

## CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED SIXTEENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, August 28, 2013

The Senate met at 9 a.m.  
Hon. Jerry Hill, of the 13th 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, 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, Wyland, and Yee—38.

Quorum present.

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

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
August 28, 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

KITMAN CHAN, has been appointed to the State of California Acupuncture Board. Chan has been deputy publisher of the Meizhou Huaren Wenyi magazine since 2007 and owner of Kitman Chan CPA since 1984. He is a member of the California Society of Certified Public Accountants. Appointed 08/14/2013. Effective 08/22/2013.

Member, State of California Acupuncture Board, vice, Paul Weisman, term expired. Term ending 06/01/2017.

JOHN EISENHUT, has been appointed to the California Air Resources Board. Eisenhut has been manager of grower relations at Hilltop Ranch Inc. since 1994 and owner of Eisenhut Farms since 1975. He was a field representative at the Dole Dried Fruit and Nut Company from 1989 to 1994 and a technical staff member at Tecolote Research Inc. from 1975 to 1976 and at the General Research Corporation from 1972 to 1974. Eisenhut served as an infantry platoon sergeant in the U.S. Army, 1st Division from 1967 to 1969 and received the Purple Heart for his service. He is a member of the Stanislaus County Farm Bureau. Eisenhut earned a Master of Arts degree in economics from the University of California, Santa Barbara. Appointed 08/14/2013. Effective 08/23/2013.

Member, California Air Resources Board, vice, Dorene D'Adamo, resigned 03/29/2013. Term ending at the pleasure of the Governor.

JAMIE WRIGHT, has been appointed to the California Medical Board. Wright has been an attorney in private practice since 2009. She was a contract specialist at the Los Angeles Mayor's Office of Homeland Security in 2010 and a legislative project consultant for the California State Assembly Speaker's Office of Members Services from 2009 to 2010. Wright was an associate at Sedgwick Detert Moran and Arnold LLP from 2008 to 2009 and a legal extern for the Financial Industry Regulatory Authority from 2007 to 2008. Appointed 08/14/2013. Effective 08/22/2013.

Member, California Medical Board, vice, Jennifer B. Kent, withdrawn from the Senate. Term ending 06/01/2014.

DAVID A. RABBITT, has been appointed to the Alfred E. Alquist Seismic Safety Commission. Rabbitt has been supervisor of Sonoma County's Second District since 2011. He was an independent architect from 1998 to 2010 and an associate at Donald K. Olsen, AIA & Associates from 1985 to 1998. Appointed 08/12/2013. Effective 08/19/2013.

Member, Alfred E. Alquist Seismic Safety Commission, vice, Jay R. Elbettar, not confirmed. Term ending 05/15/2017.

Above appointments referred to the Committee on Rules.



**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, August 28, 2013

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

**Budget and Fiscal Review**—AB 101, AB 102, AB 104, AB 105, AB 107.

Senate Chamber, August 28, 2013

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

AB 640

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 640**—An act to add Section 6720 to the Labor Code, relating to employment.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 640 pursuant to Joint Rule 58.

ASSEMBLY MEMBER HALL

**Permission of Rules Committee**

Senate Chamber, August 28, 2013

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 640.

STEINBERG, Chair

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

Senate Chamber, August 28, 2013

Mr. President: The Committee on Rules has examined:

SB 21	SB 184	SB 407	SB 662
SB 116	SB 238	SB 429	SB 692
SB 119	SB 310	SB 442	SB 720
SB 122	SB 333	SB 504	SB 789
SB 128	SB 352	SB 589	SB 816
SB 134	SB 401	SB 595	

And reports that the same have been correctly enrolled, and presented to the Governor on the 28th day of August, 2013, at 3 p.m.

STEINBERG, Chair



Senate Chamber, August 28, 2013

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

AB 478

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 478**—An act relating to state employees.

Bill read second time.

**Request to Add Urgency Section**

To the Committee on Rules: I request permission to add an urgency section to AB 478 pursuant to Joint Rule 58.

ASSEMBLY MEMBER GOMEZ

**Permission of Rules Committee**

Senate Chamber, August 28, 2013

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 478.

STEINBERG, Chair

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

Senate Chamber, August 28, 2013

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

AB 1309

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 1309**—An act to amend Sections 3600.5 and 5500.6 of the Labor Code, relating to workers' compensation.

Bill read second time.

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

Senate Chamber, August 28, 2013

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

AB 103

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 103**—An act relating to the Budget Act of 2013.

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 Resolution 19:** By Senator Yee—Relative to California Radiologic Technology Week.

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

**Senate Resolution 18**—Relative to the government of Russia.

Resolution read second time.

The amendments proposed by the Committee on Public Employment and Retirement were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Constitutional Amendment 4**—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, and by amending Section 2 of Article XIII C thereof, relating to taxation.

Resolution read second time.

The amendments proposed by the Committee on Transportation and Housing were read and adopted and the measure ordered printed, and re-referred to the Committee on Rules.

**SECOND READING OF ASSEMBLY BILLS**

**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.

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

**Assembly Bill 755**—An act to add Section 14527.1 to the Government Code, relating to bridges.

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 1273**—An act to amend Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 13, and 14 of Chapter 489 of the Statutes of 2001, relating to tidelands and submerged lands.

Bill read second time.

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

**Assembly Bill 451**—An act to amend Sections 4980.72, 4980.74, 4980.78, 4980.80, 4980.90, 4999.57, 4999.58, 4999.59, 4999.60, 4999.61, and 4999.62 of the Business and Professions Code, relating to healing arts.

Bill read second time and ordered to third reading.

**Assembly Bill 114**—An act to add Chapter 6 (commencing with Section 26250) to Division 16.3 of the Public Resources Code, relating to energy.

Bill read second time and ordered to third reading.

**Assembly Bill 35**—An act to add Section 22449 to the Business and Professions Code, to amend Section 1264 of the Unemployment Insurance Code, and to add Section 13001 to the Vehicle Code, relating to childhood arrivals.

Bill read second time and ordered to third reading.

**Assembly Bill 1200**—An act to add and repeal Chapter 7.7 (commencing with Section 13590) of Division 7 of the Water Code, relating to recycled water.

Bill read second time and ordered to third reading.

**Assembly Bill 630**—An act to add Section 5536.4 to the Business and Professions Code, relating to architects.

Bill read second time and ordered to third reading.

#### **MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, **SCA 15** was withdrawn from the Committee on Education and re-referred to the Committee on Rules.

#### **JOINT RULE 62(a) SUSPENDED**

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Budget and Fiscal Review to meet and hear AB 101, AB 102, AB 104, AB 105, and AB 107 on Thursday, August 29, 2013 without four days notice in the Daily File.



**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Friday, August 30, 2013:

SB 236	SB 399	SB 272	SB 821
SB 328	SB 679	SB 367	SCR 56
SB 203	SB 243	SB 368	SCR 23
SB 341	SB 246		

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

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

Bill read third time.

**Amendments Adopted**

Amendments to AB 1128 proposed by Senator Cannella were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 914**—An act to add Article 3.5 (commencing with Section 84350) to Chapter 4 of Title 9 of the Government Code, relating to the Political Reform Act of 1974.

Bill read third time.

**Amendments Adopted**

Amendments to AB 914 proposed by Senator Correa were read and adopted and the measure ordered printed and to second reading.

**Assembly Bill 652**—An act to add Section 11165.15 to the Penal Code, relating to child abuse.

Bill read third time.

**Amendments Adopted**

Amendments to AB 652 proposed by Senator Liu 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 1317**—An act to amend Sections 30, 31, 101, 130, 149, 205, 1000, 8501, 8502, 8520, 8520.2, 8525, 8674, 8676, 10004, 10005, 10050, 10053, 10147, 10149, 10151.5, 10166.07, 10176.1, 10231.2, 10232.1, 10232.2, 10235.5, 10236.2, 10249.3, 10249.8, 10249.9, 10471, 10471.1, 10472, 11003.4, 11010, 11010.8, 11011, 11012, 11225, 11232, 11301, 11302, 11310, 11313, 19826, 19861, 19864, 19872, and 19881 of,



and to repeal Sections 11313.2 and 19881.5 of, the Business and Professions Code, to amend Sections 912, 1675, 1798.3, 2985, 5240, and 5400 of the Civil Code, to amend Section 1218 of the Code of Civil Procedure, to amend Sections 14010, 14060.6, 25005, 28033, 29200 29503, 31004, and 31210 of, and to repeal Sections 25600, 25601, 25602, and 25603 of, the Corporations Code, to amend Sections 17444, 22001, 32282, 32282.5, 35296, 51264, 51266, 51266.5, 51269, 66210, 71095, and 94600 of the Education Code, to amend Sections 298 and 17520 of the Family Code, to amend Sections 125, 320, 2003, 4805.055, 4970, 5104, 5106, 12003, 14003, 14200.1, 14200.2, 17002, 17312, 17423.1, 18002, 18002.5, 22005, 23001, 30002, 30005, 31055, 50003, and 50702 of, to amend the heading of Chapter 3 (commencing with Section 300) of Division 1 of, to amend the heading of Article 2 (commencing with Section 320) of Chapter 3 of Division 1 of, and to repeal and add Sections 321, 351, and 371 of, the Financial Code, to amend Sections 1389, 2301, 3862, and 3863 of the Fish and Game Code, to amend Sections 3806, 4101.4, and 58509 of, and to repeal Section 11451.5 of, the Food and Agricultural Code, to amend Sections 179.7, 955.1, 3101, 3102, 6253.4, 6254, 6254.23, 6276.26, 6276.38, 7465, 8550, 8570.5, 8574.17, 8574.20, 8574.21, 8574.22, 8575, 8584.1, 8585, 8585.05, 8585.1, 8585.2, 8585.5, 8585.7, 8586, 8587.7, 8588, 8588.1, 8588.2, 8588.3, 8588.5, 8588.7, 8588.10, 8588.11, 8588.15, 8589, 8589.1, 8589.2, 8589.5, 8589.6, 8589.7, 8589.9, 8589.10, 8589.11, 8589.12, 8589.13, 8589.14, 8589.15, 8589.16, 8589.17, 8589.18, 8589.19, 8589.20, 8589.21, 8590.1, 8590.2, 8590.3, 8590.4, 8591, 8592.1, 8592.5, 8592.7, 8593, 8593.1, 8593.2, 8593.6, 8596, 8599, 8600, 8607, 8607.2, 8608, 8610, 8610.3, 8610.5, 8612, 8613, 8614, 8639, 8649, 8651, 8657, 8657.5, 8670.20, 8670.25.5, 8670.26, 8670.64, 8680.7, 8682, 8682.2, 8682.6, 8682.8, 8682.9, 8685, 8685.2, 8685.4, 8685.6, 8685.8, 8686.2, 8686.3, 8686.4, 8686.8, 8687, 8687.2, 8687.4, 8687.7, 8692, 8696.5, 8697, 8697.5, 8711, 8840, 8841, 8844, 8870.4, 8870.7, 8870.71, 8871.3, 8871.4, 8876.7, 8878.52, 8878.90, 8878.100, 8878.125, 8879.7, 8879.23, 8879.27, 8879.50, 8879.53, 8879.57, 8879.58, 8879.59, 8879.60, 8879.61, 8886, 11018.5, 11126, 11340.2, 11534, 11541, 11542, 11546, 11546.2, 11546.3, 11546.4, 11546.5, 11546.6, 11549, 11549.3, 11549.4, 11552, 12012.90, 12463.1, 12804.7, 13901, 13903, 13975.1, 13976, 13978.2, 13978.4, 13984, 13995.20, 13995.30, 13995.40, 13995.42, 13995.43, 13995.44, 13995.45, 13995.50, 13995.51, 13995.53, 13995.54, 13995.55, 13995.56, 13995.60, 13995.63, 13995.64, 13995.65, 13995.68, 13995.69, 13995.71, 13995.72, 13995.73, 13995.74, 13995.75, 13995.77, 13995.82, 13995.83, 13995.84, 13995.102, 13995.110, 13995.116, 14001, 14002.5, 14031.8, 14070, 14087, 14500, 14520, 14601, 14669.21, 14998.2, 15251, 15253, 15254, 15275, 15277, 15363.61, 15363.62, 15363.63, 15700, 15957, 16304.9, 18521, 19844.5, 20002, 26614, 51018, 53108.5, 53126.5, 53630.5, 54238.3, 63021, 63021.5, 65080.1, 65302, 65302.6, 66427.1, 66452.17, 66503, 66521, 66540.5, 66540.32, 91550, and 99503 of, to add Sections 12803.2, 12813.5, and 19815.25 to, to repeal Section 65037.1 of, and to repeal and add Section





13975 of, the Government Code, to amend Sections 32, 33, 50, 50.1, 50.2, 81.8, 85.2, and 1150 of, to add Section 30.5 to, and to repeal Sections 31 and 65.4 of, the Harbors and Navigation Code, to amend Sections 1596.867, 1797.132, 1797.150, 1797.151, 1797.152, 1797.153, 11998.1, 13071, 13073, 13140.5, 13143.9, 18603, 18901, 18917.5, 18920, 18922, 25169.7, 25197.2, 25210.6, 25270.8, 25299.1, 25359.4, 25404.3, 25501, 25502, 25503, 25503.1, 25503.3, 25503.4, 25503.5, 25503.9, 25505.2, 25507, 25507.1, 25509, 25517.5, 25520, 25531.2, 25545, 35805, 50093, 50150, 50151, 50153, 50154, 50452, 50462, 50661.5, 50900, 51005, 51614, 51624, 53524, 101080.2, 105215, 114650, 114655, 114660, 114790, 114820, 115280, 115295, 115340, 124174.2, and 130055 of, to amend the heading of Article 2 (commencing with Section 114660) of Chapter 4 of Part 9 of Division 104 of, the Health and Safety Code, to amend Sections 12406.5, 12414.31, 16020, and 16030 of the Insurance Code, to amend Sections 3211.91 and 4350 of the Labor Code, to amend Section 433.5 of the Military and Veterans Code, to amend Sections 273.82, 326.3, 326.5, 830.3, 830.11, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 1174.2, 1191.21, 6241, 11160, 11160.1, 11161.2, 11171, 11174.34, 11501, 11502, 11504, 13100.1, 13800, 13820, 13821, 13823.2, 13823.3, 13823.4, 13823.5, 13823.6, 13823.9, 13823.12, 13823.13, 13823.15, 13823.16, 13823.17, 13825, 13826.62, 13830, 13833, 13835.2, 13835.6, 13835.7, 13835.10, 13836, 13836.1, 13843, 13844, 13846, 13847, 13847.2, 13851, 13854, 13861, 13864, 13881, 13897.2, 13897.3, 13901, 14111, 14112, 14113, 14117, 14118, 14119, 14120, 14121, and 14140 of the Penal Code, to amend Sections 12101, 12103, 12104, 12105, 12120, and 12121 of the Public Contract Code, to amend Sections 715, 2802, 2803, 2811, 2814, 2815, 3233, 5075.8, 5099.12, 10002, 25402.9, 25701, 25943, 29735, 30169, 30301, 36300, 40400, 42703, 43035, and 75121 of the Public Resources Code, to amend Sections 783, 883, 2774.5, 2872.5, 2892, 2892.1, 7551.1, 7551.3, 7661, 7662, 7663, 7665.1, 7665.2, 7665.3, 7665.4, 7673, 7718, 99212, 99243, 131242, 161003, 185020, and 185035 of the Public Utilities Code, to amend Sections 97.2, 19528, 41030, 41031, 41032, 41136.1, 41137, 41137.1, 41138, 41139, 41140, 41141, and 41142 of the Revenue and Taxation Code, to add Section 22.5 to the Streets and Highways Code, to amend Sections 165, 1500, 1505, 1808.51, 2100, 2109, 2901, 2902, 5066, 9706, 23112.5, and 34061 of the Vehicle Code, to amend Sections 128, 6025.6, 11910, 11910.1, 12994, 13271, 13272, and 79522 of the Water Code, and to amend Sections 1789, 9101, 9625, 14085.54, 18275.5, 18277, 18278, and 18278.5 of the Welfare and Institutions Code, relating to state government, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

#### **Amendments Adopted**

Amendments to AB 1317 proposed by Senator Wright were read and adopted and the measure ordered printed and to second reading.



**SENATE COMMITTEE ROLL CALLS**  
**Committee on Budget and Fiscal Review**

**AB 240**—Do pass

AYES (7)—Senators Beall, Block, DeSaulnier, Hancock, Leno, Monning, and Torres.

NOES (5)—Senators Anderson, Berryhill, Emmerson, Nielsen, and Wyland.  
Failed Passage

**AB 240**—Reconsideration granted

AYES (13)—Senators Anderson, Beall, Berryhill, Block, DeSaulnier, Emmerson, Hancock, Leno, Monning, Nielsen, Roth, Torres, and Wyland.

NOES (0)—None.

Date of Hearing: 8/22/2013

Leno (Chair)

**LEAVES OF ABSENCE FOR THE DAY**

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

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, August 29, 2013.

PAULA K. ROSSETTO, Minute Clerk

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