

Assembly Chamber, September 9, 2011

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

SB 870

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above measure ordered to unfinished business file.

CONSIDERATION OF DAILY FILE (RESUMED)**Consideration of Assembly Joint Resolution 17**

Assembly Joint Resolution 17—Relative to law enforcement programs.

Resolution read third time and presented by Senator Wolk.

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, Fuller, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla,

Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

REQUEST FOR UNANIMOUS CONSENT (SB 202)

Senator Hancock asked for, and was granted, unanimous consent to take up SB 202 at this time, without reference to file.

Consideration of Senate Bill 202

Consideration of Assembly Amendments

Senate Bill 202—An act to amend Section 9016 of the Elections Code, and to repeal Section 1 of Chapter 732 of the Statutes of 2010, relating to elections.

Measure presented by Senator Hancock.

The question being: Shall the Senate concur in the Assembly amendments to SB 202?

Roll Call

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

AYES (23)—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, and Wright.

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

Above measure ordered enrolled.

FURTHER PROCEEDINGS UNDER CALL OF THE SENATE DISPENSED WITH (SB 618)

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

Roll Call

The names of the absentees were called and SB 618 was passed by the following vote:

AYES (35)—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, Rubio, Runner, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (1)—Senator Anderson.

Above measure ordered enrolled.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 617)**

On motion of Senator Calderon, 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 617 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 (0)—None.

Above bill ordered enrolled.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SB 116)**

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

Urgency Clause

The names of the absentees were called and the urgency clause to SB 116 was refused adoption 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, Simitian, Steinberg, Vargas, Wolk, and Yee.

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

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 724)**

On motion of Senator Padilla, 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 724 was refused adoption by the following vote:

AYES (19)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Simitian, Steinberg, Vargas, and Yee.

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



**CONSIDERATION OF DAILY FILE (RESUMED)
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 (17)—Senators Alquist, Corbett, De León, DeSaulnier, Evans, Hancock, Hernandez, Kehoe, Leno, Lieu, Negrete McLeod, Padilla, Price, Simitian, Steinberg, Vargas, and Yee.

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

SPECIAL CONSENT CALENDAR

Assembly Joint Resolution 8—Relative to the USS Iowa.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Concurrent Resolution 83—Relative to the Republic of Armenia.

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

(NOTE: See Consent Calendar Roll Call)

Assembly Joint Resolution 18—Relative to Sickle Cell Awareness Month.

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 were 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.

RECESS

At 1:01 a.m., the Senate recessed in order to convene in First Extraordinary Session.

REASSEMBLED

At 1:10 a.m., the Senate reconvened.

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



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (AB 1391)**

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

Roll Call

The names of the absentees were called and AB 1391 was refused passage by the following vote:

AYES (18)—Senators Calderon, Corbett, Correa, De León, DeSaulnier, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Padilla, Pavley, Price, Steinberg, Vargas, Wright, and Yee.

NOES (21)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Evans, Fuller, Gaines, Hancock, Harman, Huff, La Malfa, Negrete McLeod, Rubio, Runner, Simitian, Walters, Wolk, and Wyland.

REQUEST TO BE ADDED TO ROLL CALL

September 9, 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 983—Aye	SB 416—Aye	SB 861—Aye
SB 356—Aye	AB 1150—Aye	SB 536—Aye
SJR 14—Aye		

DARRELL STEINBERG, President pro Tempore

September 9, 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 1426—Aye	AB 378—Aye	AB 983—Aye
SB 705—No		

ROBERT D. DUTTON, Minority Floor Leader

Senator Steinberg Presiding

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

The Honorable Gregory P. Schmidt
Secretary of the Senate

Dear Secretary Schmidt:

SB 470 is a bill to continue a three-decade old Salmon Stamp program. Under the bill, salmon fishermen pay a fee based on their previous year's landings. The funds go to the Department of Fish and Game Fish and Game Preservation Fund and are used for salmon hatchery and salmon habitat restoration projects.



In recent years because of poor salmon catches and fishery closures, revenues from the sale of Salmon Stamps have been minimal, in some years as low as \$50,000. These small amounts still must be administered by the Department of Fish and Game, but administration overhead relative to revenues have been high, so the Department has had to shift funds from other accounts to supplement administrative costs for the Salmon Stamp program.

The current program has a 3.3% ceiling for administrative costs. SB 470 raises that ceiling to 15% in order to ensure that there are enough funds to do the job without taking funds from other accounts in low revenue years. However, it is my intent to keep administrative costs low and not to give permission to the Department to use this provision to spend beyond what is absolutely required for administrative purposes.

In order to ensure that administrative costs are kept low, my bill has two built-in controls:

First, SB 470 requires the Department to annually post on its website an accounting of how Salmon Stamp revenues are spent, whether for administration or projects. This transparency, by itself, will help keep wasteful spending down.

Second, funds for the program are not continuously appropriated, as in previous years. According to SB 470, funds must be appropriated by the legislature each year. The legislature will carefully monitor the Department's expenditures of Salmon Stamp funds, and taking action if administrative costs seem overly large.

Commercial salmon fishermen are the biggest supporters of SB 470's, and it is my intent to ensure their hard earned money that goes into the Salmon Stamp program is appropriately spent on programs that will increase salmon populations, and that the Department keep administrative costs as low as possible.

Sincerely,

NOREEN EVANS
Senator, 2nd District

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

The Honorable Greg Schmidt
Secretary of the Senate

Dear Mr. Schmidt:

I am providing this letter to the Journal to document my intent as author of Senate Bill 459.

SB 459 strives to reduce the incidence of misclassification of employees as independent contractors by creating consequences for employers who willfully misclassify and for those consultants who intentionally



advise them to do so. Toward that end, SB 459 creates new civil and administrative penalties and other remedies for the willful misclassification of workers as independent contractors.

Notwithstanding any subsequent references to damages, the penalties established in Section 226.8 of the California Labor Code, subdivisions (b) and (c) are intended to be penalties to punish and deter violations described in subdivision (a). Nothing in this bill is intended to replace any other penalties, damages, or remedies otherwise authorized by law.

Sincerely,

ELLEN M. CORBETT
Senate Majority Leader

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 6, 2011

The Honorable Gregory P. Schmidt
Secretary of the Senate

Dear Secretary Schmidt:

This letter to the Senate Journal is to clarify legislative intent for Senate Bill 136, my legislation relating to public works contracts.

During the legislative process, a specific question arose about whether “public work,” as defined in Section 1720.6 (a section added to the Labor Code in SB 136) would include individuals involved in the software design/programming/testing for building management systems for an energy efficiency contract.

This letter is to confirm that they do not, that is, individuals who are engaged in the design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications of machine operating systems are not intended to be included within meaning of “public work” as used in Senate Bill 136.

Sincerely,

LELAND Y. YEE, PH.D.
California State Senate



UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

*Greg Schmidt, Secretary
California State Senate*

Dear Mr. Schmidt:

I respectfully submit this Letter to the Journal to clarify the legislative intent of my Senate

Bill 436, now in enrollment, concerning an exemption included in the bill regarding Natural Communities Conservation Plans (NCCPs) or Safe Harbor agreements.

Government Code Section 65968(b) provides that when property is set aside to meet a permit requirement, the funds that may accompany it for the long-term stewardship needs of the property may be held by the state or local agency that imposes the mitigation requirement or by the entity that holds the property. However, the bill specifies three exceptions to this provision. One exception is in Government Code Section 65968(b)(2). This exception was included to allow the accompanying funds, as defined, to be held consistent with any provisions that an NCCP or safe harbor agreement may include for the funds. The bill's use of the terms "NCCP" and "Safe Harbor agreements" is intended to broadly encompass the various initial, interim or final Planning Agreements, Framework Plans, Sub-area Plans, Implementing Agreements or other documents that are part of the overall NCCP process as described in Chapter 10 of the Fish and Game Code or Safe Harbor agreements as described in Article 3.7 (commencing with Section 2089.2) of the Fish and Game Code and associated documents or agreements for implementation purposes of either. If any of these documents are signed, Section 65968(b)(2) applies.

Government Code Section 65968 (b)(1) is intended to recognize existing or near-term arrangements for mitigation lands and funds. However, I recognize that some project proponents may not be able to conclude a transaction before December 31, 2011. In the event such circumstances arise, I understand that stakeholders may need to have further discussions this fall to identify options to resolve such conflicts.

Thank you for the opportunity to clarify this matter.

Sincerely,

CHRISTINE KEHOE
State Senator, 39th District



UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

Mr. Gregory Schmidt

Secretary, California State Senate

Legislative Intent—Senate Bill No. 356 (Blakeslee, 2011)

Dear Mr. Schmidt:

The purpose of this letter is to clarify my intent with regard to Senate Bill 356, related to California State Parks (Parks). I introduced SB 356 to assist Parks as it closes units of the State Park System due to continued budget reductions. This bill is not intended to increase the burdens on Parks as it negotiates this difficult process, but merely to provide an additional tool should the right circumstances arise for a city or county to provide for the continued operation of an otherwise closed park, where no public access is planned.

Under this bill, Parks can determine the appropriate means to notify cities and counties of a park closure. Parks can also determine what information, if any, it provides to cities and counties that express interest in taking over a unit, to determine what “operation and maintenance of the unit” entails.

By no means are the negotiations with cities and counties exclusive. If Parks determines that other partners are more viable, it may negotiate with those other partners as well. Further, nothing in this bill requires that the negotiations actually result in an agreement to operate and maintain a park unit. If Parks determines, for any reason, that the negotiations with a city or county are not likely to result in a proposal that meets its program needs, it may terminate the negotiations at any time.

Sincerely,

SAM BLAKESLEE
California State Senate
15th District

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

Honorable Darrell Steinberg

President pro Tempore

Dear Senator Steinberg:

The purpose of this letter is for clarification in the Senate Journal regarding the intention of my bill SB 706. SB 706 is the outgrowth of oversight hearings conducted by my Senate Business, Professions, and Economic Development Committee earlier this year. The hearings demonstrated a need for revising and enhancing the enforcement



mechanisms for the Department of Real Estate (DRE) and the Office of Real Estate Appraisers (OREA) following the crisis in the real estate market. The bill enacts a number of changes which provide for increased transparency and discipline of licensees who have committed violations.

The August 26th amendments to Senate Bill 706 added language which would require both the DRE and OREA to post certain information on the internet regarding the license status of each of their licensees; in keeping with the California Public Records Act and the Information Practices of 1977. The bill requires the information to include information on suspensions and revocations and disciplinary accusations filed pursuant to the Administrative Procedures Act.

The bill establishes these requirements by adding Section 10083.2 to the Business and Professions Code (BPC) relating to the Department of Real Estate, and by adding Section 11317.2 to the BPC relating to the Office of Real Estate Appraisers.

I would like to clarify that in adding these new requirements, it is my intent that the DRE and OREA post information relating to disciplinary actions that may have been taken by the agency against a licensee, or a formal accusation that has been filed by the agency against a licensee, and is not intended to require the posting of other enforcement actions such as inspections, investigations, audits or administrative citations. While this may be relevant information about the licensee, it is not my intention that the DRE or OREA should be required to post such enforcement actions in a manner which identifies specific licensees.

Thank you for your attention to this matter.

Sincerely,

CURREN D. PRICE, JR.
Senator, 26th District

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

Gregory Schmidt
Secretary of the Senate

Re: Letter of Intent to the Journal: SB 468:

Amendment to Add Subdivision (f)(3) to Streets and Highways
Code section 103.

The legislative intent of Subdivision (f)(3) to Streets and Highways Code section 103 is that the use of Sections 30605 and 30515 of the Public Resources code authorized under the bill apply only to the north coast corridor project as described in SB 468.

Sincerely,

CHRISTINE KEHOE
Senator, District 39



UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

To the President pro Tem and the Members of the Senate:

As the author of SB 26, which would create criminal penalties for persons who smuggle cell phones into our prisons, I wish to provide further information on my intentions regarding the elements of this bill.

Eliminating the threat of illegal cell phones in our prisons requires three strategies; deter the possession of illegal cell phones; deter the smuggling of illegal cell phones; and deter the use of smuggled cell phones. Amendments requested by the Assembly Appropriations Committee removed the deterrent for demand out of SB 26.

As this bill was in its final committee, it became clear that the fiscal impact needed to be reduced in order to move off of the suspense file. To reduce the fiscal impact, Assembly Appropriations Committee removed a provision from the bill that created a punishment of a 180-day, permanent loss of good time credit for inmates caught with illegal cell phones.

Inmates with access to cell phones are ordering murders, organizing escapes, facilitating drug deals, controlling street gangs, accessing social network sites, and terrorizing rape victims. The importance of deterring inmate use of illegal cell phones is clear.

In discussions with the California Department of Corrections and Rehabilitation (CDCR), I learned that the inmate deterrent could be implemented through department regulations. My intent is that the CDCR create regulations that deter possession of illegal cell phones by inmates' through a permanent loss of earned, good time credit.

In addition, I will monitor the implementation of this measure after it is chaptered to assure that it results in decreased numbers of cell phones being smuggled into our state prisons and illegally used by inmates.

Sincerely,

ALEX PADILLA
State Senator, 20th District

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

Mr. Gregory Schmidt,

Secretary of the California State Senate

Re: Letter of Intent with respect to Senate Bill 847

Dear Mr. Secretary:

The purpose of this communication is to affirm that while my Senate Bill 847 establishes a standard 600-foot buffer zone between residential areas and medical cannabis outlets, it is not intended to enact new rules or



regulations relative to the personal cultivation of medical cannabis by individuals or a collective that is not involved in retail sale.

Senate Bill 847 is intended to be consistent with Assembly Bill 2650 (Buchanan, Chapter 603 of 2010) which provided that no medical marijuana cooperative, collective, dispensary, operator, establishment, or provider authorized by law to possess, cultivate, or distribute medical marijuana that has a storefront or mobile retail outlet which ordinarily requires a local business license shall be located within a 600-foot radius of a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, except as specified.

Best Regards,

LOU CORREA
State Senator, 34th District

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

To the Senate Journal

Re: Senate Bill 705 (Leno)

It is the intent of the Legislature that the term “gas corporation” in Public Utilities Code sections 961 and 963, added by Senate Bill 705, refers to public utility gas corporations regulated by the Public Utilities Commission pursuant to Public Utilities Code section 216.

SENATOR MARK LENO
3rd District

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

Mr. Greg Schmidt

Secretary of the Senate

Re: Legislative Intent—Assembly Bill No. 922

Dear Secretary of the Senate Schmidt:

I am providing this letter to the Journal to document my understanding of the intent of the author with respect to AB 922’s impact on the Department of Insurance as described to the Senate at the time it was put before the body by my esteemed colleague Senator Hernandez.

It was represented on the Senate Floor on September 7th, 2011 that AB 922 is not intended to permit duplication of function, public contact, or enforcement of the Insurance Code as pertains to those matters charged by California law to the Office of the Insurance Commissioner.

This is vitally important because as discussed below, compliance with the laws governing the regulation of insurance has been the exclusive jurisdiction of the Insurance Commissioner’s Office for more than a century. This law includes provisions which make the power of the



Commissioner to approve settlements under those statutes exclusive and non-delegable.

Nothing in the record of AB 922 evinces any intent to modify this, nor could it without hearing and deliberation before the Senate Insurance Committee.

The author's representation, made in the statements of my honored colleague and Health Committee Chairman Senator Hernandez as the bill was presented, that AB 922 is not intended to permit duplication of function, public contact, or enforcement of the Insurance Code is, if strictly and scrupulously followed, consistent with California Insurance Code Section 12921(a). That provision establishes the scope and responsibilities of the Office of the Insurance Commissioner and imposes upon that office the duty "to perform all duties imposed upon him or her by the provisions of this code and other laws regulating the business of insurance in this state". That same provision requires as well that he or she shall "enforce the execution of those provisions and laws."

Under this century-old charge, one could almost take judicial notice of the fact that given the Commissioner's responsibility to "enforce the execution" of laws regulating insurance, the resolution of consumer complaints arising under those laws appears inseparably a part of that enforcement.

The breadth of the Commissioner's Office, meaning the breadth of the statutory body he or she oversees, necessarily includes all facets of marketplace conduct and transactions involving insurers, producers, adjusters or others. All these are integrally related within the broad "business of insurance" in California which this Office oversees. This is the statutory scheme upon which the Commissioner's authority is founded and it is notable this basic statute has stood essentially unchanged from the adoption of California's early Political Code (1873-74), although its current placement in California's Insurance Code dates to that Code's adoption in 1935. Few indeed are the statutes anywhere in the state's codes that rival this provision's longevity.

For this reason, absent an amendment to Section 12921 (a), I concurred with the idea presented on the floor that the scope of AB 922, as for example the revised Office of Patient Advocate (OPA), cannot include resolution of consumer complaints by the OPA regarding matters of health insurance policies under the Commissioner jurisdiction.

In addition to 12921(a), I also wish to note 12921 (b) is equally consistent with this understanding that AB 922 shall not be construed or applied to duplicate, overlap or intrude upon the duties of the Office of the Insurance Commissioner with respect to marketplace conduct and complaints, grievances, requests or appeals regarding such matters. Subdivision (b) of Section 12921 specifies that while the Commissioner's duty to oversee settlements of any "provisions of the Insurance Code and other laws regulating the business of insurance" can include formal delegation of the power to negotiate terms of any possible settlement, the actual power to approve any settlements with a party subject to the



Insurance Code and the other cited law is, non-delegable and must, by statute, remain with the Insurance Commissioner.

Accordingly, it was my understanding, based on my esteemed colleague Senator Hernandez's clear affirmative statements as to the intent of the author, that AB 922 would be read very narrowly so as to not permit encroachment upon the duties and capacities of the Office of the Insurance Commissioner as established under this long-settled California law. As that was what was represented to our body during yesterday's debate, and as that is a view I concur in, on that basis I voted "Aye".

Sincerely,

RON CALDERON
Senator, 30th District

UNANIMOUS CONSENT TO PRINT IN JOURNAL

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

September 9, 2011

Gregory Schmidt

Secretary of the Senate

Dear Mr. Schmidt:

I am submitting this letter to the Senate Journal to provide clarity as to the intent of a provision in Senate Bill 226 related to project challenges at the California Energy Commission.

Senate Bill 226 adds Public Resources Code §25500.1, relating to applications for certifications for projects at the California Energy Commission. It is not my intention that subdivision (e) of this section be applicable to a project whose certificate was challenged and subsequently dismissed by the California Supreme Court.

Further, it is not my intent to abrogate any parties rights to challenge a project's certificate pursuant to §25531 or any other provision of law.

To the extent there is any ambiguity about the intent of this provision, I will pursue clarity through additional legislation at the earliest opportunity.

Sincerely,

S. JOSEPH SIMITIAN
Eleventh Senate District

SENATE COMMITTEE ROLL CALLS

Committee on Appropriations

SB 202—That the Assembly amendments be concurred in

AYES (6)—Senators Alquist, Kehoe, Lieu, Pavley, Price, and Steinberg.

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

SB 946—That the Assembly amendments be concurred in

AYES (6)—Senators Alquist, Kehoe, Lieu, Pavley, Price, and Steinberg.

NOES (1)—Senator Walters.

Date of Hearing: 9/9/2011

Kehoe (Chair)



Committee on Banking and Financial Institutions**SB 931**—That the Assembly amendments be concurred in

AYES (5)—Senators Evans, Kehoe, Liu, Padilla, and Vargas.

NOES (2)—Senators Blakeslee and Walters.

Date of Hearing: 9/9/2011

Vargas (Chair)

Committee on Environmental Quality**AB 900**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Hancock, Kehoe, Lowenthal, Simitian, and Strickland.

NOES (1)—Senator Blakeslee.

Date of Hearing: 9/9/2011

Simitian (Chair)

Committee on Governance and Finance**SB 922**—That the Assembly amendments be concurred in

AYES (5)—Senators DeSaulnier, Hancock, Kehoe, Liu, and Wolk.

NOES (2)—Senators Fuller and Huff.

Date of Hearing: 9/9/2011

Wolk (Chair)

Committee on Governmental Organization**SB 617**—That the Assembly amendments be concurred in

AYES (12)—Senators Anderson, Berryhill, Calderon, Cannella, Corbett, De León, Evans, Padilla, Strickland, Wright, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 9/9/2011

Wright (Chair)

Committee on Labor and Industrial Relations**SB 126**—That the Assembly amendments be concurred in

AYES (5)—Senators DeSaulnier, Leno, Lieu, Padilla, and Yee.

NOES (1)—Senator Runner.

Date of Hearing: 9/9/2011

Lieu (Chair)

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

At 1:20 a.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 Wednesday, January 4, 2012.

Motion carried.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Evans requested that when the Senate adjourns this day it do so in memory of Pedro “Pete” Santiago of Sacramento.

Senator Fuller requested that when the Senate adjourns this day it do so in memory of Manuel Lucca Belmonte of Anaheim.

ADJOURNMENT

At 1:20 a.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators’ requests until 12 p.m., Wednesday, January 4, 2012.

PAULA K. ROSSETTO, Minute Clerk

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