

## CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SIXTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, February 6, 2014

The Senate met at 9:10 a.m.

Hon. Darrell Steinberg, of the 6th 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, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wright, Wyland, and Yee—38.

Quorum present.

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



**PRAYER**

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

*Creator of us all,*

The ancient sages taught that when You created humanity, You began with a single human being, made from the dust that You gathered from the four corners of the earth. Red, black, white and brown clay, coming together in a single person to create the first Adam. It is taught that You created us all from a single person for the sake of peace, so that no one would think that they were created to be better than another, but rather to remind us that all humanity is but a single family.

And yet, we struggle still with this inalienable truth that all men, and all women, are created equal.

May it be Your will O God that we shall see humanity as You do, each life sacred, every person precious and holy, to be protected, honored, and treated with love and dignity, each one our brother and our sister. May our words and our deeds always reflect this truth.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**RECESS**

At 9:13 a.m., on motion of Senator Steinberg the Senate recessed in order to introduce British Columbia's Premier the Honourable Christy Clark. (Premier Clark addressed the Senate.)

**REASSEMBLED**

At 9:27 a.m., the Senate reconvened.

Hon. Darrell Steinberg, of the 6th District, presiding.

**Senator Fuller Presiding****CONSIDERATION OF DAILY FILE****THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 467**—An act to add Section 4046 to, and to add Article 11.5 (commencing with Section 4169.5) to Chapter 9 of Division 2 of, the Business and Professions Code, and to amend Sections 150201, 150202, and 150205 of, and to add Section 150208 to, the Health and Safety Code, relating to pharmaceuticals, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Hill.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Correa, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.



**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Correa, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**Assembly Bill 471**—An act to amend Section 53395.4 of the Government Code, and to amend Sections 34171, 34177, 34191.4, and 34191.5 of the Health and Safety Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Wolk.

**Urgency Clause**

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Correa, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

**Roll Call**

The roll was called and the bill was passed by the following vote:

AYES (35)—Senators Anderson, Beall, Berryhill, Block, Calderon, Cannella, Correa, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, Wright, Wyland, and Yee.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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

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

STUART L. FARBER, JR., Member, State Board of Forestry and Fire Protection.

MARY E. RICKERT, Member, State Board of Forestry and Fire Protection.

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 Beall, Berryhill, Block, Calderon, Cannella, Correa, DeSaulnier, Evans, Fuller, Gaines, Galgiani, Hancock, Hernandez, Hill, Huff, Jackson, Knight, Lara, Leno, Lieu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Wolk, Wright, and Yee.

NOES (1)—Senator Anderson.

**MOTION TO PRINT IN JOURNAL**

Senator Steinberg moved that the following letter be printed in the Journal.

Motion carried.

January 30, 2014

*Gregory Schmidt*

*Secretary of the Senate*

RE: Letter to the Journal on SB 477 (Steinberg, 2014)

Dear Mr. Schmidt:

My Senate Bill 477 (2014) is intended to help prevent modern-day slavery and other forms of labor exploitation in California. These acts can be perpetrated by foreign labor contractors alone as well as by businesses that contract with unscrupulous foreign labor recruiters and turn a blind-eye to abuses.

SB 477 requires employers to use registered foreign labor recruiters to, in part, address the misrepresentation of employment conditions by foreign labor contractors to potential employees residing in a foreign country and seeking employment in California.

The bill is not intended to create obstacles or punitive actions against the majority of California businesses that abide by current statutes covering employment terms and conditions and who will also follow the regulatory scheme embodied in SB 477, once enacted. The bill also is not intended to impede the efforts of California businesses to attract and build the most talented and skilled workforce necessary to grow our economy and improve our global competitiveness.

The program of registration established by SB 477 is not intended to apply to employers that use their own employees to recruit and hire foreign workers directly, as their own employees. These employers are not intended to fall under the definition of foreign labor contractors as set forth in SB 477.

Moreover, although specified J-1 sponsors are exempted from the bill's definition of foreign labor contractor, I agreed to the exemption based on the fact that federal oversight of the J-1 program has improved in recent years. This increased federal oversight should result in better accountability and fewer abuses within the J-1 program. However, should

abuses within the J-1 program increase, I believe the J-1 exemption in SB 477 should be revisited by the Legislature.

Upon implementation in January 2015, it is also my intent that any regulations be in place, and as appropriate, include an administrative appeals process for denials of registration. And finally, it is my intent that its implementation be consistent with federal rules and regulations with regards to visa requirements.

Sincerely,

DARRELL STEINBERG  
President pro Tempore

#### **LEAVES OF ABSENCE FOR THE DAY**

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

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

At 9:58 a.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 Monday, February 10, 2014.

Motion carried.

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

State Capitol, February 5, 2014

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

**Banking and Financial Institutions**—AB 129, AB 713.

**Business, Professions and Economic Development**—AB 230, AB 337, AB 495, AB 674, AB 1147, AB 1153, AB 1174, AB 1260, SB 928.

**Education**—AB 135, AB 548, AB 675, AB 1264, AB 1271, SB 915, SB 923.

**Elections and Constitutional Amendments**—AB 510, AB 877.

**Energy, Utilities and Communications**—AB 876, SB 900.

**Environmental Quality**—AB 371, AB 1104, AB 1249.

**Governance and Finance**—AB 43, AB 194, AB 745, AB 769, AB 777, AB 919, SB 920.



**Governmental Organization**—AB 520, SB 912.

**Health**—AB 357, AB 369.

**Human Services**—AB 264, AB 883, SB 911.

**Judiciary**—AB 319, AB 414, AB 802, AB 1256, AB 1356, AJR 1, SB 907, SB 914.

**Labor and Industrial Relations**—AB 326.

**Natural Resources and Water**—AB 148, AB 288, AB 468, AB 504, AB 896, AB 1179.

**Public Employment and Retirement**—AB 1163.

**Public Safety**—AB 579, AB 885, AB 966, AB 1327, AB 1335, SB 910, SB 917, SB 922, SB 926.

**Rules**—AB 203, AB 659, AB 1172, SB 905, SB 906, SB 908, SB 918.

**Transportation and Housing**—AB 577, AB 1101, AB 1193, SB 903, SB 913.

**Veterans Affairs**—AB 585.

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

**Business, Professions and Economic Development and Appropriations**—AB 690.

**Education and Business, Professions and Economic Development**—AB 330.

**Environmental Quality and Judiciary**—AB 515.

**Environmental Quality and Natural Resources and Water**—AB 1102.

**Governmental Organization and Environmental Quality**—SB 916.

**Human Services and Judiciary and Appropriations**—SB 909.

**Insurance and Judiciary**—AB 1234.

**Judiciary and Appropriations**—AB 365, SB 924.

**Natural Resources and Water and Environmental Quality and Governance and Finance**—SB 927.

**Natural Resources and Water and Judiciary**—AB 474.

**Transportation and Housing and Governance and Finance**—SB 901.

**Transportation and Housing and Judiciary**—AB 569, SB 902, SB 904.



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

**Judiciary**—SR 25.

**Transportation and Housing**—SCR 77.

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

SCR 76.

Senate Chamber, February 6, 2014

Madam President: The Committee on Rules has examined:

SCR 64

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 6th day of February, 2014, at 10:30 a.m.

STEINBERG, Chair

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measures were introduced, read the first time and transmitted to the Committee on Rules for assignment:

**Senate Bill 947:** By Senator Berryhill—An act to amend Section 10072 of the Welfare and Institutions Code, relating to public social services.

**Senate Bill 948:** By the Committee on Veterans Affairs (Senators Hueso (Chair), Block, Correa, Knight, Lieu, Nielsen, and Roth)—An act to amend Section 142 of the Military and Veterans Code, relating to the state militia.

**Senate Bill 949:** By Senator Jackson—An act to add Article 4 (commencing with Section 104670) to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to nutrition.

**Senate Bill 950:** By Senator Torres—An act to amend Section 803 of the Penal Code, relating to bribery.

**Senate Bill 951:** By Senator Torres—An act to add Section 801.7 to the Penal Code, relating to crimes.

**Senate Bill 952:** By Senator Torres—An act to amend Sections 1090, 1093, and 1097 of the Government Code, relating to public officers and employees.

**Senate Bill 953:** By Senator Roth—An act to amend Section 21113 of the Vehicle Code, relating to vehicles.

**Senate Bill 954:** By Senator Gaines—An act to amend Section 66905.2 of the Government Code, relating to the California Tahoe Conservancy.



**Senate Bill 955:** By Senators Mitchell and Lieu (Principal coauthors: Senators Hill and Huff) (Coauthor: Assembly Member Eggman)—An act to amend Sections 629.52 and 629.98 of the Penal Code, relating to interception of electronic communications.

**Senate Bill 956:** By Senator Gaines—An act to amend Section 10110 of the Insurance Code, relating to insurance.

**Senate Bill 957:** By Senator Vidak (Principal coauthor: Assembly Member Patterson)—An act to amend Section 1170 of the Penal Code, relating to imprisonment, and declaring the urgency thereof, to take effect immediately.

**Senate Bill 958:** By Senator Gaines—An act to amend Section 21061 of the Public Resources Code, relating to the environment.

**Senate Bill 959:** By Senator Hernandez—An act to amend Sections 1357.503 and 1399.849 of the Health and Safety Code, and to amend Sections 10753.05 and 10965.3 of the Insurance Code, relating to health care coverage.

**Senate Bill 960:** By Senator Berryhill—An act to amend Section 19801 of the Business and Professions Code, relating to gambling.

**Senate Bill 961:** By Senator Berryhill—An act to amend Section 19424 of the Business and Professions Code, relating to horse racing.

**Senate Bill 962:** By Senator Leno (Principal coauthor: Assembly Member Skinner)—An act to add Section 22761 to the Business and Professions Code, relating to mobile communications devices.

**Senate Bill 963:** By Senator Torres—An act to amend Section 13001 of the Elections Code, relating to elections.

#### **DIED ON FILE**

Pursuant to Joint Rule 56, the following measures died on File: **SB 307**, **SB 395**, **SB 405**, **SB 603**, **SB 617**, and **SB 658**.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Leno requested that when the Senate adjourns this day it do so in memory of Stu Smith of San Francisco.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Kayleigh Slusher and Carmen Freitas Sousa of Napa.



**ADJOURNMENT**

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, February 10, 2014.

PAULA K. ROSSETTO, Minute Clerk

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