

CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 14, 2013

The Senate met at 12 p.m.
Hon. Alex Padilla, of the 20th 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, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wright, and Yee—38.

Quorum present.

(NOTE: Senator Wyland will be excused this day on personal business.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

Author of Life and Death,

Some days seem to merge into the next, one day indistinguishable from the other, moments slipping through our fingers. Ralph Waldo Emerson spoke of the urgency to appreciate time. He cautioned us that “the days come and go like muffled and veiled figures sent from a distant friendly party, but they say nothing, and if we do not use the gifts they bring, they carry them as silently away.”

Each day we wake up is a gift, carrying with it both mysteries and blessings. The gift of time cannot be put on a shelf to be used at a later date. If used unwisely, it is lost forever. But when it is well spent, it can be savored for years to come.

May we live each day to its fullest capacity, creating for our future treasured memories of time well spent. May this be God’s will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, August 14, 2013

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

AB 119

AB 1180

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 119—An act to amend Section 17577.2 of the Business and Professions Code, and to amend Sections 116825, 116840, and 116860 of, to add Sections 116831, 116832, and 116836 to, to repeal Section 116830 of, and to repeal and add Sections 116835, 116845, 116850, and 116855 of, the Health and Safety Code, relating to water treatment devices.

Bill read second time.

Assembly Bill 1180—An act to amend Sections 1363.06, 1363.07, 1366.3, 1366.35, 1373.6, 1373.621, 1373.622, 1389.5, 1399.805, 1399.810, 1399.811, and 1399.815 of, and to add Section 1373.620 to, the Health and Safety Code, and to amend Sections 10116.5, 10119.1, 10127.14, 10127.16, 10127.18, 10785, 10901.3, 10901.8, 10901.9, 10902.3, 12672, and 12682.1 of, to add Section 12682.2 to, and to repeal



Section 10902.6 of, the Insurance Code, relating to health care coverage, 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, August 14, 2013

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

AB 362

AB 458

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

WOLK, Chair

Above measures re-referred to the Committee on Appropriations.

Date of Hearing, August 14, 2013

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

AB 143

AB 952

AB 1173

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

WOLK, Chair

Above measures re-referred to the Committee on Appropriations.

Senate Chamber, August 14, 2013

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

AB 300

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 300—An act to amend Sections 224.4 and 431 of, and to add Section 319 to, the Public Utilities Code, and to amend Sections 41020 and 41030 of, to add Part 21 (commencing with Section 42000) to, and to add Part 21.1 (commencing with Section 42100) to, Division 2 of, the Revenue and Taxation Code, relating to telecommunications, 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.



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

Assembly Bill 324—An act to amend Sections 25258 and 25258.2 of the Health and Safety Code, relating to hazardous waste.

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 149—An act to add Section 2105.5 to the Elections Code, relating to elections.

Bill read second time and ordered to third reading.

Assembly Bill 154—An act to amend Section 2253 of, and to add Sections 2725.4 and 3502.4 to, the Business and Professions Code, and to amend Section 123468 of the Health and Safety Code, relating to healing arts.

Bill read second time and ordered to third reading.

Assembly Bill 224—An act to amend Section 47000 of, and to add Article 6 (commencing with Section 47060) to Chapter 10.5 of Division 17 of, the Food and Agricultural Code, and to amend Section 113735 of the Health and Safety Code, relating to agricultural products.

Bill read second time and ordered to third reading.

Assembly Bill 247—An act to amend Section 18724 of the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 308—An act to add Section 17462.3 to the Education Code, relating to school facilities.

Bill read second time and ordered to third reading.

Assembly Bill 341—An act to amend Sections 18930, 18930.5, and 18931.7 of, and to add Section 18940.5 to, the Health and Safety Code, relating to green building standards.

Bill read second time and ordered to third reading.

Assembly Bill 389—An act to amend Sections 44237 and 56366.1 of the Education Code, relating to private schools.

Bill read second time and ordered to third reading.

Assembly Bill 394—An act to amend Section 18766 of the Revenue and Taxation Code, relating to personal income tax.

Bill read second time and ordered to third reading.

Assembly Bill 460—An act to amend Section 1374.55 of the Health and Safety Code, and to amend Section 10119.6 of the Insurance Code, relating to health care coverage.

Bill read second time and ordered to third reading.



Assembly Bill 500—An act to amend Sections 11106, 16520, 16540, 16850, 23510, and 28220 of, and to add Sections 17060, 25135, and 28255 to, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Assembly Bill 511—An act to add and repeal Article 12 (commencing with Section 18830) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.

Assembly Bill 554—An act to amend Sections 1502 and 2117 of the Corporations Code, and to amend, repeal, and add Section 12182 of the Government Code, relating to state government.

Bill read second time and ordered to third reading.

Assembly Bill 570—An act to add Section 48432.3 to the Education Code, relating to continuation schools.

Bill read second time and ordered to third reading.

Assembly Bill 593—An act to amend Sections 23986, 24013, and 24014 of, and to add and repeal Section 23059 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

Assembly Bill 607—An act to amend Sections 3501 and 4703.5 of the Labor Code, relating to workers' compensation.

Bill read second time and ordered to third reading.

Assembly Bill 654—An act to amend Sections 47021 and 47026 of, to amend the heading of Article 4 (commencing with Section 47025) of Chapter 10.5 of Division 17 of, and to add the heading of Article 3.5 (commencing with Section 47022) to Chapter 10.5 of Division 17 of, the Food and Agricultural Code, relating to direct marketing of agricultural products.

Bill read second time and ordered to third reading.

Assembly Bill 704—An act to amend Sections 1797.170, 1797.171, and 1797.172 of the Health and Safety Code, relating to emergency medical services.

Bill read second time and ordered to third reading.

Assembly Bill 719—An act to add Section 384.5 to the Public Utilities Code, relating to energy.

Bill read second time and ordered to third reading.

Assembly Bill 754—An act to add and repeal Article 5.1 (commencing with Section 18745) of Chapter 3 of Part 10.2 of Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time and ordered to third reading.



Assembly Bill 848—An act to amend Sections 8700.5, 8730, and 8810 of the Family Code, relating to adoption.

Bill read second time and ordered to third reading.

Assembly Bill 850—An act to amend Sections 6585, 6590, 6591, 6592, and 6599.3 of, and to add Section 6588.7 to, the Government Code, relating to local government finance.

Bill read second time and ordered to third reading.

Assembly Bill 971—An act to amend Section 15975 of the Government Code, and to amend Sections 11105 and 13300 of the Penal Code, relating to public employment.

Bill read second time and ordered to third reading.

Assembly Bill 974—An act to amend Section 1317.2 of the Health and Safety Code, relating to health facilities.

Bill read second time and ordered to third reading.

Assembly Bill 1092—An act to add Section 18941.10 to the Health and Safety Code, relating to building standards.

Bill read second time and ordered to third reading.

Assembly Bill 1109—An act to amend Section 50802 of the Health and Safety Code, relating to housing, and making an appropriation therefor.

Bill read second time and ordered to third reading.

Assembly Bill 1128—An act to amend Section 25658 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

Assembly Bill 1140—An act to amend Section 1773.6 of the Labor Code, relating to public works.

Bill read second time and ordered to third reading.

Assembly Bill 1202—An act to add Section 144.8 to the Labor Code, relating to occupational safety and health standards.

Bill read second time and ordered to third reading.

Assembly Bill 1358—An act to amend Section 76060.5 of the Education Code, relating to community colleges.

Bill read second time and ordered to third reading.

Assembly Bill 1423—An act to amend Sections 19604 and 19604.5 of the Business and Professions Code, relating to horse racing.

Bill read second time and ordered to third reading.



Assembly Bill 497—An act to amend Sections 206, 207, 8276.3, and 8283 of, to add Sections 106 and 205.1 to, and to add Article 1.8 (commencing with Section 7695) to Chapter 1 of Part 3 of Division 6 of, the Fish and Game Code, relating to fish and wildlife.

Bill read second time.

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

Assembly Bill 976—An act to add and repeal Section 30821 of the Public Resources Code, relating to coastal resources.

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.

CONSENT CALENDAR

Objections Raised

Senator Monning objected to **AB 1252** being on the Consent Calendar.

Senator DeSaulnier objected to **SCR 44** being on the Consent Calendar.

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

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator DeSaulnier, **SB 613** was returned to the Assembly for further action.

REQUEST TO DISPENSE WITH JOINT RULES

The following request was presented by Senator Steinberg:

Senate Chamber, August 14, 2013

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(10) in order that AB 199 may be reported by the Committee on Governmental Organization after the deadline.

ASSEMBLY MEMBER HOLDEN

The following request was presented by Senator Steinberg:

Senate Chamber, August 14, 2013

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(10) in order that AB 401 may be reported by the Committee on Transportation and Housing after the deadline.

ASSEMBLY MEMBER DALY

The following request was presented by Senator Steinberg:

Senate Chamber, August 14, 2013

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(10) in order that AB 906 may be reported by the Committee on Public Employment and Retirement and the Committee on Governmental Organization after the deadline.

ASSEMBLY MEMBER PAN



The following request was presented by Senator Steinberg:

Senate Chamber, August 14, 2013

Mr. Secretary: I request permission to introduce a resolution to dispense with Joint Rule 61(a)(10) in order that AB 1008 may be reported by the Committee on Governance and Finance and the Committee on Health after the deadline.

ASSEMBLY MEMBER BUCHANAN

Recommendation of Rules Committee

The Committee on Rules recommends that permission be granted to introduce a resolution as requested.

STEINBERG, Chair

RESOLUTION TO DISPENSE WITH JOINT RULES

Resolved, That Joint Rule 61(a)(10) be dispensed with as requested.

Resolution read and presented by Senator Steinberg.

Roll Call

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

AYES (27)—Senators Beall, Block, Calderon, Corbett, Correa, De León, DeSaulnier, Evans, Galgiani, Hancock, Hernandez, Hill, Hueso, Jackson, Lara, Leno, Lieu, Liu, Monning, Padilla, Pavley, Roth, Steinberg, Torres, Wolk, Wright, and Yee.

NOES (11)—Senators Anderson, Berryhill, Cannella, Emmerson, Fuller, Gaines, Huff, Knight, Nielsen, Vidak, and Walters.

LEAVES OF ABSENCE FOR THE DAY

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

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

At 12:15 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 Thursday, August 15, 2013.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Appropriations

Senate Chamber, August 14, 2013

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

SB 449

AB 594

AB 1126



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 449—An act to add Section 147.3 to the Water Code, relating to water.

Bill read second time.

Assembly Bill 594—An act to amend Sections 541.5, 5007, 5010.6, and 5080.42 of the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Assembly Bill 1126—An act to amend Sections 40121, 40180, 40192, 40194, 40200, 40201, 41700, 41721, 41781, and 50001 of, and to add Section 40131.2 to, the Public Resources Code, relating to solid waste.

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, August 14, 2013

The Committee on Rules has ordered the following measures to third reading:

ACR 17, SCR 62, SCR 63, SJR 15.

State Capitol, August 14, 2013

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

Health—AB 1428.

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

Education and Public Employment and Retirement and Elections and Constitutional Amendments—SCA 15.

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

Appropriations—SB 369.

Business, Professions and Economic Development—AB 1186.

Elections and Constitutional Amendments—SJR 14.

Environmental Quality—AJR 21.

Governance and Finance—AB 418.

Labor and Industrial Relations—AB 37.

Public Employment and Retirement—ACR 61, SB 503.



Transportation and Housing—AB 141, ACR 55, ACR 57, ACR 62, SCR 64.

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

Business, Professions and Economic Development and Judiciary—AB 1159.

Governance and Finance and Health—AB 1008.

State Capitol, August 14, 2013

Mr. President: The Senate Rules Committee approved the following:

Removed Senator Nielsen as Vice-Chair of the Governmental Organization Committee leaving a vacancy.

Increased the membership of the Select Committee on Mental Health from 14 to 15 members and appointed Senators Galgiani and Steinberg to fill the vacancies.

STEINBERG, Chair

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 68: By Senator Lieu (Coauthors: Senators Evans, Hueso, and Jackson) (Coauthors: Assembly Members Bloom, Brown, Chávez, Gordon, Hall, Lowenthal, Skinner, and Ting)—Relative to National Domestic Violence Awareness Month.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **AB 423** was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1332—An act to amend Section 8880.325 of the Government Code, relating to the California State Lottery.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 1332 pursuant to Joint Rule 58.

ASSEMBLY MEMBER HAGMAN

Permission of Rules Committee

Senate Chamber, August 14, 2013

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 1332.

STEINBERG, Chair

Amendments Adopted

Amendments to AB 1332 proposed by Senator Wright were read and adopted and the measure ordered printed and to second reading.



**UNANIMOUS CONSENT GRANTED
TO RESCIND ACTION (AB 201)**

Without objection, unanimous consent was granted that the action be rescinded whereby AB 201 was passed to the Assembly, and that the measure be taken up at this time without reference to file.

Consideration of Assembly Bill 201

Assembly Bill 201—An act to amend Section 14025 of the Corporations Code, relating to corporations.

Bill read.

Motion to Amend

Amendments to AB 201 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.

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

Assembly Bill 647—An act to amend Sections 23012, 25200, and 25503.7 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

Amendments Adopted

Amendments to AB 647 proposed by Senator Knight were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 700—An act to amend Section 33540 of the Education Code, relating to pupil instruction.

Bill read third time.

Amendments Adopted

Amendments to AB 700 proposed by Senator Wyland were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 307—An act to amend Sections 136.2 and 166 of the Penal Code, relating to protective orders.

Bill read third time.

Amendments Adopted

Amendments to AB 307 proposed by Senator Hancock were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 855—An act to amend Section 19996.2 of the Government Code, relating to public employment.

Bill read third time.

Amendments Adopted

Amendments to AB 855 proposed by Senator Beall were read and adopted and the measure ordered printed and to second reading.



Assembly Bill 176—An act to amend Sections 3100, 6383, and 6405 of the Family Code, and to amend Section 136.2 of the Penal Code, relating to family law.

Bill read third time.

Amendments Adopted

Amendments to AB 176 proposed by Senator Evans were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 182—An act to amend Section 15146 of, and to add Sections 15140.5, 15144.1, 15144.2, and 15144.3 to, the Education Code, and to add Section 53508.5 to, and to add and repeal Section 53508.6 of, the Government Code, relating to bonds.

Bill read third time.

Amendments Adopted

Amendments to AB 182 proposed by Senator Hueso were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Governance and Finance

AB 32—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Beall, DeSaulnier, Emmerson, Hernandez, Knight, Liu, and Wolk.

NOES (0)—None.

AB 143—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Beall, DeSaulnier, Emmerson, Hernandez, Knight, Liu, and Wolk.

NOES (0)—None.

AB 362—Do pass and re-refer to Committee on Appropriations

AYES (6)—Senators Beall, DeSaulnier, Emmerson, Hernandez, Liu, and Wolk.

NOES (1)—Senator Knight.

AB 458—Do pass and re-refer to Committee on Appropriations

AYES (4)—Senators Beall, DeSaulnier, Hernandez, and Wolk.

NOES (2)—Senators Emmerson and Knight.

AB 952—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Beall, DeSaulnier, Emmerson, Hernandez, Knight, Liu, and Wolk.

NOES (0)—None.



AB 1173—Do pass and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (7)—Senators Beall, DeSaulnier, Emmerson, Hernandez, Knight, Liu, and Wolk.

NOES (0)—None.

Date of Hearing: 8/14/2013

Wolk (Chair)

REQUEST TO ADJOURN IN MEMORIAM

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Gary Bell of Richmond.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, August 15, 2013.

PAULA K. ROSSETTO, Minute Clerk

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