

CALIFORNIA LEGISLATURE

2013–14 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SEVENTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, April 3, 2014

The Senate met at 9 a.m.

Hon. Darrell Steinberg, President pro Tempore of the Senate, 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, 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, Torres, Vidak, Walters, Wolk, and Wyland—34.

Quorum present.

(NOTE: Senator Fuller will be excused this day on legislative business and Senators Block, Calderon, Wright, and Yee will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Pastor Rick Cole, Capital Christian Center, Sacramento:

Dear God, We begin this day with gratitude for the gift of life. Thank You for this beautiful State we are privileged to live in. From the diversity of the land with beaches, mountains, forests, lakes, rivers, agriculture and farms, to the diversity of our brothers and sisters who have settled here from around the world, we are uniquely blessed.

We ask You for wisdom as these men and women who have been chosen to govern our State convene here today. Be with their families. Give them strength and the warmth of Your presence.

Thank You for Your grace and mercy that covers our failures of yesterday. We are grateful for Your love and depend upon You for supernatural wisdom for the issues we will face. May Your favor be given to us today and every day as we give our best for the people we serve.

We are grateful for the honor of working for the good of others. May we make a difference for good in what we do here today.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator-elect Morrell led the Senate in the pledge of allegiance to the Flag.

**OATH OF OFFICE ADMINISTERED
SENATOR—TWENTY THIRD SENATE DISTRICT**

Pursuant to Article IV, Section 5 of the State Constitution and the official results as reported by the Secretary of State in the Special Election on March 25, 2014, at 9:10 a.m., Senator-elect Mike Morrell appeared at the bar of the Senate and took and subscribed to the oath of office administered by Senator Darrell Steinberg, President pro Tempore of the Senate.

I, Mike Morrell, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

Subscribed and sworn to before me,
This 3rd day of April
A.D. 2014
Darrell Steinberg
Senate President Pro Tempore



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

Senate Bill 992—An act to amend Section 4735 of the Civil Code, relating to common interest developments, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 1167—An act to amend Sections 17980, 116125, 116130, 116135, 116140, and 116145 of the Health and Safety Code, relating to vector control.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 1033—An act to amend Section 65583 of the Government Code, relating to local planning.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Resolution 28—Relative to vehicle license plates.

Resolution read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1170—An act to amend Section 54237 of the Government Code, relating to property.

Bill 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 Appropriations.

Senate Bill 1023—An act to add Article 4.3 (commencing with Section 79156) to Chapter 9 of Part 48 of Division 7 of Title 3 of the Education Code, relating to community colleges.

Bill read second time.

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

Senate Bill 897—An act to amend Section 84830 of, and to add Section 52377.5 to, the Education Code, and to repeal Section 86 of Chapter 48 of the Statutes of 2013, relating to educational programs.

Bill read second time.

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



Senate Bill 1108—An act to amend Sections 313.5 and 52052 of the Education Code, relating to English learners.

Bill read second time.

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

Senate Bill 845—An act to add Section 69505.8 to the Education Code, relating to postsecondary education.

Bill read second time.

The amendments proposed by the Committee on Education were read and adopted and the measure ordered printed, and re-referred to the Committee on Banking and Financial Institutions.

Senate Bill 1107—An act to add Section 48070.7 to the Education Code, relating to pupil attendance.

Bill read second time.

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

Senate Bill 1230—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, relating to validation, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1231—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, relating to validations, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1232—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, relating to validation.

Bill read second time, ordered engrossed, and to Consent Calendar.

Senate Bill 1291—An act to amend Section 9063.9 of the Health and Safety Code, relating to public cemetery districts.

Bill read second time, ordered engrossed, and to third reading.

Senator Jackson Presiding

REQUEST TO RETURN BILL TO ASSEMBLY

On the request of Senator Correa, **SB 27** was returned to the Assembly for further action.



JOINT RULE 62(a) SUSPENDED

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Rules to meet today without four days notice in the Daily File.

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

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

KATHERINE E. JOHNSON, Deputy Secretary, Health and Human Services Agency.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

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

NOES (0)—None.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 90—Relative to the Tijuana River Valley Recovery Team.

Resolution read third time and presented by Senator Hueso.

Roll Call

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senate Bill 905—An act to amend Section 4501 of the Penal Code, relating to assault.

Bill read third time and presented by Senator Knight.

Roll Call

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

AYES (35)—Senators Anderson, Beall, Berryhill, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, Galgiani, Hancock,



Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Mitchell, Monning, Morrell, Nielsen, Padilla, Pavley, Roth, Steinberg, Torres, Vidak, Walters, Wolk, and Wyland.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 1310—An act to add Section 18.5 to the Penal Code, relating to misdemeanors.

Bill read third time and presented by Senator Lara.

Roll Call

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

AYES (31)—Senators Anderson, Beall, Berryhill, Cannella, Corbett, Correa, De León, DeSaulnier, Evans, Gaines, Galgiani, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Knight, Lara, Leno, Lieu, Liu, Mitchell, Monning, Padilla, Pavley, Roth, Steinberg, Torres, Walters, and Wolk.

NOES (4)—Senators Morrell, Nielsen, Vidak, and Wyland.

Bill ordered transmitted to the Assembly.

Senate Bill 1051—An act to amend Section 1103.23 of the Civil Code, relating to real property.

Bill read third time and presented by Senator Galgiani.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 833—An act to amend Section 4024 of the Penal Code, relating to jails.

Bill read third time and presented by Senator Liu.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



LEAVES OF ABSENCE FOR THE DAY

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

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

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

At 9:53 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, April 7, 2014.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, April 3, 2014

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

SCR 92

Above resolution ordered enrolled.

Assembly Chamber, April 3, 2014

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day adopted, as amended:

SCR 81

And respectfully requests your honorable body to concur in said amendments.

Above resolution ordered to unfinished business file.

Assembly Chamber, April 3, 2014

Madam President: I am directed to inform your honorable body that the Assembly on this day passed:

AB 2104

AB 2256

Assembly Chamber, April 3, 2014

Madam President: I am directed to inform your honorable body that the Assembly on this day adopted:

ACR 106

AJR 39



Assembly Chamber, April 3, 2014

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

AB 1414

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 2104—An act to amend Section 4735 of the Civil Code, relating to common interest developments.

Assembly Bill 2256—An act to amend Sections 262.7, 415.21, 415.95, 491.160, 684.115, 708.170, and 1993 of the Code of Civil Procedure, to amend Sections 6103.3, 26720.9, 26721, 26721.2, 26722, 26723, 26725.1, 26726, 26727, 26728.1, 26729, 26730, 26731, 26733.5, 26736, 26738, 26740, 26741, 26744.5, 26746, 26746.1, and 26750 of, and to repeal Section 26744 of, the Government Code, relating to civil procedure.

Assembly Concurrent Resolution 106—Relative to the 26th Annual State Scientist Day.

Assembly Joint Resolution 39—Relative to cable and video service.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, April 2, 2014

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

Business, Professions and Economic Development—SB 1466, SB 1467.

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

Business, Professions and Economic Development—SB 1215, SB 1416.

Education—SB 943, SB 1067, SB 1068, SB 1112, SB 1123, SB 1172, SB 1210, SB 1347.

Elections and Constitutional Amendments—SB 1442.

Governance and Finance—SB 1152, SB 1352.

Governmental Organization—SB 1109, SB 1401.



Health—SB 1320, SB 1333, SB 1395.

Human Services—SB 1093, SB 1344, SB 1382, SB 1445.

Judiciary—SB 1026, SB 1338, SB 1407.

Labor and Industrial Relations—AB 1035.

Natural Resources and Water—SB 987.

Public Safety—SB 1295, SB 1363, SB 1406.

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

Business, Professions and Economic Development and Public Safety—SB 1258.

Education and Business, Professions and Economic Development—SB 1069.

Health and Judiciary—SB 1357.

Human Services and Education—SB 999.

Human Services and Transportation and Housing—SB 1178.

Judiciary and Agriculture—SB 1381.

Labor and Industrial Relations and Health—SB 1299.

Public Safety and Governance and Finance—SB 1377.

Transportation and Housing and Environmental Quality—SB 1228.

State Capitol, April 2, 2014

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

ACR 91, ACR 93, ACR 94, ACR 111, ACR 113, AJR 37, SCR 101, SCR 103, SJR 21, SJR 22.

Committee on Environmental Quality

Senate Chamber, April 3, 2014

Madam President: The Chair of the Committee on Environmental Quality, to which was referred:

AB 215

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

HILL, Chair



Second Reading of Bills—Author's Amendments

Assembly Bill 215—An act to amend Section 42301 of the Public Resources Code, relating to solid waste.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, April 3, 2014

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

SB 1337

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 1337—An act to add Sections 6253.11 and 6253.12 to the Government Code, relating to public records.

Bill read second time.

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

Committee on Appropriations

Senate Chamber, April 3, 2014

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

SB 1031

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

Senate Bill 1031—An act relating to state claims, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Natural Resources and Water

Senate Chamber, April 3, 2014

Madam President: The Chair of the Committee on Natural Resources and Water, to which was referred:

SB 987



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

PAVLEY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 987—An act to add Section 710.9 to the Fish and Game Code, and to amend Section 18754.2 of the Revenue and Taxation Code, relating to wildlife.

Bill read second time.

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

Committee on Education

Senate Chamber, April 3, 2014

Madam President: The Chair of the Committee on Education, to which was referred:

SB 1123

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

LIU, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1123—An act to amend Section 8239 of the Education Code, relating to child care and development.

Bill read second time.

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

Committee on Health

Senate Chamber, April 3, 2014

Madam President: The Chair of the Committee on Health, to which was referred:

SB 1100

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

HERNANDEZ, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1100—An act to amend Section 1373.96 of the Health and Safety Code, and to amend Section 10133.56 of the Insurance Code, relating to health care coverage.

Bill read second time.

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



Committee on Judiciary

Senate Chamber, April 3, 2014

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

SB 1381

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 1381—An act to add Section 110663 to, and to add Article 6.6 (commencing with Section 110808) to Chapter 5 of Part 5 of Division 104 of, the Health and Safety Code, relating to genetically engineered food.

Bill read second time.

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

Committee on Rules

State Capitol, April 3, 2014

Madam President: The Senate Rules Committee appointed Senator Carol Liu as Chair of the Human Services Committee and Senator Hancock as a member to fill the existing vacancy.

STEINBERG, Chair

Committee on Labor and Industrial Relations

Senate Chamber, April 3, 2014

Madam President: The Chair of the Committee on Labor and Industrial Relations, to which was referred:

SB 1315

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 1315—An act to add Section 1327.5 to the Unemployment Insurance Code, relating to unemployment insurance.

Bill 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, April 3, 2014

Madam President: The Chair of the Committee on Rules, to which were referred:

SB 1066

SB 1160

SB 1205

SB 1259

SB 1441



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

Senate Bill 1066—An act to relating to missing persons.

Bill read second time.

Senate Bill 1160—An act to amend Section 4440 of the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

Senate Bill 1205—An act to amend Section 10104 of the Insurance Code, relating to insurance.

Bill read second time.

Senate Bill 1259—An act to amend Section 8608 of the Water Code, relating to water.

Bill read second time.

Senate Bill 1441—An act to amend Section 89503 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

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

Committee on Health

Senate Chamber, April 3, 2014

Madam President: The Chair of the Committee on Health, to which was referred:

AB 1340

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

HERNANDEZ, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1340—An act to amend Sections 1180.1 and 1180.2 of, and to add Section 1255.9 to, the Health and Safety Code, and to amend Sections 4100 and 7200 of, and to add Sections 4142, 4143, and 4144 to, the Welfare and Institutions Code, relating to mental health.

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, April 3, 2014

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

SB 1199

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 1199—An act to amend Sections 5508 and 5511 of the Public Resources Code, relating to parks.

Bill read second time.

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

Committee on Education

Senate Chamber, April 3, 2014

Madam President: The Chair of the Committee on Education, to which was referred:

SB 1165

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

LIU, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 1165—An act to amend Sections 51930, 51931, 51936, 51937, 51938, and 51939 of, to add Section 51902 to, and to add Article 3.5 (commencing with Section 51934.5) to Chapter 5.6 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to pupil instruction.

Bill read second time.

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

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 985** was withdrawn from the Committee on Environmental Quality and re-referred to the Committee on Natural Resources and Water and the Committee on Environmental Quality.

MEASURES WITHDRAWN FROM COMMITTEE

Without objection, **SB 852, SB 853, SB 854, SB 855, SB 856, SB 857, SB 858, SB 859, SB 860, SB 861, SB 862, SB 863, SB 864, SB 865, SB 866, SB 867, SB 868, SB 869, SB 870, SB 871, SB 872, SB 873, SB 874, SB 875, SB 876, SB 877, SB 878, SB 879, SB 880, SB 881, SB 882, SB 883, SB 884, SB 885, SB 886, SB 887, SB 888, SB 889, SB 890, and SB 891** were withdrawn from the Committee on Budget and Fiscal Review and placed on second reading.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Beall requested that when the Senate adjourns this day it do so in memory of Dr. Joseph Campbell of San Jose.

Senator Cannella requested that when the Senate adjourns this day it do so in memory of Alan “Alex” Navarro Fernandez of Ceres.

Senator Corbett requested that when the Senate adjourns this day it do so in memory of LCpl. Andrew Silva of Union City.

Senators Corbett and Hancock requested that when the Senate adjourns this day it do so in memory of Anne Taylor of Alameda.

Senator Correa requested that when the Senate adjourns this day it do so in memory of Everett Brantley Cowser.

Senator Liu requested that when the Senate adjourns this day it do so in memory of Sid Tyler of Pasadena.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Steinberg, the Senate adjourned pursuant to the Senators’ requests until 2 p.m., Monday, April 7, 2014.

PAULA K. ROSSETTO, Minute Clerk

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