

CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, August 29, 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.

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, Hueso, Huff, Jackson, Knight, Leno, Lieu, Liu,
Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak,
Walters, Wolk, Wright, Wyland, and Yee—37.

Quorum present.

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, August 28, 2013

Madam President: The Committee on Rules has examined:

| | | | |
|--------|--------|--------|--------|
| SB 44 | SB 183 | SB 427 | SB 585 |
| SB 59 | SB 213 | SB 553 | SB 751 |
| SB 132 | SB 340 | SB 557 | SB 801 |
| SB 182 | SB 375 | | |

And reports that the same have been correctly enrolled, and presented to
the Governor on the 28th day of August, 2013, at 4:30 p.m.

STEINBERG, Chair



Senate Chamber, August 29, 2013

Madam President: The Committee on Rules has examined:

| | | | |
|--------|--------|--------|--------|
| SCR 6 | SCR 13 | SCR 20 | SCR 27 |
| SCR 32 | SCR 34 | SCR 39 | SCR 45 |
| SCR 58 | SJR 6 | | |

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 29th day of August, 2013, at 10 a.m.

STEINBERG, Chair

State Capitol, August 28, 2013

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

ACR 19, ACR 25, ACR 74, AJR 28, SCR 70, SCR 71.

State Capitol, August 28, 2013

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

Appropriations—SCA 8.

Education—ACR 71.

Public Safety—SCR 69.

Rules—ACR 65, SR 17.

Transportation and Housing—ACR 68, ACR 69, ACR 70.

The Committee on Rules has re-referred the following measure to two or more committees:

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

State Capitol, August 29, 2013

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

Appropriations—SCA 4.

Budget and Fiscal Review—AB 103.

Public Employment and Retirement—AB 478.

State Capitol, August 28, 2013

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Cathryn I. Rivera-Hernandez, Member, Agricultural Labor Relations Board (5–0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.



State Capitol, August 28, 2013

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Anna M. Caballero, Secretary, Business, Consumer Services, and Housing Agency (5-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 28, 2013

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that she be confirmed:

Marybel Batjer, Secretary, Government Operations Agency (5-0)

STEINBERG, Chair

Above appointment ordered placed on unfinished business file.

State Capitol, August 28, 2013

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Steven R. Roberts, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (5-0)

Cheryl L. Roberts, Member, Building Standards Commission, California (5-0)

Robert T. Doyle, Member, Commission on Peace Officer Standards and Training (5-0)

Ronald E. Lowenberg, Member, Commission on Peace Officer Standards and Training (5-0)

Sylvia M. Moir, Member, Commission on Peace Officer Standards and Training (5-0)

Laurie R. Smith, Member, Commission on Peace Officer Standards and Training (5-0)

STEINBERG, Chair

Above appointments ordered placed on unfinished business file.

Senate Chamber, August 29, 2013

Madam President: The Committee on Rules has examined:

SB 326

And reports that the same has been correctly enrolled, and presented to the Governor on the 29th day of August, 2013, at 1:15 p.m.

STEINBERG, Chair



State Capitol, August 28, 2013

Madam President: The Senate Rules Committee appointed Senators Evans, Hill, Knight, and Roth as members of the Select Committee on Science, Innovation, and Public Policy to fill all four vacancies.

STEINBERG, Chair

State Capitol, August 28, 2013

Madam President: The Senate Rules Committee appointed Edward De La Rosa as a member of the California Secure Choice Retirement Savings Investment Board for a term ending at the pleasure of the Committee.

STEINBERG, Chair

Committee on Budget and Fiscal Review

Date of Hearing, August 29, 2013

Madam President: The Committee on Budget and Fiscal Review, to which were referred:

AB 107

AB 240

Reports the same back with the recommendation: Do pass.

LENO, Chair

Above bills ordered to second reading.

Date of Hearing, August 29, 2013

Madam President: The Committee on Budget and Fiscal Review, to which were referred:

AB 101

AB 105

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

LENO, Chair

Above measures ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND 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 second time and ordered to third 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 second time and ordered to third reading.

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

Bill read second time and ordered to third 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 second time and ordered to third 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, 11010, 11010.8, 11011, 11012, 11225, 11232, 11301, 11302, 11310, 11313, 19826, 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, 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, 66210, 71095, and 94600 of the Education Code, to amend Sections 298 and 17520 of the Family Code, to amend Sections 125, 2003, 4970, 5106, 17312, 17423.1, 18002.5, 23001, 30005, 31055, 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 Section 321 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, 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, 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, 11546.2, 11546.3, 11546.4, 11546.5, 11546.6, 11549.4, 11552, 12012.90, 12463.1, 12804.7, 13901, 13903, 13975.1, 13976, 13978.2, 13978.4, 13984, 13995.30, 13995.40, 13995.42, 13995.43, 13995.44, 13995.45, 13995.50, 13995.51, 13995.53, 13995.54, 13995.55, 13995.56, 13995.63, 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, 15363.61, 15363.62, 15363.63, 15700, 15957, 16304.9, 18521, 19844.5, 20002, 26614, 53630.5, 54238.3, 63021, 65080.1, 65302, 65302.6, 66427.1, 66452.17, 66503, 66521, 66540.5, 66540.32, 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, 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, 830.3, 830.11, 999c, 999j, 999k, 999n, 999p, 999r, 999s, 999v, 999x, 999y, 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 Section 12120 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, 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 and 19528 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, 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 second time and ordered to third reading.



THIRD READING OF ASSEMBLY BILLS

Assembly Bill 466—An act to amend Section 182.7 of the Streets and Highways Code, relating to transportation.

Bill read third time.

Amendments Adopted

Amendments to AB 466 proposed by Senator Hueso were read and adopted and the measure ordered printed and to second reading.

Assembly Bill 409—An act to add Sections 87500.3 and 87500.4 to the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 409 proposed by Senator Anderson were read and adopted and the measure ordered printed and to second reading.

THIRD READING OF SENATE BILLS

Senate Resolution 16—Relative to Section 215 of the USA PATRIOT Act.

Resolution read third time.

Amendments Adopted

Amendments to SR 16 proposed by Senator Lieu were read and adopted and the measure ordered printed, engrossed, and to second reading.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1090—An act to amend Section 1097 of, and to add Sections 1097.1, 1097.2, 1097.3, and 1097.4 to, the Government Code, relating to public officers.

Bill read third time.

Amendments Adopted

Amendments to AB 1090 proposed by Senator Torres 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.



Assembly Bill 792—An act to add Section 7284.5 to the Revenue and Taxation Code, relating to taxation.

Bill read third time.

Amendments Adopted

Amendments to AB 792 proposed by Senator Hill were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS

Committee on Budget and Fiscal Review

AB 101—Do pass as amended

AYES (10)—Senators Beall, Block, DeSaulnier, Hancock, Jackson, Leno, Monning, Roth, Torres, and Wright.

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

AB 102—Do pass

AYES (5)—Senators Beall, Block, Leno, Monning, and Roth.

NOES (6)—Senators Anderson, Berryhill, Emmerson, Nielsen, Wright, and Wyland.

Failed Passage

AB 102—Reconsideration granted

AYES (15)—Senators Anderson, Beall, Berryhill, Block, DeSaulnier, Emmerson, Hancock, Jackson, Leno, Monning, Nielsen, Roth, Torres, Wright, and Wyland.

NOES (0)—None.

AB 105—Do pass as amended

AYES (10)—Senators Beall, Block, DeSaulnier, Emmerson, Hancock, Jackson, Leno, Monning, Roth, and Wright.

NOES (1)—Senator Anderson.

AB 107—Do pass

AYES (10)—Senators Beall, Block, DeSaulnier, Hancock, Jackson, Leno, Monning, Roth, Torres, and Wright.

NOES (3)—Senators Anderson, Emmerson, and Nielsen.

AB 240—Do pass

AYES (9)—Senators Beall, Block, DeSaulnier, Hancock, Jackson, Leno, Monning, Roth, and Torres.

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

Date of Hearing: 8/29/2013

Leno (Chair)



LEAVES OF ABSENCE FOR THE DAY

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

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

ADJOURNMENT

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

PAULA K. ROSSETTO, Minute Clerk

O

