

## CALIFORNIA LEGISLATURE

2011–12 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED FIFTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Monday, June 11, 2012

The Senate met at 12 p.m.

Hon. Curren Price, of the 26th 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 great and holy God,* Time and again you have blessed us with leaders to inspire us. One such leader who was no stranger to conflict or pressure, either on the battlefield or in the political arena was President John F. Kennedy. He observed that “great crises produce great men, and great deeds of courage.”

Our country came into existence and then flourished because of ordinary men and women who in times of crisis found within themselves the ability to perform great deeds of courage.

We have been living through a time of extraordinary crisis and the people of our State look towards those who lead us to find the greatness within themselves to act with courage and creativity, and to lead us forward into a more hopeful and prosperous future.

We pray to the Holy One to grant each of us the ability to draw upon our faith and strength of character to address the task of governance with strong hearts and open minds.

May the Holy One grant us the ability to measure up to the task that lays before us, and may future generations remember our generation for its bold ideas and wise solutions. May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 7, 2012

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

ACR 156

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

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

**Assembly Concurrent Resolution 156**—Relative to June Dairy Month in California.

**REPORTS OF STANDING COMMITTEES****Committee on Veterans Affairs**

Senate Chamber, June 11, 2012

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

AB 2198

AB 1806

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

CORREA, Chair



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

**Assembly Bill 2198**—An act to amend Sections 972.1 and 974 of the Military and Veterans Code, relating to veterans.

Bill read second time.

**Assembly Bill 1806**—An act to amend Section 952 of, and to add Sections 951.5 and 955 to, the Military and Veterans Code, relating to veteran interment.

Bill read second time.

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

**Committee on Environmental Quality**

Senate Chamber, June 11, 2012

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

AB 1701

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

SIMITIAN, Chair

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

**Assembly Bill 1701**—An act to amend Sections 25281, 25295, 25297.1, and 25299 of, to add Section 25297.01 to, and to repeal and add Section 25283 of, the Health and Safety Code, relating to underground storage tanks.

Bill read second time.

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

**Committee on Banking and Financial Institutions**

Senate Chamber, June 11, 2012

Mr. President: The Chair of the Committee on Banking and Financial Institutions, to which was referred:

AB 1745

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

VARGAS, Chair

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

**Assembly Bill 1745**—An act to amend Section 2924f of the Civil Code, relating to mortgages.

Bill read second time.

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



**Committee on Judiciary**

Senate Chamber, June 11, 2012

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

AB 805

AB 2372

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

EVANS, Chair

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

**Assembly Bill 805**—An act to add Part 5 (commencing with Section 4000) to Division 4 of, and to repeal Title 6 (commencing with Section 1350) of Part 4 of Division 2 of, the Civil Code, relating to common interest developments.

Bill read second time.

**Assembly Bill 2372**—An act to amend Section 2025.510 of the Code of Civil Procedure, relating to civil discovery.

Bill read second time.

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

**Committee on Transportation and Housing**

Senate Chamber, June 11, 2012

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

AB 2135

AB 1708

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

DESAULNIER, Chair

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

**Assembly Bill 2135**—An act to add Section 18941.11 to the Health and Safety Code, relating to building standards.

Bill read second time.

**Assembly Bill 1708**—An act to amend Section 515 of the Insurance Code, and to amend Sections 4462 and 16028 of the Vehicle Code, relating to vehicles.

Bill read second time.

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



**Committee on Judiciary**

Senate Chamber, June 11, 2012

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

AB 1217

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

EVANS, Chair

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

**Assembly Bill 1217**—An act to amend the heading of Part 7 (commencing with Section 7960) of Division 12 of, and to add Section 7962 to, the Family Code, relating to surrogacy.

Bill read second time.

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

**Committee on Environmental Quality**

Senate Chamber, June 11, 2012

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

AB 2669

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

SIMITIAN, Chair

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

**Assembly Bill 2669**—An act to amend Sections 21080, 21080.5, 21080.23, 21080.24, 21083.05, 21084, 21091, 21092.6, 21094, 21151.1, 21159.9, and 21167.10 of, and to repeal Sections 21169, 21170, 21171, 21172, 21172.5, 21175, and 21176 of, the Public Resources Code, relating to environmental quality.

Bill read second time.

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

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

**Assembly Bill 1166**—An act to add Section 49074.5 to the Education Code, relating to pupils.

Bill read second time and ordered to third reading.

**Assembly Bill 2127**—An act to amend Section 4024.2 of the Penal Code, relating to work release.

Bill read second time and ordered to third reading.



**MOTION TO REFER MEASURE TO INACTIVE FILE**

Senator Hancock moved that **SB 1180** be placed on the inactive file.

Motion carried.

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

Senator Lieu moved that **ACR 109** be taken from the inactive file and placed on the second reading file.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
UNFINISHED BUSINESS****Consideration of State Bar Appointment**

Senator Steinberg placed the following State Bar appointment before the Senate:

JAYNE KIM, State Bar Chief Trial Counsel

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

**Roll Call**

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

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

**NOES (0)**—None.

**THIRD READING OF SENATE BILLS**

**Senate Bill 1520**—An act to amend Sections 11346.2 and 11346.3 of, and to add Section 65923.7 to, the Government Code, relating to state government, 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, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, 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, DeSaulnier, Dutton, Emmerson, Evans, Gaines, Hancock, Harman, Hernandez, Huff, Kehoe, La Malfa, Leno, Lieu, Liu, Lowenthal, Negrete McLeod, Padilla, Pavley, Price, Rubio, Runner, Simitian, Steinberg, Strickland, Vargas, Walters, Wolk, Wright, Wyland, and Yee.

**NOES (0)**—None.

Bill ordered transmitted to the Assembly.

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

At 2:15 p.m., on motion of Senator Steinberg, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Steinberg moved that the Senate stand in recess until the hour of 3:30 p.m. The Desk shall remain open to receive communications and to conduct the business of the day. At 3:30 p.m., the Senate will adjourn until Tuesday, June 12, 2012.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, June 11, 2012

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

AB 2062

Assembly Chamber, June 11, 2012

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

ACR 155

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read the first time and transmitted to the Committee on Rules for assignment:

**Assembly Bill 2062**—An act to add Section 87500.2 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

**Assembly Concurrent Resolution 155**—Relative to Justice for Janitors Day.



**REPORTS OF STANDING COMMITTEES****Committee on Public Safety**

Senate Chamber, June 11, 2012

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

AB 1275

AB 2543

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

HANCOCK, Chair

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

**Assembly Bill 1275**—An act to add Section 6256 to the Government Code, relating to public records.

Bill read second time.

**Assembly Bill 2543**—An act to add Section 3305.5 to the Government Code, relating to public safety.

Bill read second time.

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

**Committee on Judiciary**

Senate Chamber, June 11, 2012

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

AB 2654

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

EVANS, Chair

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

**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 second time.

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

**Committee on Governance and Finance**

Senate Chamber, June 11, 2012

Mr. President: The Chair of the Committee on Governance and Finance, to which were referred:

AB 1831

AB 2638

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

WOLK, Chair





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

**Assembly Bill 1831**—An act to add Section 50085.3 to the Government Code, relating to local government.

Bill read second time.

**Assembly Bill 2638**—An act to amend Sections 13305 and 13308 of, and to add Section 13305.5 to, the Government Code, relating to state government.

Bill read second time.

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

**Committee on Transportation and Housing**

Senate Chamber, June 11, 2012

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

AB 2247

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

DESAULNIER, Chair

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

**Assembly Bill 2247**—An act to amend Section 640 of, and to repeal Section 602.7 of, the Penal Code, and to amend Section 99580 of the Public Utilities Code, relating to public transportation.

Bill read second time.

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

**Committee on Health**

Senate Chamber, June 11, 2012

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

AB 1636

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

HERNANDEZ, Chair

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

**Assembly Bill 1636**—An act to add Section 1348.10 to the Health and Safety Code, relating to health.

Bill read second time.

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



Date of Hearing, June 6, 2012

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

AB 1803

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

HERNANDEZ, Chair

Above measure ordered to second reading.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

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

**Senate Concurrent Resolution 98:** By Senator Lieu—Relative to the United States Constitution.

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

Without objection, **AB 2659** was withdrawn from the Committee on Labor and Industrial Relations and re-referred to the Committee on Rules.

#### **UNANIMOUS CONSENT GRANTED TO RESCIND ACTION (AB 1320)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 1320 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

#### **Consideration of Assembly Bill 1320**

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

Bill read.

#### **Motion to Amend**

Amendments to AB 1320 proposed by Senator Evans were read and adopted and the measure ordered printed and to second reading.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Calderon requested that when the Senate adjourns this day it do so in memory of Michael Tichon of La Cañada Flintridge.

Senator Correa requested that when the Senate adjourns this day it do so in memory of Frederick Henry Yost of Santa Cruz.

Senator Runner requested that when the Senate adjourns this day it do so in memory of Sgt. Brian L. Walker of Lucerne Valley.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Ray Bradbury of West Los Angeles.



**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, June 12, 2012.

PAULA K. ROSSETTO, Minute Clerk

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