

CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Monday, March 10, 2014

The Senate met at 2 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, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Vidak, Walters, Wolk, Wyland, and Yee—35.

Quorum present.

(NOTE: Senators Calderon, Torres, and Wright will be excused this day on personal business and Senator Fuller will be excused this day due to illness.)



PRAYER

Prayer was offered by the Chaplain, Rabbi Mona Alfi:

O gracious and glorious God,

Many of us search for a sense of meaning in our lives, a purpose to direct our days. If we are lucky we find a passion that feeds our soul.

A wise man once said: "If there is no passion in your life, then have you really lived? Find your passion, whatever it may be. Become it, and let it become you and you will find great things happen FOR you, TO you and BECAUSE of you. (T. Alan Armstrong)"

May the Holy One guide each of us in finding our passion in life, and bless us with the ability to pursue our dreams each and every day. And through this pursuit of meaning, may we live each day more fully, filled with gratitude and joy.

May this be God's will.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

March 7, 2014

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business March 7, 2014, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Larry L. Asera

Member, Student Aid Commission

Sincerely,

EDMUND G. BROWN JR., Governor

Above transmitted to the Committee on Rules.

Governor's Office, State Capitol

March 10, 2014

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

KATHERINE C. PETTIBONE, has been appointed to the California Boating and Waterways Commission. Pettibone has been legislative director at the Civil Justice Association of California since 2010. She

was a senior analyst at the Governor's Office of Planning and Research from 2008 to 2010 and an attorney in private practice in 2007. Pettibone was assistant rules advisor and sailing team member at the 32nd America's Cup from 2006 to 2007. She was a sailing team member and technical coordinator on Team Amer Sports at the Volvo Ocean Race from 2001 to 2002 and a sailing team member with the America True, San Francisco Yacht Club at the 30th America's Cup from 1998 to 2000. Pettibone was a sailing team member and sail coordinator with Team EF Whitbread Round the World Race Team from 1996 to 1998 and a sailing team member with America 3 Foundation All-Women's Team at the 29th America's Cup from 1994 to 1995. She is a member of the U.S. Sailing Association and co-founder of the Rising Tide Leadership Institute. Pettibone earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law. Appointed 02/13/2014. Effective 03/03/2014.

Member, California Boating and Waterways Commission, vice, David Lumian, term expired. Term ending 01/15/2018.

GEOFFREY L. BAUM, has been reappointed to the California Community Colleges Board of Governors, where he has served since 2008. He has been director of communications and public affairs at the Annenberg Foundation Trust at Sunnylands since 2010 and an administrator at the University of Southern California's Annenberg School for Communication and Journalism since 2001. He was executive producer at C-SPAN from 1999 to 2001 and assistant vice president at Claremont McKenna College from 1994 to 1999. Baum was president of the Pasadena Area Community College District Governing Board in 2006 and in 2012. He earned a Master of Arts degree in journalism from the University of Southern California. Reappointed 02/28/2014. Effective 03/03/2014.

Member, California Community Colleges Board of Governors, vice, self, reappointed. Term ending 01/15/2020.

SANTI J. ROGERS, has been appointed director of the California Department of Developmental Services. Rogers has been director at the San Andreas Regional Center since 1995. He was director of the Agnews Developmental Center from 1992 to 1993 and of the Porterville Developmental Center from 1987 to 1994. Rogers was deputy director at the California Department of Developmental Services from 1983 to 1987 and director of Stockton State Hospital from 1976 to 1983. Appointed 03/03/2014. Effective 03/03/2014.

Director of the California Department of Developmental Services, vice, Theresa M. Delgadillo, resigned 12/24/2013. Term ending at the pleasure of the Governor.



TIFFANY E. CONKLIN, has been appointed to the California Gambling Control Commission, where she has served since 2010. Conklin was an adjunct professor at Golden Gate University from 2008 to 2010 and chief of staff for California State Senator Tom Harman from 2001 to 2010. She is a member of the International Masters of Gaming Law. Conklin earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law. Reappointed 02/28/2014. Effective 03/03/2014.

Member, California Gambling Control Commission, vice, Stephanie Shimazu, term expired. Term ending 12/31/2016.

LAUREN R. HAMMOND, has been reappointed to the California Gambling Control Commission, where she has served since 2010. Hammond has been the principal at L. Hammond and Associates since 1994. She served as a Sacramento City Council member representing district five from 1997 to 2010 and was a consultant at the California State Senate from 1981 to 2004. Reappointed 02/28/2014. Effective 03/03/2014.

Member, California Gambling Control Commission, vice, self, reappointed. Term ending 12/31/2017.

ROWENA T. LIBANG-BOBILA, has been appointed to the California Lottery Commission. Libang-Bobila has been principal attorney at the Rowena T. Libang Law Offices since 2010. She served in multiple positions at the San Francisco City Attorney's Office Children and Family Services Division from 1995 to 2010, including lead trial attorney. She was an immigration caseworker in the Office of U.S. Senator Alan Cranston from 1991 to 1992 and was a member of the Coro Foundation Fellowship in Public Affairs from 1990 to 1991. Libang-Bobila is a member of the California Minority Counsel Program, the Asian American Bar Association of the Greater Bay Area, and the Filipino-American Bar Association of Northern California. She earned a Juris Doctor degree from University of California, Hastings School of Law. Appointed 02/21/2014. Effective 03/03/2014.

Member, California Lottery Commission, vice, Phillip Tagami, resigned 10/23/2013. Term ending 11/06/2014.

ELVA YANEZ, has been reappointed to the California State Park and Recreation Commission, where she has served since 2011. Yanez has been president of ColibriStrategies Inc. since 2009 and project director at the California Community Foundation from 2008 to 2009. She was director of the Audubon Center at Debs Park from 2006 to 2008, with responsibility for nature-based education and community programs. Yanez held multiple positions at the Trust for Public Land from 2004 to 2006, including director of local government relations and director of the Center for Parks and Health. She held multiple positions at the Praxis



Project from 2002 to 2004, including policy director and deputy director. Yanez earned a Master of Library Science degree from the University of Southern California. Reappointed 02/21/2014. Effective 03/01/2014.

Member, California State Park and Recreation Commission, vice, self, reappointed. Term ending 01/15/2018.

LAI LAI Y. BUI, has been reappointed to the Commission on Peace Officer Standards and Training, where she has served since 2005. Bui has held multiple positions at the Sacramento Police Department since 1994, including sergeant, detective and officer. She is a member of the California Peace Officers Association, the Sacramento Asian Peace Officers Association, the Sacramento Police Officers Association and the Peace Officers Research Association. Reappointed 02/07/2014. Effective 03/04/2014.

Member, Commission on Peace Officer Standards and Training, vice, self, reappointed. Term ending 01/15/2017.

PETE J. KURYLOWICZ JR., has been reappointed to the Commission on Peace Officer Standards and Training, where he has served since 2012. Kurylowicz has been a deputy sheriff at the Riverside County Sheriff's Department since 1989. He is president of the Riverside County Deputy Sheriff Relief Foundation and executive secretary of the Riverside Sheriff's Association. Reappointed 02/07/2014. Effective 02/19/2014.

Member, Commission on Peace Officer Standards and Training, vice, self, reappointed. Term ending 01/31/2017.

BERNARD K. MELEKIAN, has been appointed to the Commission on Peace Officer Standards and Training. Melekian has been president of the Paratus Group since 2013. He was director of the U.S. Department of Justice, Office of Community Oriented Policing Services from 2009 to 2013 and chief of police at the City of Pasadena Police Department from 1996 to 2009. Melekian held multiple positions at the Santa Monica Police Department from 1973 to 1996, including captain, lieutenant, sergeant and officer. He served in the U.S. Coast Guard Reserves from 1984 to 2009 and retired with the rank chief petty officer. Melekian is a member of the Santa Barbara Council on Alcoholism and Drug Abuse Board, the Police Foundation and a member of the California Police Chiefs Association. He earned a Doctor of Public Administration degree in policy, planning and development from the University of Southern California and a Master of Public Administration degree from California State University, Northridge. Appointed 02/07/2014. Effective 02/19/2014.

Member, Commission on Peace Officer Standards and Training, vice, Thomas Anderson, resigned 10/03/2012. Term ending 09/18/2016.



RICHARD W. SHERMAN, has been appointed to the University of California Board of Regents. Sherman has been chief executive officer at the David Geffen Company since 1992. He was a partner at Breslauer Jacobson Rutman and Sherman from 1977 to 1992 and a senior accountant at Peat Marwick and Mitchell from 1973 to 1977. Sherman is a member of the Aviva Family and Children's Services Board of Directors, the Geffen Playhouse Board of Directors and the David Geffen Foundation Board of Directors. He was a member of the Dreamworks Animation SKG Inc. Board of Directors from 2008 to 2013. Sherman earned a Master of Business Taxation degree from the University of Southern California. Appointed 01/17/2014. Effective 01/17/2014.

Member, California Board of Regents, vice, Leslie Schilling Jr., term expired. Term ending 03/01/2025.

ANTHONY J. INTINTOLI JR., has been appointed to the San Francisco Bay Area Water Emergency Transportation Authority Board of Directors, where he has served as vice chair since 2008. Intintoli was mayor of the City of Vallejo from 1999 to 2007 and from 1987 to 1995. He was a GED teacher at the Vallejo Adult School from 1996 to 2002, a teacher at Hogan High School in Vallejo from 1981 to 1995, and served as a Vallejo City Council member from 1977 to 1985. He was a teacher at St. Patrick-St. Vincent High School in Vallejo from 1977 to 1981, an attorney in private practice from 1968 to 1977 and an assistant judge advocate at the U.S. Air Force, Judge Advocate General's Department from 1965 to 1989. He was a member of the San Francisco Bay Area Water Transit Authority Board of Directors from 2000 to 2007. Intintoli earned a Master of Arts degree in educational administration from St. Mary's College, a Master of Arts degree in teaching of history from the University of California, Davis and a Bachelor of Laws degree from St. John's University Law School. Appointed 02/27/2014. Effective 03/04/2014.

Member, San Francisco Bay Area Water Emergency Transportation Authority Board of Directors, vice, Gerald Bellows, term expired. Term ending 01/01/2016.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 10, 2014

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 369

AB 800

E. DOTSON WILSON, Chief Clerk of the Assembly



REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Senate Chamber, March 10, 2014

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

SB 940

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

JACKSON, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 940—An act to amend Section 1913 of the Code of Civil Procedure, to add Section 70663 to the Government Code, and to amend Sections 1471, 1821, 1834, 2107, 2200, 2300, 2352, 2650, and 3800 of, to add Section 1851.1 to, and to add Chapter 8 (commencing with Section 1980) to Part 3 of Division 4 of, the Probate Code, relating to conservatorships.

Bill read second time.

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

Committee on Veterans Affairs

Senate Chamber, March 10, 2014

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

SB 948

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

HUESO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 948—An act to amend Section 142 of the Military and Veterans Code, relating to the state militia.

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

Senate Chamber, March 10, 2014

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

SB 936

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

Senate Bill 936—An act to amend Sections 955.1 and 3440.1 of the Civil Code, to amend Section 9109 of the Commercial Code, to add Section 6537 to the Government Code, to amend Section 1731 of, to add Section 1770 to, and to add Article 5.7 (commencing with Section 849) to Chapter 4 of Part 1 of Division 1 of, the Public Utilities Code, and to add Article 8 (commencing with Section 685) to Chapter 3 of Part 5 of the Monterey Peninsula Water Management District Law (Chapter 527 of the Statutes of 1977), relating to water.

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 816—An act to amend Sections 25000.2 and 25500.1 of, and to repeal Section 25502.1 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read second time and ordered to third reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURE

The following measure was offered by Senator Huff:

Senate Resolution 34: By Senator Huff—Relative to the suspension of Senator Roderick D. Wright.

REQUEST FOR UNANIMOUS CONSENT (SR 34)

Senator Huff asked for unanimous consent to take up SR 34 at this time, without reference to committee or file.

Substitute Motion to Refer to Committee

Senator Steinberg moved that **SR 34** be referred to the Committee on Rules.

Roll Call

The roll was called and the substitute motion carried by the following vote:

AYES (22)—Senators Beall, Block, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Hill, Hueso, Jackson, Lara, Leno, Liu, Mitchell, Monning, Padilla, Pavley, Steinberg, Wolk, and Yee.

NOES (12)—Senators Anderson, Berryhill, Cannella, Gaines, Galgiani, Huff, Knight, Lieu, Nielsen, Vidak, Walters, and Wyland.

Resolution referred to the Committee on Rules.

INTRODUCTION AND FIRST READING OF SENATE MEASURE

The following measure was offered by Senator Huff:

Senate Resolution 35: By Senator Huff—Relative to the suspension of Senator Ronald S. Calderon.



REQUEST FOR UNANIMOUS CONSENT (SR 35)

Senator Huff asked for unanimous consent to take up SR 35 at this time, without reference to committee or file.

Substitute Motion to Refer to Committee

Senator Steinberg moved that **SR 35** be referred to the Committee on Rules.

Roll Call

The roll was called and the substitute motion carried by the following vote:

AYES (22)—Senators Beall, Block, Corbett, Correa, De León, DeSaulnier, Evans, Hancock, Hernandez, Hill, Hueso, Jackson, Lara, Leno, Liu, Mitchell, Monning, Padilla, Pavley, Steinberg, Wolk, and Yee.

NOES (12)—Senators Anderson, Berryhill, Cannella, Gaines, Galgiani, Huff, Knight, Lieu, Nielsen, Vidak, Walters, and Wyland.

Resolution referred to the Committee on Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS****Consideration of Governor's Appointments**

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

WILLIAM G. SAWYER PH.D., Member, California Student Aid Commission.

ERNEST T. CABRAL, Member, Off-Highway Motor Vehicle Recreation Commission.

KEVIN P. MURPHY, Member, Off-Highway Motor Vehicle Recreation Commission.

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 (35)—Senators Anderson, Beall, Berryhill, Block, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Mitchell, Monning, Nielsen, Padilla, Pavley, Roth, Steinberg, Vidak, Walters, Wolk, Wyland, and Yee.

NOES (0)—None.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 89—Relative to Lynch Syndrome Hereditary Cancer Public Awareness Day.

Resolution read third time and presented by Senator Wolk.



Roll Call

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 87—Relative to Ronald Reagan Day.

Resolution read third time and presented by Senator Gaines.

Roll Call

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day due to personal business: Senators Calderon, Torres, and Wright.

The following Senator was granted leave of absence for the day due to illness: Senator Fuller.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:51 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 Tuesday, March 11, 2014.

Motion carried.

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 1462: By the Committee on Governance and Finance (Senators Wolk (Chair), Beall, DeSaulnier, Hernandez, Knight, Liu, and



Vidak)—An act to amend Sections 5903 and 53395.10 of the Government Code, relating to local government.

Senate Concurrent Resolution 96: By Senator Yee—Relative to Sunshine Week.

Senate Concurrent Resolution 97: By Senator Anderson—Relative to California Heroes Month.

Senate Concurrent Resolution 98: By Senator Wyland—Relative to Gerald Ford Day.

Senate Concurrent Resolution 99: By Senators Beall and Steinberg (Coauthors: Senators Block, Correa, De León, Fuller, Gaines, Huff, Lara, Leno, Padilla, Pavley, and Wolk)—Relative to Autism Awareness Month.

Senate Joint Resolution 19: By Senator Correa (Coauthor: Assembly Member Dababneh)—Relative to high-cost loan limits.

MEASURE WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 917** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 1414—An act to amend Sections 27510, 27519, and 27644 of, and to add Sections 27519.6 and 27644.5 to, the Food and Agricultural Code, and to add Sections 109992 and 110674 to the Health and Safety Code, relating to eggs, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Amendments Adopted

Amendments to AB 1414 proposed by Senator Galgiani were read and adopted and the measure ordered printed and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator DeSaulnier requested that when the Senate adjourns this day it do so in memory of Anthony “Tony” Nunes of Martinez.

Senator Evans requested that when the Senate adjourns this day it do so in memory of Barbara Konicek of Santa Rosa.

Senator Huff requested that when the Senate adjourns this day it do so in memory of Larry Owen Broedow of Rancho Cucamonga.

Senator Lieu requested that when the Senate adjourns this day it do so in memory of Nicholas Lee of La Crescenta.

Senator Roth requested that when the Senate adjourns this day it do so in memory of Frank Gile of Riverside.



Senator Wolk requested that when the Senate adjourns this day it do so in memory of Jenna Betti of Martinez.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 11, 2014.

PAULA K. ROSSETTO, Minute Clerk

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