

## CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

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# SENATE DAILY JOURNAL

FORTY-EIGHTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, April 4, 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, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Pavley, Price, Roth, Walters, Wolk, Wright, Wyland, and Yee—35.

Quorum present.

*(NOTE: Senator Steinberg will be excused this day on legislative business, Senator Gaines will be excused this day on personal business, and Senator Evans will be excused this day due to illness.)*



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Today, on the 45th anniversary of the murder of the Rev. Martin Luther King, Jr., let us remember and take to heart his enduring teachings, let his life and his example continue to inspire us to work together for the betterment of all humanity. Rev. King taught us that “darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.”

May it be Your will O God, that we find within ourselves faith and hope to sustain and nurture a desire to make the world a better place, a world where we see each other as brothers and sisters, all of us, children of God. May our lives be as beacons of light, banishing the darkness, and shining with goodness and love.

May this be God’s will.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**REPORTS OF STANDING COMMITTEES****Committee on Health**

Date of Hearing, April 3, 2013

Madam President: The Committee on Health, to which was referred:

SB 170

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Natural Resources and Water with the recommendation: To Consent Calendar.

HERNANDEZ, Chair

Above measure ordered to second reading.

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

**Senate Bill 614**—An act to amend Section 21100 of the Water Code, relating to water.

Bill read second time, ordered engrossed, and to third reading.

**UNFINISHED BUSINESS****Consideration of Governor’s Appointment**

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

LAURA N. METUNE, Chief, Bureau for Private Postsecondary Education.

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

The roll was called.



**CALL OF THE SENATE**

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

Motion carried.

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

**Senate Concurrent Resolution 16**—Relative to aerospace.

Resolution presented by Senator Knight.

The question being: Shall the Senate concur in the Assembly amendments to SCR 16?

**Roll Call**

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

AYES (33)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Pavley, Price, Roth, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Above resolution ordered enrolled.

**THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution 15**—Relative to financial literacy.

Resolution read third time and presented by Senator Lieu.

**Roll Call**

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

AYES (33)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Pavley, Price, Roth, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**SPECIAL CONSENT CALENDAR**

**Assembly Concurrent Resolution 12**—Relative to arts education.

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

*(NOTE: See Special Consent Calendar Roll Call)*

**Assembly Concurrent Resolution 26**—Relative to Colorectal Cancer Awareness Month.

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

*(NOTE: See Special Consent Calendar Roll Call)*



**Senate Concurrent Resolution 28**—Relative to California Mental Health No Stigma Week.

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

*(NOTE: See Special Consent Calendar Roll Call)*

**Special Consent Calendar Roll Call**

The roll was called and the above measures on the Special Consent Calendar were adopted by the following vote:

AYES (33)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Pavley, Price, Roth, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (GOVERNOR'S APPOINTMENT)**

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

LAURA N. METUNE, Chief, Bureau for Private Postsecondary Education.

**Roll Call**

The names of the absentees were called and the appointment was confirmed by the following vote:

AYES (33)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Corbett, Correa, De León, DeSaulnier, Emmerson, Fuller, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Pavley, Price, Roth, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

**LEAVES OF ABSENCE FOR THE DAY**

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

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

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

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

At 9:30 a.m., on motion of Senator Fuller, further proceedings under the quorum call of the Senate were dispensed with.



**MOTION TO ADJOURN**

Senator Fuller 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, April 8, 2013.

Motion carried.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, April 4, 2013

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

SB 41

Above measure ordered enrolled.

Assembly Chamber, April 4, 2013

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

AB 131

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 for assignment:

**Assembly Bill 131**—An act to amend Section 2154 of the Elections Code, relating to elections.

**REPORTS OF STANDING COMMITTEES****Committee on Health**

Date of Hearing, April 3, 2013

Madam President: The Committee on Health, to which was referred:

SB 138

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

HERNANDEZ, Chair

Above measure re-referred to the Committee on Judiciary.

Date of Hearing, April 3, 2013

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

SB 20                      SB 224                      SB 271                      SB 402

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

HERNANDEZ, Chair

Above measures re-referred to the Committee on Appropriations.



**Committee on Human Services**

Senate Chamber, April 4, 2013

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

SB 625

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

YEE, Chair

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

**Senate Bill 625**—An act to amend Section 10601.2 of the Welfare and Institutions Code, relating to child welfare.

Bill read second time.

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

**Committee on Judiciary**

Date of Hearing, April 2, 2013

Madam President: The Committee on Judiciary, to which was referred:

SB 6

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

EVANS, Chair

Above measure ordered to second reading.

Senate Chamber, April 4, 2013

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

SB 123

SB 131

SB 155

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**

**Senate Bill 123**—An act to add Article 2 (commencing with Section 69540) to Chapter 5 of Title 8 of the Government Code, relating to courts.

Bill read second time.

**Senate Bill 131**—An act to amend Section 340.1 of the Code of Civil Procedure, relating to damages.

Bill read second time.

**Senate Bill 155**—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.

Bill read second time.

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



**Committee on Rules**

State Capitol, April 4, 2013

Madam President: The Senate Rules Committee has appointed Senator Price as Chair of the Joint Committee on Arts.

STEINBERG, Chair

Senate Chamber, April 4, 2013

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

SB 256

SB 444

SB 791

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 256**—An act to amend Section 51 of the Labor Code, relating to employment.

Bill read second time.

**Senate Bill 444**—An act to amend Section 64111 of the Government Code, relating to transportation financing.

Bill read second time.

**Senate Bill 791**—An act to amend Section 14501 of the Public Resources Code, relating to beverage containers.

Bill read second time.

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

Senate Chamber, April 4, 2013

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

SB 720

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 720**—An act to amend Section 51 of the Military and Veterans Code, relating to the Military Department.

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, April 4, 2013

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

SB 246

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**

**Senate Bill 246**—An act to amend Section 33305 of the Water Code, relating to water districts.

Bill read second time.

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

**Committee on Elections and Constitutional Amendments**

Senate Chamber, April 4, 2013

Madam President: The Chair of the Committee on Elections and Constitutional Amendments, to which was referred:

SB 112

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**

**Senate Bill 112**—An act to amend Section 2194 of the Elections Code, relating to voter information.

Bill read second time.

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

**Committee on Transportation and Housing**

Date of Hearing, April 2, 2013

Madam President: The Committee on Transportation and Housing, to which was referred:

SB 109

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

DESAULNIER, Chair

Above measure ordered to second reading.





**Committee on Governmental Organization**

Senate Chamber, April 4, 2013

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

SB 190

SB 479

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

WRIGHT, Chair

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

**Senate Bill 190**—An act to add Chapter 4.7 (commencing with Section 19750) to Division 8 of the Business and Professions Code, and to amend Sections 336.9 and 337a of the Penal Code, relating to gambling, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

**Senate Bill 479**—An act to amend Sections 6204, 12153, 12224, 12225, 12227, 12228, 12229, 12230, 12231, 12232, 12233, 12236, 14740, 14745, and 14746 of, to add Article 7 (commencing with Section 12270) to Chapter 3 of Part 2 of Division 3 of Title 2 of, to repeal Sections 12234 and 12235 of, and to repeal Article 3 (commencing with Section 14750), Article 4 (commencing with Section 14755), Article 6 (commencing with Section 14765), and Article 7 (commencing with Section 14769) of, Chapter 5 of Part 5.5 of Division 3 of Title 2 of, the Government Code, and to amend Section 135 of the Labor Code, relating to state records.

Bill read second time.

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

**Committee on Health**

Senate Chamber, April 4, 2013

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

SB 357

SB 718

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**

**Senate Bill 357**—An act to amend Section 1256.01 of the Health and Safety Code, relating to health facilities, and declaring the urgency thereof, to take effect immediately.

Bill read second time.



**Senate Bill 718**—An act to add Section 6401.8 to the Labor Code, relating to employment safety.

Bill read second time.

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

**Committee on Public Safety**

Senate Chamber, April 4, 2013

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

SB 260

SB 544

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**

**Senate Bill 260**—An act to add Section 1170.195 to the Penal Code, relating to sentencing.

Bill read second time.

**Senate Bill 544**—An act to add Title 9 (commencing with Section 14060) to Part 4 of the Penal Code, relating to violence prevention.

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, April 4, 2013

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

SB 395

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

HILL, Chair

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

**Senate Bill 395**—An act to add Article 17 (commencing with Section 25258.3) to Chapter 6.5 of the Health and Safety Code, relating to hazardous substances.

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, April 4, 2013

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

SB 564

SB 364

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**

**Senate Bill 564**—An act to add Article 3 (commencing with Section 115815) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to recreational activities.

Bill read second time.

**Senate Bill 364**—An act to amend Sections 5001 and 5008 of, and to add Sections 5001.5 and 5013 to, the Welfare and Institutions Code, relating to mental health.

Bill read second time.

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

**Committee on Rules**

Senate Chamber, April 4, 2013

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

SB 699

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 699**—An act to amend Section 2827.10 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.

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

Date of Hearing, April 1, 2013

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

SB 152



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

PRICE, Chair

Above measure re-referred to the Committee on Appropriations.

### **Committee on Rules**

Senate Chamber, April 4, 2013

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

SB 438                SB 487                SB 719                SB 767  
SB 573

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 438**—An act relating to employment.

Bill read second time.

**Senate Bill 487**—An act relating to workers' compensation insurance.

Bill read second time.

**Senate Bill 719**—An act to amend Section 63 of the Military and Veterans Code, relating to veterans.

Bill read second time.

**Senate Bill 767**—An act to amend Section 216 of the Public Utilities Code, relating to public utilities.

Bill read second time.

**Senate Bill 573**—An act relating to vehicles.

Bill read second time.

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

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

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

**Senate Concurrent Resolution 34:** By Senator Correa (Coauthors: Senators Anderson, Beall, Hernandez, Hill, Hueso, Huff, Roth, Steinberg, Walters, and Wyland) (Coauthors: Assembly Members Allen, Daly, Hagman, Harkey, Mansoor, Quirk-Silva, and Wagner)—Relative to Black April Memorial Week.



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

**Assembly Concurrent Resolution 15**—Relative to wineries.  
Resolution read third time.

**Amendments Adopted**

Amendments to ACR 15 proposed by Senator Wolk were read and adopted and the measure ordered printed and to second reading.

**SENATE COMMITTEE ROLL CALLS  
Committee on Health**

**SB 20**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Anderson, Beall, De León, DeSaulnier, Hernandez, Monning, Nielsen, Pavley, and Wolk.

NOES (0)—None.

**SB 138**—Do pass and re-refer to Committee on Judiciary

AYES (7)—Senators Beall, De León, DeSaulnier, Hernandez, Monning, Pavley, and Wolk.

NOES (2)—Senators Anderson and Nielsen.

**SB 170**—Do pass as amended and re-refer to Committee on Natural Resources and Water, with the recommendation: To Consent Calendar

AYES (9)—Senators Anderson, Beall, De León, DeSaulnier, Hernandez, Monning, Nielsen, Pavley, and Wolk.

NOES (0)—None.

**SB 224**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Anderson, Beall, De León, DeSaulnier, Hernandez, Monning, Nielsen, Pavley, and Wolk.

NOES (0)—None.

**SB 271**—Do pass and re-refer to Committee on Appropriations

AYES (9)—Senators Anderson, Beall, De León, DeSaulnier, Hernandez, Monning, Nielsen, Pavley, and Wolk.

NOES (0)—None.

**SB 402**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Beall, De León, DeSaulnier, Hernandez, Monning, Pavley, and Wolk.

NOES (2)—Senators Anderson and Nielsen.

Date of Hearing: 4/3/2013

Hernandez (Chair)



**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Terry Roderick-Alderete of Newark.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Esther Leno of Boca Raton, Florida.

Senator Lieu requested that when the Senate adjourns this day it do so in memory of Julian Burke of West Hollywood.

Senator Monning requested that when the Senate adjourns this day it do so in memory of Cecilia Preciado Burciaga of Carmel.

Senator Roth requested that when the Senate adjourns this day it do so in memory of Gilbert Cortez of Corona.

Senator Steinberg requested that when the Senate adjourns this day it do so in memory of CHP Canine Officer Maverick and Patrick Russell Tatro of Sacramento.

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Fuller, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, April 8, 2013.

PAULA K. ROSSETTO, Minute Clerk

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