

## CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED TWELFTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, August 21, 2013

The Senate met at 9 a.m.

Hon. Ed Hernandez, of the 24th District, presiding.

Secretary Greg Schmidt at the Desk.

Assistant Secretary Zachary L. Twilla reading.

### 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, Wolk, Wright, and Wyland—37.

Quorum present.

*(NOTE: Senator Yee will be excused this day on legislative business and Senator Walters will be excused this day on personal business.)*

### REPORTS OF STANDING COMMITTEES

#### Committee on Transportation and Housing

Date of Hearing, August 20, 2013

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

AB 8

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

DESAULNIER, Chair

Above measure re-referred to the Committee on Environmental Quality.



Date of Hearing, August 20, 2013

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

AB 141

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

DESAULNIER, Chair

Above measure re-referred to the Committee on Appropriations.

Date of Hearing, August 20, 2013

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

SCR 38

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Appropriations with the recommendation: To Consent Calendar.

DESAULNIER, Chair

Above measure ordered to second reading.

Date of Hearing, August 20, 2013

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

SCR 53	SCR 57	SCR 60	SCR 64
ACR 55	ACR 57	ACR 62	

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

DESAULNIER, Chair

Above measures re-referred to the Committee on Appropriations.

**Committee on Governance and Finance**

Date of Hearing, August 21, 2013

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

AB 483

Reports the same back with the recommendation: Do pass.

WOLK, Chair

Above bill ordered to second reading.

Date of Hearing, August 21, 2013

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

AB 1008



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

WOLK, Chair

Above measure re-referred to the Committee on Health.

**Committee on Environmental Quality**

Date of Hearing, August 21, 2013

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

AB 8

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

HILL, Chair

Above measure re-referred to the Committee on Appropriations.

**Committee on Appropriations**

Senate Chamber, August 21, 2013

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

AB 934

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 934**—An act to amend Section 50050 of the Government Code, relating to local government.

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**

Date of Hearing, August 20, 2013

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

AB 906

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

WRIGHT, Chair

Above measure ordered to second reading.

**Committee on Rules**

Senate Chamber, August 21, 2013

Mr. President: The Committee on Rules has examined:

SB 196

SB 357

SB 576

SB 815



And reports that the same have been correctly enrolled, and presented to the Governor on the 21st day of August, 2013, at 1:30 p.m.

STEINBERG, Chair

**Committee on Governmental Organization**

Senate Chamber, August 21, 2013

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

SCR 61

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 Concurrent Resolution 61**—Relative to the official State Pet.

Resolution read second time.

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

**Committee on Rules**

Senate Chamber, August 21, 2013

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

AB 423

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**

**Assembly Bill 423**—An act to amend Section 34171 of, and to add Section 34176.6 to, the Health and Safety Code, relating to housing.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 423 pursuant to Joint Rule 58.

SENATOR TORRES

**Permission of Rules Committee**

Senate Chamber, August 21, 2013

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 423.

STEINBERG, Chair

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



**Committee on Health**

Date of Hearing, August 21, 2013

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

AB 50

AB 1428

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 Appropriations**

Senate Chamber, August 21, 2013

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

AB 327

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 327**—An act to amend Sections 382 and 739.1 of, and to repeal and add Sections 739.9 and 745 of, the Public Utilities Code, relating to energy utility rates.

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, August 20, 2013

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

AB 401

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

DESAULNIER, Chair

Above measure ordered to second reading.

**Committee on Appropriations**

Senate Chamber, August 21, 2013

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

AB 1001

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 1001**—An act to amend Sections 14538 and 14585 of the Public Resources Code, relating to recycling, and making an appropriation therefor.

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**

Date of Hearing, August 21, 2013

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

AB 300

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.

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

**Assembly Bill 865**—An act to amend Sections 707, 736, and 770 of the Harbors and Navigation Code, relating to vessels.

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 32**—An act to amend Sections 12209, 17053.57, and 23657 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

**Assembly Bill 1245**—An act to add Section 12012.61 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

**Assembly Bill 1067**—An act to add Chapter 4.2 (commencing with Section 6315) to Division 7 of Title 1 of the Government Code, relating to economic development.

Bill read second time and ordered to third reading.

**Assembly Bill 637**—An act to amend Section 51504 of the Health and Safety Code, relating to housing.

Bill read second time and ordered to third reading.



**Assembly Bill 1280**—An act to add Section 1339.1 to the Unemployment Insurance Code, and to amend Section 11006.2 of the Welfare and Institutions Code, relating to health and human services.

Bill read second time and ordered to third reading.

**Assembly Bill 1371**—An act to amend, repeal, and add Section 21750 of, and to add Section 21760 to, the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

**Assembly Bill 346**—An act to amend Section 1502 of, and to add Section 1502.35 to, the Health and Safety Code, and to amend Sections 319, 361.2, 450, 727, 11400, and 11402 of the Welfare and Institutions Code, relating to community care facilities.

Bill read second time and ordered to third reading.

**Assembly Bill 68**—An act to amend Section 3550 of the Penal Code, relating to parole.

Bill read second time and ordered to third reading.

**Assembly Bill 1252**—An act to amend Sections 113758, 113818, 113903, 113949.2, 113953.3, 113973, 114047, 114099.7, 114268, 114271, 114294, 114295, 114299, 114325, 114332.2, 114335, 114351, 114365, and 114365.2 of, to add Sections 113806, 113807, and 113975 to, and to repeal and add Section 113961 of, the Health and Safety Code, relating to food safety.

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.

### THIRD READING OF ASSEMBLY BILLS

**Assembly Bill 250**—An act to add Article 6 (commencing with Section 12099) to Chapter 1.6 of Part 2 of Division 3 of Title 2 of the Government Code, relating to state government, and making an appropriation therefor.

Bill read third time.

### Amendments Adopted

Amendments to AB 250 proposed by Senator Hill were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1169**—An act to add and repeal Chapter 3.6 (commencing with Section 1785.28) of Title 1.6 of Part 4 of Division 3 of the Civil Code, relating to escrow agent credit.

Bill read third time.



**Amendments Adopted**

Amendments to AB 1169 proposed by Senator Evans were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 729**—An act to amend Sections 912 and 917 of, and to add Article 9.5 (commencing with Section 1048) to Chapter 4 of Division 8 of, the Evidence Code, relating to evidentiary privileges.

Bill read third time.

**Amendments Adopted**

Amendments to AB 729 proposed by Senator Monning were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 1359**—An act to amend Section 66477 of the Government Code, relating to land use.

Bill read third time.

**Amendments Adopted**

Amendments to AB 1359 proposed by Senator Hueso were read and adopted and the measure ordered printed and to second reading.

**MEMORANDUM OF UNDERSTANDING**

A Memorandum of Understanding (MOU) reached with Bargaining Unit 12, dated August 21, 2013, was received from the California Department of Human Resources and filed pursuant to Senate Rule 29.4.

**SENATE COMMITTEE ROLL CALLS****Committee on Business, Professions and Economic Development**

**AB 1159**—Do pass and re-refer to Committee on Judiciary

AYES (9)—Senators Block, Corbett, Galgiani, Hernandez, Hill, Lieu, Padilla, Wyland, and Yee.

NOES (0)—None.

**AB 1186**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Block, Corbett, Emmerson, Galgiani, Hernandez, Hill, Lieu, Padilla, Wyland, and Yee.

NOES (0)—None.

Date of Hearing: 8/19/2013

Lieu (Chair)

**Committee on Elections and Constitutional Amendments**

**SCA 5**—Be adopted and re-refer to Committee on Rules

AYES (4)—Senators Hancock, Padilla, Torres, and Yee.

NOES (1)—Senator Anderson.

**SJR 14**—Be adopted

AYES (4)—Senators Hancock, Padilla, Torres, and Yee.

NOES (1)—Senator Anderson.





**AB 409**—Do pass and re-refer to Committee on Appropriations

AYES (5)—Senators Anderson, Hancock, Padilla, Torres, and Yee.

NOES (0)—None.

Date of Hearing: 8/20/2013

Torres (Chair)

**Committee on Environmental Quality**

**AB 8**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Calderon, Corbett, Fuller, Hancock, Hill, Jackson, Leno, and Pavley.

NOES (1)—Senator Gaines.

Date of Hearing: 8/21/2013

Hill (Chair)

**Committee on Governance and Finance**

**AB 300**—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 483**—Do pass

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

NOES (0)—None.

**AB 1008**—Do pass and re-refer to Committee on Health

AYES (5)—Senators Beall, DeSaulnier, Hernandez, Liu, and Wolk.

NOES (2)—Senators Emmerson and Knight.

Date of Hearing: 8/21/2013

Wolk (Chair)

**Committee on Governmental Organization**

**AB 199**—Do pass and re-refer to Committee on Appropriations

AYES (7)—Senators Cannella, De León, Galgiani, Hernandez, Lieu, Padilla, and Wright.

NOES (0)—None.

**AB 906**—Do pass as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Cannella, De León, Galgiani, Hernandez, Lieu, Padilla, and Wright.

NOES (0)—None.

Date of Hearing: 8/20/2013

Wright (Chair)

**Committee on Health**

**AB 50**—Do pass and re-refer to Committee on Appropriations

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

NOES (1)—Senator Nielsen.



**AB 1008**—Do pass as amended

AYES (6)—Senators Beall, De León, DeSaulnier, Hernandez, Monning, and Pavley.

NOES (2)—Senators Anderson and Nielsen.

**AB 1428**—Do pass and re-refer to Committee on Appropriations

AYES (8)—Senators Anderson, Beall, De León, DeSaulnier, Hernandez, Monning, Nielsen, and Pavley.

NOES (0)—None.

Date of Hearing: 8/21/2013

Hernandez (Chair)

**Committee on Transportation and Housing**

**SCR 38**—Be adopted as amended and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Hueso, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.

**SCR 53**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.

**SCR 57**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.

**SCR 59**—Be adopted as amended and re-refer to Committee on Appropriations

AYES (7)—Senators Beall, Cannella, DeSaulnier, Gaines, Pavley, Roth, and Wyland.

NOES (3)—Senators Galgiani, Hueso, and Lara.

**SCR 60**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.

**SCR 64**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.



**AB 8**—Do pass and re-refer to Committee on Environmental Quality

AYES (9)—Senators Beall, Cannella, DeSaulnier, Galgiani, Hueso, Lara, Liu, Pavley, and Roth.

NOES (2)—Senators Gaines and Wyland.

**AB 141**—Do pass and re-refer to Committee on Appropriations

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Hueso, Lara, Pavley, Roth, and Wyland.

NOES (0)—None.

**AB 401**—Do pass as amended and re-refer to Committee on Appropriations

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Hueso, Lara, Liu, Pavley, and Roth.

NOES (1)—Senator Wyland.

**ACR 55**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.

**ACR 57**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.

**ACR 62**—Be adopted and re-refer to Committee on Appropriations, with the recommendation: To Consent Calendar

AYES (10)—Senators Beall, Cannella, DeSaulnier, Gaines, Galgiani, Lara, Liu, Pavley, Roth, and Wyland.

NOES (0)—None.

Date of Hearing: 8/20/2013

DeSaulnier (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

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

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, August 22, 2013.

PAULA K. ROSSETTO, Minute Clerk

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