

CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

SENATE DAILY JOURNAL

NINETY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, June 17, 2013

The Senate met at 12 p.m.
Hon. Jean Fuller, of the 18th 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, Corbett, Correa, De León,
DeSaulnier, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso,
Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla,
Price, Roth, Steinberg, Torres, Walters, Wolk, Wright, Wyland, and
Yee—34.

Quorum present.

(NOTE: Senator Cannella will be excused this day on legislative business, Senators Calderon and Evans will be excused this day on personal business, and Senators Emmerson and Pavley will be excused this day due to illness.)



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, June 17, 2013

Madam President: The Committee on Rules has examined:

SB 74

SB 75

SB 76

SB 82

SB 85

SB 89

And reports that the same have been correctly enrolled, and presented to the Governor on the 17th day of June, 2013, at 10 a.m.

STEINBERG, Chair

Committee on Public Safety

Date of Hearing, June 11, 2013

Madam President: The Committee on Public Safety, to which was referred:

AB 721

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

HANCOCK, Chair

Above measure ordered to second reading.

Committee on Human Services

Senate Chamber, June 17, 2013

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

AB 1231

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

Assembly Bill 1231—An act to add and repeal Section 4686.21 of the Welfare and Institutions Code, relating to regional center services.

Bill read second time.

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

Committee on Public Employment and Retirement

Senate Chamber, June 17, 2013

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 537

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

BEALL, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 537—An act to amend Sections 3505, 3505.1, 3505.2, and 3507 of, and to add Section 3505.8 to, the Government Code, relating to public employment.

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, June 15, 2013

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

Environmental Quality and Rules—AB 1329.

Senate Chamber, June 17, 2013

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

SCR 42

AB 641

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 Concurrent Resolution 42—Relative to Valley Fever Awareness Month.

Resolution read second time.

Assembly Bill 641—An act to add Article 19.5 (commencing with Section 8430) to Chapter 2 of Part 6 of Division 1 of Title 1 of the Education Code, relating to child care.

Bill read second time.

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

Committee on Human Services

Senate Chamber, June 17, 2013

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

AB 1089

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

Assembly Bill 1089—An act to add Section 56426.10 to the Education Code, to amend Section 95014 of the Government Code, and to amend Sections 4514 and 4643.5 of the Welfare and Institutions Code, relating to foster care.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, June 17, 2013

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

AB 508

AB 989

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

DE LEÓN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 508—An act to add Section 1463.012 to the Penal Code, relating to debt collection.

Bill read second time.

Assembly Bill 989—An act to amend Sections 22309, 22661, 22662, 22663, 22801, 23104, 23203, and 26214 of, and to add Section 22337 to, the Education Code, relating to state teachers' retirement.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, June 17, 2013

Madam President: The Chair of the Committee on Natural Resources and Water, to which was referred:

AB 763

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

PAVLEY, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 763—An act to add Section 48.5 to the Fish and Game Code, and to add Section 64.5 to the Harbors and Navigation Code, relating to aquatic invasive plants.

Bill read second time.

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



Committee on Insurance

Senate Chamber, June 17, 2013

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

AB 1391

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

CALDERON, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1391—An act to amend Sections 662, 739, 739.3, 985, 1011, 1011.1, 1012, 1016, 1070.6, 1624, 1675, 1749.8, 1758.3, 1872.87, and 14090.1 of, and to repeal Section 668.5 of, the Insurance Code, relating to insurance.

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 115—An act to amend Sections 116760.50, 116760.70, 116760.79, 116760.90, and 116761.20 of the Health and Safety Code, relating to drinking water, and making an appropriation therefor.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 118—An act to amend Sections 116760.43, 116760.50, 116761.20, 116761.21, 116761.23, 116761.50, 116761.65, and 116761.70 of the Health and Safety Code, relating to drinking water.

Bill read second time.

The amendments proposed by the Committee on Environmental Quality were read and adopted and the measure ordered printed, and re-referred to the Committee on Health.

UNFINISHED BUSINESS**Consideration of Governor's Appointments**

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

REBECCA D. EISEN, Trustees of the California State University.

HUGO MORALES, Trustees of the California State University.

JAMES L. NORTON, Trustees of the California State University.

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 appointments were confirmed by the following vote:

AYES (32)—Senators Anderson, Beall, Berryhill, Block, Corbett, De León, DeSaulnier, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Price, Roth, Steinberg, Torres, Walters, Wolk, Wright, and Wyland.

NOES (0)—None.

Consideration of Governor's Appointment

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

LUPE C. GARCIA, Trustees of the California State University.

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 Beall, Berryhill, Block, Corbett, De León, DeSaulnier, Fuller, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Price, Roth, Steinberg, Torres, Walters, Wolk, Wright, Wyland, and Yee.

NOES (1)—Senator Anderson.

Consideration of Assembly Amendments

Senate Concurrent Resolution 37—Relative to Arthritis Awareness Month.

Resolution presented by Senator Beall.

The question being: Shall the Senate concur in the Assembly amendments to SCR 37?

Roll Call

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

AYES (33)—Senators Anderson, Beall, Berryhill, Block, Corbett, De León, DeSaulnier, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Price, Roth, Steinberg, Torres, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Above resolution ordered enrolled.



Senate Bill 94—An act to amend Section 6253.2 of the Government Code, to amend Sections 10101.1, 12300.7, 12306, 12306.1, 12306.15, 14182.16, 14182.17, 14186, 14186.1, 14186.2, 14186.3, 14186.36, and 14186.4 of, to amend and add Sections 14132.275, 14183.6 and 14301.1, of, and to add Sections 14132.277, 14182.18, and 14186.11 to, the Welfare and Institutions Code, to repeal Section 10 of Chapter 33 of the Statutes of 2012, and to repeal Sections 15, 16, and 17 of Chapter 45 of the Statutes of 2012, relating to Medi-Cal, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Senator Leno.

The question being: Shall the Senate concur in the Assembly amendments to SB 94?

Roll Call

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

AYES (23)—Senators Beall, Block, Corbett, De León, DeSaulnier, Galgiani, Hancock, Hernandez, Hill, Jackson, Lara, Leno, Lieu, Liu, Monning, Padilla, Price, Roth, Steinberg, Torres, Wolk, Wright, and Yee.

NOES (8)—Senators Anderson, Berryhill, Fuller, Gaines, Knight, Nielsen, Walters, and Wyland.

Above bill ordered enrolled.

MOTION TO PRINT IN JOURNAL

Senator De León moved that the following letter be printed in the Journal.

Motion carried.

June 15, 2013

Gregory Schmidt

Secretary of the Senate

Re: Letter to the Journal—California Clean Energy Jobs Act
(Proposition 39, 2012)

Dear Mr. Schmidt:

On behalf of the Senate, I, along with Assemblymember Skinner on behalf of the Assembly, negotiated the agreement with the Governor on the implementation plan for the California Clean Energy Jobs Act (Proposition 39). The agreement funds energy projects at schools around the state upon approval of local expenditure plans.

My vote on the recently enacted budget trailer bill, SB 73, was cast with the understanding that the Legislature's intent was to ensure the benefits of the public funds from Proposition 39 benefit the schools rather than the facility owner, when school facilities are located in privately-owned spaces.



The trailer bill requires the California Energy Commission to define specified criteria and determine ways to calculate the cost savings and benefits of Prop. 39 projects. The trailer bill also provides that: "All benefits of these public funds should be received by the school utilizing the facility."

Sincerely,
KEVIN DE LEÓN
Senator, 22nd District

LEAVES OF ABSENCE FOR THE DAY

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

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

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:02 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 18, 2013.

Motion carried.

REPORTS OF STANDING COMMITTEES Committee on Transportation and Housing

Date of Hearing, June 11, 2013

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

AB 541

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

DESAULNIER, Chair

Above measure ordered to second reading.

Senate Chamber, June 17, 2013

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

AB 278

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 278—An act to add Section 38566 to the Health and Safety Code, relating to greenhouse gases.

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

Date of Hearing, June 12, 2013

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

AB 145

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

HILL, Chair

Above measure ordered to second reading.

Committee on Education

Senate Chamber, June 17, 2013

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

AB 280

AB 484

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

LIU, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 280—An act to amend Section 44036 of the Education Code, relating to school employees.

Bill read second time.

Assembly Bill 484—An act to amend Sections 60601, 60602, 60603, 60604, 60607, 60610, 60611, 60612, 60614, 60630, 60640, 60640.2, 60641, 60642.5, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to add Sections 60602.5, 60640.3, 60642.6, 60642.7, 60642.8, 60644.3, and 60648.5 to, to repeal Sections 60605.5, 60606, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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



Committee on Governance and Finance

Date of Hearing, June 12, 2013

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

AB 240

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.

WOLK, Chair

Above measure ordered to second reading.

Date of Hearing, June 12, 2013

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

AB 243

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

WOLK, Chair

Above measure ordered to second reading.

Committee on Governmental Organization

Senate Chamber, June 17, 2013

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

AB 525

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

Assembly Bill 525—An act to amend Section 23039 of, and to add Section 24045.75 to, the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, June 17, 2013

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

SB 255

ACR 3

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

DE LEÓN, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 255—An act to amend Section 647 of the Penal Code, relating to crimes, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Concurrent Resolution 3—Relative to the CHP Officer Robert James Quirk Memorial Highway.

Resolution read second time.

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

Committee on Public Safety

Date of Hearing, June 11, 2013

Madam President: The Committee on Public Safety, to which was referred:

AB 465

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

HANCOCK, Chair

Above measure ordered to second reading.

Committee on Labor and Industrial Relations

Senate Chamber, June 17, 2013

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

AB 302

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

MONNING, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 302—An act to amend Section 1720 of the Labor Code, relating to public works.

Bill read second time.

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

Committee on Governmental Organization

Senate Chamber, June 17, 2013

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

AB 820

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

Assembly Bill 820—An act to amend Section 19805 of the Business and Professions Code, and to amend Section 337j of the Penal Code, relating to gaming.

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 17, 2013

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

AB 446

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 446—An act to amend Sections 120990 and 123148 of, and to add Section 120991 to, the Health and Safety Code, relating to HIV testing.

Bill read second time.

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

Senate Chamber, June 17, 2013

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

AB 219

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 219—An act to add Section 1367.656 to the Health and Safety Code, and to add Section 10123.206 to the Insurance Code, relating to health care coverage.

Bill read second time.

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

Committee on Public Employment and Retirement

Senate Chamber, June 17, 2013

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

AB 616



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

BEALL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 616—An act to amend Section 3505.4 of the Government Code, relating to local public employee organizations.

Bill read second time.

The amendments were read and adopted and the measure 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 51: By Senator Lieu (Coauthors: Senators Hueso, Lara, Leno, and Liu)—Relative to California Bullying Prevention Day.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 1329** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Rules.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Corbett requested that when the Senate adjourns this day it do so in memory of Norma Rees of Hayward.

Senator De León requested that when the Senate adjourns this day it do so in memory of May Chu of Santa Clara.

Senator Lieu requested that when the Senate adjourns this day it do so in memory of Bob Meistrell of Redondo Beach.

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 18, 2013.

PAULA K. ROSSETTO, Minute Clerk

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