

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED THIRTY-FIFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, August 9, 2012

The Senate met at 9 a.m.

Hon. S. Joseph Simitian, of the 11th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### QUORUM CALL OF THE SENATE

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

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

### PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

#### ROLL CALL

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

Alquist, Anderson, Berryhill, Blakeslee, 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, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee—39.

Quorum present.

*(NOTE: Senator Hancock will be excused this day due to illness.)*



**PRAYER**

Upon invitation of the President, the following prayer was offered by Imam Haazim Rashed, Masjid As-Sabur of Sacramento:

Distinguished Senators, Guests, members of the dais and the public that allows us all to serve; we greet you. We greet you as is our tradition

With the Name of G–d

Peace be unto you

As Salaam Alaikum

We begin our invocation today, in this great Chamber of the State of California Senate. As we begin, we are reminded of the words invoked in our tradition that says “whatever you do, do it excellently”. Facing the duties and responsibilities of those who lead it is easy to be satisfied with being good. But as Jim Collins said in his book *Good to Great*—“Good is the enemy of Great”. It is in this spirit we call upon G–d in prayer, and ask for His aid, His guidance, and His protection to enable those that lead to challenge themselves to do not just good, but to do great things. In recognizing that there is a power beyond ourselves, we can truly see our role as servants striving for excellence in everything we do to serve. To achieve that goal of excellence, we need guidance and mercy to be excellent stewards of the earth:

We Come before You Merciful and Beneficent G–d

We ask for Your strength

We ask for Your guidance

Help us to be excellent stewards and leaders for the people of California

Let us be examples of mercy and wisdom

Let us reflect Your guidance in our deliberations

As we conduct the business of the State of California

AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

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

Senate Chamber, August 8, 2012

Mr. President: The Committee on Rules has examined:

SB 1062

And reports that the same has been correctly enrolled, and presented to the Governor on the 8th day of August, 2012, at 4:30 p.m.

STEINBERG, Chair

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

**Senate Joint Resolution 12**—Relative to fatherhood.

Resolution read second time and ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 1225**—An act to add Chapter 6 (commencing with Section 8122) to Part 1 of Division 8 of the Health and Safety Code, relating to cemeteries.

Bill read second time.

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

**Assembly Bill 1404**—An act to amend Section 9250.14 of the Vehicle Code, relating to vehicles, and making an appropriation therefor.

Bill read second time.

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

**Assembly Bill 2242**—An act to amend Section 48900 of, and to repeal and add Section 48900.4 of, the Education Code, relating to pupils.

Bill read second time and ordered to third reading.

**Assembly Bill 2512**—An act to amend Section 3453 of, and to add Sections 30346 and 32311 to, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

**Assembly Bill 2610**—An act to amend Section 2924.8 of the Civil Code, and to amend Sections 415.46 and 1161b of the Code of Civil Procedure, relating to tenants.

Bill read second time and ordered to third reading.

**Assembly Bill 1165**—An act to amend Section 1203.097 of the Penal Code, relating to domestic violence.

Bill read second time and ordered to third reading.

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 83**, **ACR 143**, **ACR 150**, **ACR 152**, and **AJR 37** were withdrawn from Committee and placed on the Special Consent Calendar.

**RE-REFERENCE TO COMMITTEE**

Pursuant to Senate Rule 29.10(c), **AB 2512** and **AB 1098** were referred to the Committee on Rules.



**CONSENT CALENDAR****Objections Raised**

Senator Negrete McLeod objected to **AB 1612** being on the Consent Calendar.

Senator Cannella objected to **AB 2329** being on the Consent Calendar.

Senator Alquist objected to **AB 2502** being on the Consent Calendar.

Senator Lowenthal objected to **AB 2662** being on the Consent Calendar.

Senator Liu objected to **AB 2280** being on the Consent Calendar.

Senator La Malfa objected to **AB 2349** being on the Consent Calendar.

Senator Rubio objected to **AB 1509** and **AB 2297** being on the Consent Calendar.

Senator Correa objected to **AB 2041** being on the Consent Calendar.

Senator Simitian objected to **AB 1701** being on the Consent Calendar.

Senator Corbett objected to **ACR 100** being on the Consent Calendar.

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

**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator DeSaulnier moved that **AB 2697** be placed on the inactive file.

Senator Negrete McLeod moved that **AB 1101** be placed on the inactive file.

Motions carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS****REQUEST TO RETURN BILL TO ASSEMBLY**

On the request of Senator Corbett, **SB 561** was returned to the Assembly for further action.

**Consideration of Appointments by the Governor  
Division of Question Demanded**

Senator La Malfa demanded that the question be divided and that the confirmation of the appointment of:

BRUCE C. DELGADO, Member, Water Quality Control Board, Central Coast Region be taken up separately.

**Consideration of Governor's Appointment**

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

J. KEITH GILLESS, Ph.D., Member, State Board of Forestry and Fire Protection.

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



**Roll Call**

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

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

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

**Consideration of Governor's Appointment**

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

SUSAN A. BRITTING, Ph.D., Member, State Board of Forestry and Fire Protection.

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

**Roll Call**

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

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

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

**Consideration of Governor's Appointment**

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

MICHAEL W. MILES, JR., Member, State Board of Forestry and Fire Protection.

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

**Roll Call**

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

AYES (28)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, De León, DeSaulnier, Emmerson, Evans, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (6)—Senators Anderson, Dutton, Gaines, Runner, Strickland, and Wyland.



**Consideration of Governor's Appointment**

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

RICHARD G. WADE, Member, State Board of Forestry and Fire Protection.

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

**Roll Call**

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

AYES (28)—Senators Alquist, Berryhill, Blakeslee, Calderon, Cannella, Corbett, De León, DeSaulnier, Emmerson, Evans, Harman, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (6)—Senators Anderson, Dutton, Gaines, Runner, Strickland, and Wyland.

**Consideration of Governor's Appointment**

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

RICHARD J. SCHUETZ, Member, California Gambling Control Commission.

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

**Roll Call**

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

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

NOES (0)—None.

**Consideration of Governor's Appointment**

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

FRANCIS X. JOHNSTON III, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun.

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



**Roll Call**

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

AYES (39)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 2292**—An act to amend Sections 366.21, 366.22, 366.25, 727.2, and 727.3 of the Welfare and Institutions Code, relating to juveniles.

Bill read third time and presented by Senator La Malfa.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1839**—An act to amend Sections 4826, 4826.2, 4833, 4836, 4836.1, 4836.5, 4840, 4840.2, 4840.7, and 4840.9 of the Business and Professions Code, relating to veterinary medicine.

Bill read third time and presented by Senator Price.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



**Assembly Bill 1623**—An act to amend Sections 12240 and 12246 of the Business and Professions Code, relating to weights and measures.

Bill read third time and presented by Senator Price.

**Roll Call**

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

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

NOES (9)—Senators Anderson, Fuller, Gaines, Harman, Huff, La Malfa, Runner, Strickland, and Wyland.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2060**—An act to amend Sections 319, 361, and 726 of the Welfare and Institutions Code, relating to juveniles.

Bill read third time and presented by Senator Liu.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1606**—An act to amend Section 3505.4 of the Government Code, relating to public employment.

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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2181**—An act to amend Section 927.2 of the Government Code, relating to state government.

Bill read third time and presented by Senator Price.





**Roll Call**

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

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

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

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator Hernandez.

**Roll Call**

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

AYES (25)—Senators Alquist, Blakeslee, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Hernandez, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2020**—An act to amend Section 23612 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Gaines.

**Roll Call**

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

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

NOES (3)—Senators Leno, Negrete McLeod, and Wright.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1852**—An act to add Section 103627.8 to the Health and Safety Code, and to amend Sections 18966, 18968, and 18969 of, and to add Section 18309.10 to, the Welfare and Institutions Code, relating to domestic violence.

Bill read third time and presented by Senator Alquist.

**Roll Call**

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

AYES (22)—Senators Alquist, Calderon, Corbett, De León,



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

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2659**—An act to amend Section 15250 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Lieu.

#### Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2365**—An act to amend Sections 3011 and 3041.5 of the Family Code, relating to child custody.

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1801**—An act to add Section 65850.55 to the Government Code, relating to land use.

Bill read third time and presented by Senator Leno.

#### Roll Call

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

AYES (39)—Senators Alquist, 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,



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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1626**—An act to amend Sections 9380 and 9509 of the Elections Code, relating to elections.

Bill read third time and presented by Senator Yee.

**Roll Call**

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

AYES (24)—Senators Alquist, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, 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, La Malfa, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1452**—An act to amend Section 27363.5 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Evans.

**Roll Call**

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

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

NOES (6)—Senators Anderson, Blakeslee, Fuller, Gaines, La Malfa, and Walters.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2006**—An act to add Section 14800.1 to the Financial Code, relating to credit unions.

Bill read third time and presented by Senator Kehoe.

**Roll Call**

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

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

NOES (4)—Senators Dutton, Harman, Huff, and Walters.

Bill ordered transmitted to the Assembly.



**Assembly Bill 1124**—An act to amend Section 1941.1 of the Civil Code, relating to landlord and tenant.

Bill read third time and presented by Senator DeSaulnier.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1867**—An act to amend Section 1279.7 of the Health and Safety Code, relating to health facilities.

Bill read third time and presented by Senator Anderson.

**Roll Call**

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

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

NOES (1)—Senator Yee.

Bill ordered transmitted to the Assembly.

**Assembly Bill 1705**—An act to amend Sections 60852.1 and 60852.2 of the Education Code, relating to pupil assessment.

Bill read third time and presented by Senator Wyland.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2180**—An act to add Section 32121.6 to the Health and Safety Code, relating to local health care districts.

Bill read third time and presented by Senator Dutton.



**Roll Call**

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

AYES (30)—Senators Alquist, Blakeslee, Calderon, Cannella, Corbett, De León, DeSaulnier, Dutton, Emmerson, Evans, Harman, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Vargas, Wolk, Wright, and Yee.

NOES (6)—Senators Anderson, Fuller, Gaines, Strickland, Walters, and Wyland.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2548**—An act to amend Section 66.5 of the Military and Veterans Code, relating to veterans.

Bill read third time and presented by Senator Negrete McLeod.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2682**—An act to amend Sections 4103, 6981, 32513, 61933, 64007, 64101, 64103, 64105, 64305, 64306, and 77191 of, to repeal Sections 64107, 64108, and 64109 of, and to repeal and add Section 64106 of, the Food and Agricultural Code, relating to agriculture.

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 (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, 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.

**THIRD READING OF SENATE BILLS**

**Senate Bill 1197**—An act to amend Section 8344.5 of, and to add Section 8344.6 to, the Health and Safety Code, relating to crematories, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Calderon.



**Urgency Clause**

Urgency clause read and adopted by the following vote:

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

NOES (0)—None.

**Roll Call**

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

AYES (38)—Senators Alquist, Anderson, Berryhill, Blakeslee, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Harman, 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.

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

**Assembly Bill 1518**—An act to add, repeal, and add Section 12737 of the Business and Professions Code, relating to weighmasters.

Bill read third time and presented by Senator Cannella.

**Roll Call**

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

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

NOES (1)—Senator Anderson.

Bill ordered transmitted to the Assembly.

**Assembly Bill 233**—An act to add and repeal Article 4.5 (commencing with Section 18736) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read third time and presented by Senator Lowenthal.

**Roll Call**

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

AYES (34)—Senators Alquist, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla,



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

NOES (1)—Senator Anderson.

Bill ordered transmitted to the Assembly.

**Assembly Bill 259**—An act to add Section 27701.5 to the Government Code, relating to county government.

Bill read third time and presented by Senator Liu.

The roll was called.

#### CALL OF THE SENATE

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

Motion carried.

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

**Assembly Bill 1718**—An act to amend Section 10150.6 of the Business and Professions Code, relating to real estate brokers.

Bill read third time and presented by Senator Price.

#### Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2040**—An act to add Section 1203.47 to the Penal Code, relating to prostitution.

Bill read third time and presented by Senator Wright.

#### Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 2069**—An act to amend Sections 4709 and 4856 of the Labor Code, relating to workers' compensation.

Bill read third time and presented by Senator Correa.





**Roll Call**

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

AYES (25)—Senators Alquist, Blakeslee, Corbett, Correa, De León, DeSaulnier, Evans, Kehoe, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Simitian, Steinberg, Strickland, Vargas, Wolk, Wright, Wyland, and Yee.

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

Bill ordered transmitted to the Assembly.

**Assembly Bill 2115**—An act to amend Section 32121.5 of the Health and Safety Code, relating to local health care districts.

Bill read third time and presented by Senator Blakeslee.

**Roll Call**

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, 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.

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

**Senate Bill 977**—An act to amend Section 111825 of the Health and Safety Code, relating to the Sherman Food, Drug, and Cosmetic Law, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Yee.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

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

NOES (0)—None.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.





**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (AB 259)**

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

**Roll Call**

The names of the absentees were called and AB 259 was refused passage by the following vote:

AYES (19)—Senators Anderson, Berryhill, Blakeslee, Cannella, Dutton, Emmerson, Fuller, Gaines, Huff, La Malfa, Lieu, Liu, Lowenthal, Rubio, Runner, Simitian, Strickland, Walters, and Wyland.

NOES (15)—Senators Alquist, Corbett, Correa, DeSaulnier, Evans, Kehoe, Leno, Negrete McLeod, Padilla, Price, Steinberg, Vargas, Wolk, Wright, and Yee.

**Motion to Reconsider**

Senator Liu moved to reconsider the vote whereby AB 259 was refused passage.

**Roll Call**

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

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

NOES (0)—None.

Bill ordered returned to third reading.

**CONSENT CALENDAR**

**Assembly Bill 2131**—An act to amend Sections 27000.8 and 27000.9 of the Government Code, relating to local government.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2584**—An act to add Section 316 to the Public Utilities Code, relating to electrical corporations.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1927**—An act to amend Section 845 of the Civil Code, relating to real property.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 2683**—An act to amend Sections 2204, 8100, and 9052 of the Probate Code, relating to probate.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2685**—An act to amend Sections 6140 and 6141 of the Business and Professions Code, relating to attorneys.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1624**—An act to amend Sections 5301, 5303, and 5401 of the Probate Code, relating to multiple-party accounts.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 97**—Relative to the Senator Dave Cox Interchange.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1354**—An act to amend Section 2031.240 of the Code of Civil Procedure, relating to discovery.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2654**—An act to amend and repeal Section 3060 of the Civil Code, relating to mining liens, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 573**—An act to amend Sections 25504.5 and 25511 of the Business and Professions Code, relating to alcoholic beverages.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 658**—An act to amend Sections 30459.15, 50156.18, and 55332.5 of the Revenue and Taxation Code, relating to taxation.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 843**—An act to amend Section 6355 of the Revenue and Taxation Code, relating to taxation.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 1517**—An act to amend and repeal Section 12112 of the Public Contract Code, relating to public contracts.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1600**—An act to amend Sections 132400, 132410, 132415, 132420, and 132450 of the Public Utilities Code, relating to the Metro Gold Line Foothill Extension Construction Authority.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1668**—An act to amend Sections 52052 and 52052.3 of the Education Code, relating to school accountability.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1671**—An act to amend Sections 7202 and 10167 of the Public Contract Code, relating to public contracts.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1708**—An act to amend Section 515 of the Insurance Code, and to amend Section 16028 of the Vehicle Code, relating to vehicles.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1715**—An act to amend Section 25299.39.2 of the Health and Safety Code, relating to underground storage tanks.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1851**—An act to amend Sections 9304, 9305, and 9306 of, and to add Sections 9103.5, 9202.5, and 9304.5 to, the Elections Code, relating to elections.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 1922**—An act to amend Section 43701 of the Health and Safety Code, relating to vehicular air pollution.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2066**—An act to amend Sections 1569.525 and 1569.682 of the Health and Safety Code, relating to residential care facilities for the elderly.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Bill 2133**—An act to amend Section 66025.8 of the Education Code, relating to public postsecondary education.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2270**—An act to add Section 6452.2 to the Revenue and Taxation Code, relating to taxation.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2326**—An act to amend Section 1195 of the Civil Code, and to amend Section 8206 of, and to amend and repeal Section 27287 of, the Government Code, relating to execution of documents.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2332**—An act to add Sections 17207.11 and 24347.11 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2475**—An act to amend Section 408 of the Military and Veterans Code, relating to military service.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2497**—An act to add and repeal Section 89007.7 of the Education Code, relating to the California State University.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2620**—An act to amend Sections 6305 and 6306 of, to add Section 6009.1 to, and to add and repeal Section 6320 of, the Public Resources Code, relating to tidelands and submerged lands.

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

*(NOTE: See Consent Calendar Roll Call)*

**Assembly Bill 2694**—An act to amend Sections 23355, 23393.5, and 23958.4 of the Business and Professions Code, relating to alcoholic beverages.

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

*(NOTE: See Consent Calendar Roll Call)*

**Senate Concurrent Resolution 83**—Relative to National Aphasia Awareness Month.

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

*(NOTE: See Consent Calendar Roll Call)*



**Assembly Concurrent Resolution 143**—Relative to the American flag.

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

(NOTE: See Consent Calendar Roll Call)

**Assembly Concurrent Resolution 150**—Relative to Fire Safety and Disaster Preparedness Week.

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

(NOTE: See Consent Calendar Roll Call)

**Assembly Concurrent Resolution 152**—Relative to Dwarfism Awareness Month.

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

(NOTE: See Consent Calendar Roll Call)

**Assembly Joint Resolution 37**—Relative to F-35 aircraft and the F-35 Joint Strike Fighter Program.

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

(NOTE: See Consent Calendar Roll Call)

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

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

AYES (36)—Senators Alquist, Anderson, Berryhill, Blakeslee, Cannella, Corbett, Correa, De León, DeSaulnier, Dutton, Emmerson, Evans, Fuller, Gaines, 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 PRINT IN JOURNAL**

Senator Leno moved that the following letter be printed in the Journal.

Motion carried.

August 9, 2012

*Greg Schmidt*

*Secretary of the Senate*

Dear Mr. Schmidt:

I respectfully submit this letter to the Journal in order to clarify certain matters addressed in SB 1029, amending the Budget Act of 2012, which was adopted by the Senate on July 6, 2012.

First, SEC. 1, Provision 4, SEC. 2, Provision 4, and SEC. 3, Provision 3, address the use of connectivity and bookends funds by the Department of Transportation and the High Speed Rail Authority in the San Francisco to San Jose corridor. With respect to this component of the high speed rail project, consistent with the California High-Speed Rail Revised 2012 Business Plan adopted in April 2012, the Authority will continue to



develop and construct a system on this segment that conforms to the following:

i. The Authority shall follow the terms and conditions included in the May 3, 2012 resolution by the Peninsula Corridors Joint Powers Board for high-speed rail and Caltrain electrification.

ii. The project-level environmental documents certified for this segment, and related construction and operation funded by the appropriation, shall be consistent with the blended approach of the Revised 2012 Business Plan, and shall not reflect the four-track system in the program-level environmental document.

iii. The system shall primarily consist of a two-track system of shared rail with the Peninsula Corridors Joint Powers Board, which will be substantially within the existing right of way used by Caltrain.

iv. The rail shall primarily be at grade, at current grade, or below grade level.

In finalizing environmental and preliminary design work, the Authority will also be guided by the provisions of Streets and Highways Code 2704.09, the requirements for environmental mitigation, and the need to address any design constraints caused by existing infrastructure.

In adopting the blended approach, the Authority recognizes that this project will only get built by partnering with local and regional governments and transit operators, and like in every other corridor, the Authority will work closely with those partners to implement improvements that benefit mobility locally and across the state.

Second, Provision 6 of SEC. 3 includes a provision relating to environmental clearances and California Environmental Quality Act (CEQA) notices of decision. It is the intent of this provision that no funds appropriated under this item shall be encumbered for construction of a project prior to compliance with CEQA and the National Environmental Policy Act.

Third, SEC. 3, Provisions 1 and 2 address, respectively, the use of funds for the blended system or bookends and the transfer, under certain conditions, of those funds. It is the intent of this legislation that funds appropriated under this item only be used for bookend investments. Any funds appropriated under this item approved for transfer by Department of Finance is for account management purposes, is not authorized for use in other project segments, and does not affect their directed use for bookend investments.

Thank you for the opportunity to clarify these matters.

Sincerely,

MARK LENO, Chair  
Senate Budget and Fiscal Review Committee



**REQUEST TO BE ADDED TO ROLL CALL**

August 9, 2012

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 1623—Aye      AB 2365—Aye      AB 2040—Aye  
AB 2069—Aye      AB 2115—Aye      SB 977—Aye  
Consent Calendar—Aye

DARRELL STEINBERG, President pro Tempore

August 9, 2012

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 2020—Aye      AB 1852—No      AB 1623—No  
BOB HUFF, Minority Floor Leader

**LEAVES OF ABSENCE FOR THE DAY**

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

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

At 11:25 a.m., on motion of Senator Dutton, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Dutton moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Monday, August 13, 2012.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, August 9, 2012

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

SB 1425

Above measure ordered enrolled.

Assembly Chamber, August 9, 2012

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

SCR 63

SCR 94

Above resolutions ordered enrolled.



Assembly Chamber, August 9, 2012

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

SB 1055	SB 825	SB 993	SB 1257
SB 615	SB 976	SB 1160	SB 1386

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

Above measures ordered to unfinished business file.

Assembly Chamber, August 9, 2012

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

SCR 65	SJR 10
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And respectfully requests your honorable body to concur in said amendments.

Above resolutions ordered to unfinished business file.

Assembly Chamber, August 9, 2012

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

AJR 43

Assembly Chamber, August 9, 2012

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

AB 511	AB 523	AB 1459
AB 1540	AB 1620	AB 1765
AB 1985	AB 2174	AB 2314

Assembly Chamber, August 9, 2012

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

Dear Greg: Pursuant to the instructions of the Assembly, I am herewith returning Assembly Bills Nos. 761 and 2188 to the Senate for further action.

Sincerely,

E. DOTSON WILSON  
Chief Clerk

Above measures ordered held at Desk.

#### **FIRST READING OF ASSEMBLY MEASURES**

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

**Assembly Joint Resolution 43**—Relative to sexual orientation and gender identity.





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

Senate Chamber, August 9, 2012

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

AJR 35

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

KEHOE, Chair

Above measure ordered to second reading.

Senate Chamber, August 9, 2012

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

AB 174

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

KEHOE, Chair

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

**Assembly Bill 174**—An act to add Section 12803.2 to the Government Code, relating to state government.

Bill read second time.

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

**Committee on Rules**

Senate Chamber, August 9, 2012

Mr. President: The Committee on Rules has examined:

SCR 91

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 9th day of August, 2012, at 9:45 a.m.

STEINBERG, Chair

Senate Chamber, August 9, 2012

Mr. President: The Committee on Rules has examined:

SB 1382

And reports that the same has been correctly enrolled, and presented to the Governor on the 9th day of August, 2012, at 10:15 a.m.

STEINBERG, Chair



**Committee on Appropriations**

Date of Hearing, August 6, 2012

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

AB 53

AB 2435

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

KEHOE, Chair

Above measures ordered to second reading.

Senate Chamber, August 9, 2012

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

AB 526

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

KEHOE, Chair

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

**Assembly Bill 526**—An act to amend Section 6027 of the Penal Code, relating to crime prevention.

Bill read second time.

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

**Committee on Rules**

State Capitol, August 9, 2012

The Committee on Rules has re-referred the following measures to committee:

**Transportation and Housing**—SCR 102.

**Committee on Appropriations**

Senate Chamber, August 9, 2012

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

AB 404

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

KEHOE, Chair

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

**Assembly Bill 404**—An act to add Section 23028 to the Government Code, relating to local government.

Bill read second time.

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



**Committee on Rules**

Senate Chamber, August 9, 2012

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

AB 787

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 787**—An act to amend Section 12012.45 of the Government Code, relating to tribal gaming, 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.

**MEASURE WITHDRAWN FROM COMMITTEE**

Without objection, **AB 491** was withdrawn from Committee and placed on second reading.

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

**Assembly Bill 2349**—An act to amend and renumber Section 25500.2 of, and to repeal Section 25500.1 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2349 proposed by Senator Anderson were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2230**—An act to add Part 2.12 (commencing with Section 10950) to Division 6 of the Water Code, relating to water resources.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2230 proposed by Senator Lowenthal were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1000**—An act to add Section 1367.655 to the Health and Safety Code, and to add Section 10123.205 to the Insurance Code, relating to health care coverage.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1000 proposed by Senator Wright were read and adopted and the measure ordered printed and to second reading.



**Assembly Bill 1301**—An act to amend Section 22958 of, and to repeal and add Section 22974.8 of, the Business and Professions Code, and to amend Section 308 of the Penal Code, relating to cigarettes and tobacco products.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1301 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1277**—An act to amend Sections 111550, 111635, and 111640 of the Health and Safety Code, relating to public health.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1277 proposed by Senator Rubio were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 2530**—An act to amend Section 6030 of, to add Section 3407 to, and to repeal Section 5007.7 of, the Penal Code, and to amend Sections 222 and 1774 of the Welfare and Institutions Code, relating to inmates.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2530 proposed by Senator Liu were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1580**—An act to amend Section 15926 of the Welfare and Institutions Code, relating to public health.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1580 proposed by Senator Hernandez were read and adopted and the measure ordered printed and to second reading.

**UNANIMOUS CONSENT GRANTED  
TO RESCIND ACTION (AB 1679)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1679 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

**Consideration of Assembly Bill 1679**

**Assembly Bill 1679**—An act to amend Section 1950.5 of the Civil Code, relating to landlord-tenant relations.

Bill read.

**Motion to Amend**

Amendments to AB 1679 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.



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

**Assembly Bill 2184**—An act to add and repeal Section 25502.2 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

**Amendments Adopted**

Amendments to AB 2184 proposed by Senator Wright were read and adopted and the measure ordered printed and to second reading.

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

**SB 475**—That the Assembly amendments be concurred in

AYES (9)—Senators DeSaulnier, Dutton, Fuller, Hernandez, Kehoe, La Malfa, Liu, Wolk, and Yee.

NOES (0)—None.

**AB 246**—Do pass and re-refer to the Committee on Appropriations

AYES (3)—Senators Dutton, Fuller, and La Malfa.

NOES (5)—Senators DeSaulnier, Kehoe, Liu, Wolk, and Yee.

Failed Passage

Date of Hearing: 8/8/2012

Wolk (Chair)

**Committee on Rules**

**AB 1652**—Do pass and re-refer to the Committee on Appropriations

AYES (4)—Senators Alquist, De León, Harman, and Steinberg.

NOES (0)—None.

Date of Hearing: 8/7/2012

Steinberg (Chair)

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Emmerson requested that when the Senate adjourns this day it do so in memory of Laura Froelich of Moreno Valley.

Senators Emmerson and Anderson requested that when the Senate adjourns this day it do so in memory of Russell Dix of Lake Elsinore.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Doc Burch and Samuel Austin Masters of Antelope Valley, and Ted Greig of Northridge.

Senator Simitian requested that when the Senate adjourns this day it do so in memory of Peter Mario Barsotti of Groveland.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Dutton, the Senate adjourned pursuant to the Senators' requests until 12 p.m., Monday, August 13, 2012.

PAULA K. ROSSETTO, Minute Clerk

