

CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

SENATE DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 31, 2013

The Senate met at 9 a.m.

Hon. Hannah-Beth Jackson, of the 19th 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:

Anderson, Beall, Berryhill, Block, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Pavley, Roth, Rubio, Steinberg, Walters, Wolk, Wright, and Yee—33.

Quorum present.

(NOTE: Senator Padilla will be excused this day on legislative business, Senator Price will be excused this day on personal business, Senator Wyland will be excused this day due to illness (waives per diem), and Senators Calderon and Evans will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by Former Senate Chaplain Rev. Canon Winifred “Winnie” Gaines:

Reading from the book of Ecclesiastes reminds us of the fact that there is a time for all things and in spite of all our wisdom and knowledge; our lives are in the hand of God.

For everything there is a season and a time for every matter under Heaven,

A time to be born and a time to die, a time to plant and a time to pluck up what is planted;

A time to kill and a time to heal, a time to break down and a time to build up;

A time to weep and a time to laugh, a time to mourn and a time to dance;

A time to throw away stones and a time to gather stones together, a time to embrace and a time to refrain from embracing;

A time to seek and a time to lose, a time to keep and a time to throw away;

A time to tear and a time to sew, a time to keep silence and a time to speak;

A time to love and a time to hate, a time for war and a time for peace.

What gain had the workers from their toil? I have seen the business God has given to everyone to be busy with. He has made everything suitable for its time. Moreover, He has put a sense of past and future into their minds. Yet, they cannot find out what God has done from the beginning to the end. I know that there is nothing better for them than to be happy and enjoy themselves as long as they live. Moreover, it is God’s gift that all should eat and drink, and take pleasure in all their toil. I know that whatever God does endures forever; nothing can be added to it nor anything taken from it. God has done this so that all should stand in awe of Him. That which is has already been; that which is to be, already is, and God seeks out what has gone by.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, January 30, 2013

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

Business, Professions and Economic Development—SB 119.

Energy, Utilities and Communications—SB 129.

Governmental Organization—SB 120.

Health—SB 126.

Judiciary—SB 123.

Labor and Industrial Relations—SB 118.



Natural Resources and Water—SB 122.

Public Safety—SB 127.

Rules—SB 128, SCA 10.

The Committee on Rules has referred the following measures to two committees:

Banking and Financial Institutions and **Judiciary**—SB 121.

Energy, Utilities and Communications and **Governmental Organization**—SB 124.

Health and Environmental Quality—SB 117.

Public Safety and **Appropriations**—SB 130.

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

Public Safety—SJR 1.

The Committee on Rules has re-referred the following measure to two committees:

Natural Resources and Water and **Rules**—SB 40.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

Consideration of Governor's Appointment

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

DONALD SAYLOR, Member, Commission on State Mandates.

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 (32)—Senators Beall, Berryhill, Block, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Pavley, Roth, Rubio, Steinberg, Walters, Wolk, Wright, and Yee.

NOES (1)—Senator Anderson.

LEAVES OF ABSENCE FOR THE DAY

The following Senator was granted leave of absence for the day due to legislative business: Senator Padilla.

The following Senator was granted leave of absence for the day due to personal business: Senator Price.



The following Senator was granted leave of absence for the day due to illness (waives per diem): Senator Wyland.

The following Senators were granted leaves of absence for the day due to illness: Senators Calderon and Evans.

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

At 9:25 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 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, February 4, 2013.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 31, 2013

To the Senate of the State of California:

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

Sincerely,

EDMUND G. BROWN JR., Governor

CATHRYN RIVERA-HERNANDEZ, has been reappointed, as a member of the California Agricultural Labor Relations Board, where she has served since 2002. Rivera-Hernandez served as chief deputy cabinet secretary at the Office of Governor Gray Davis from 1999 to 2002 and worked for the California Democratic Party and Hermandad Mexicana Nacional in policy development in 1998. She serves as vice-chair of Planned Parenthood Advocates Mar Monte and as vice-chair of the Planned Parenthood Mar Monte Board of Directors. Rivera-Hernandez is a member of La Raza Lawyers Association. She earned a Juris Doctorate degree from the University of California, Berkeley School of Law. Reappointed 01/15/2013. Effective 01/17/2013.

Member, Agricultural Labor Relations Board, vice, self. Term ending 01/01/2018.



ROBERT G. FOSTER, has been reappointed, as a member of the California Independent System Operator Governing Board, where he has served since 2010. Foster has served as mayor of the City of Long Beach since 2006. He held various positions at Southern California Edison from 1984 to 2006, including president, senior vice president, vice president of public and regulatory affairs and regional vice president. Foster has been a member of the Alliance to Save Energy since 2002 and was a member of the California Chamber of Commerce Board of Directors from 2002 to 2006. Reappointed 01/16/2013. Effective 01/22/2013.

Member, Independent System Operator Governing Board, vice, self. Term ending 12/31/2015.

DAVID OLSEN, has been reappointed, as a member of the California Independent System Operator Governing Board, where he has served since 2012. Olsen has been managing director at the Western Grid Group since 2003 and served as coordinator for the California Renewable Energy Transmission Initiative for the California Energy Commission from 2007 to 2010. He served as coordinator for the Tehachapi Collaborative Study Group from 2005 to 2007, president of Clipper Windpower from 2001 to 2003, chief executive officer of Patagonia Inc. from 1996 to 1999, vice president of Magma Power Company from 1988 to 1995 and chief executive officer of Northern Power Systems from 1984 to 1988. In 2000, Olsen helped to create the California Climate Action Registry, the first state registry of greenhouse gases and the foundation for The Climate Registry, which now includes 31 states. Reappointed 01/16/2013. Effective 01/19/2013.

Member, Independent System Operator Governing Board, vice, self. Term ending 12/31/2015.

EDWIN F. LOWRY, has been reappointed, as a member of the California Occupational Safety and Health Appeals Board, where he has served since 2011. He served as a part-time hearing officer at the California Department of Pesticide Regulation in 2009. Lowry was deputy attorney general at the California Attorney General's Office from 2005 to 2007 and from 1988 to 1995. He served as director at the California Department of Toxic Substances Control from 1999 to 2005, and was director of the environmental project at the California District Attorneys Association from 1995 to 1999. Lowry has been a founding partner at 13th Avenue Funding since 2009. Lowry earned a Juris Doctorate degree from Stanford Law School. Reappointed 01/16/2013. Effective 01/17/2013.

Member, Occupational Safety and Health Appeals Board, vice, self. Term ending 01/15/2017.



LAURI M. SHANAHAN, has been appointed, as a member of the California State Personnel Board. Shanahan has served as principal of Maroon Peak Advisors since 2009. She held multiple positions at Gap Inc. from 1992 to 2008, including chief administrative officer and chief legal officer. Shanahan was an associate at Thelen Marrin Johnson and Bridges from 1987 to 1992. She serves on the board of directors for Deckers Outdoor Corporation, Cedar Fair Entertainment Company and Charlotte Russe Holdings. She earned a Juris Doctorate degree from the University of California, Los Angeles. Appointed 12/04/2012. Effective 12/14/2012.

Member, State Personnel Board, vice, Anne Sheehan, term expired. Term ending 01/15/2021.

Above appointments referred to the Committee on Rules.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Bill 145: By Senator Pavley (Principal coauthor: Assembly Member Gorell)—An act to amend Section 311.11 of the Penal Code, relating to sex offenders.

Senate Bill 146: By Senator Lara—An act to amend Section 4603.2 of the Labor Code, relating to workers' compensation.

Senate Bill 147: By Senator Gaines—An act to amend Section 4212 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

Senate Bill 148: By Senator Anderson—An act to amend Section 14311 of the Elections Code, relating to elections.

Senate Bill 149: By Senator Walters—An act to amend Section 719 of the Civil Code, relating to real property.

Senate Bill 150: By Senator Lara—An act to amend Section 48800 of the Education Code, relating to pupils.

Senate Bill 151: By Senator DeSaulnier—An act to repeal Section 5205 of the Vehicle Code, relating to vehicles.

Senate Bill 152: By Senator Roth—An act to add Section 7839.2 to the Business and Professions Code, relating to geologists and geophysicists.

Senate Bill 153: By Senator Berryhill—An act to amend Section 2923.1 of the Civil Code, relating to lending.

Senate Bill 154: By Senator Berryhill—An act to amend Section 1501 of the Health and Safety Code, relating to community care facilities.



Senate Bill 155: By Senator Padilla—An act to amend Sections 3006, 3008, 3012, 3050, 3050.7, 3052, 3056, 3057, 3062, 3063, 3064, 3065, 3065.1, 3066, 3067, 3069.1, 11713.3, and 11713.13 of the Vehicle Code, relating to vehicles.

Senate Bill 156: By Senator Beall—An act relating to conservatorships.

Senate Bill 157: By Senator Knight—An act to amend Section 431 of the Military and Veterans Code, relating to the state militia.

Senate Joint Resolution 2: By Senators Jackson, Beall, Block, Corbett, De León, DeSaulnier, Evans, Galgiani, Hancock, Hill, Lara, Leno, Liu, Pavley, Roth, Rubio, Steinberg, Wolk, and Yee—Relative to violence against women.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Resolution 8—Relative to violence against women.

Resolution read third time.

Amendments Adopted

Amendments to SR 8 proposed by Senator Yee were read and adopted and the measure ordered printed, engrossed, and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Abet “Abby” Mamigonian of Fresno.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Linda Stone of Woodland Hills and Edward M. Skei of Thousand Oaks.

Senator Walters requested that when the Senate adjourns this day it do so in memory of Laura Maria Gozza of San Jose.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Marjorie Jean Davis of Davis.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators’ requests until 2 p.m., Monday, February 4, 2013.

PAULA K. ROSSETTO, Minute Clerk

