

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 9, 2017

The Senate met at 9:04 a.m.
Hon. Hannah-Beth Jackson, of the 19th District, presiding.
Secretary Daniel Alvarez 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:
Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella,
De León, Dodd, Fuller, Gaines, Galgiani, Hernandez, Hertzberg, Hill,
Hueso, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning,
Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth,
Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—39.
Quorum present.

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



PRAYER

Prayer was offered by the Chaplain, Sister Michelle Gorman, RSM:

The Book of Proverbs (4:23) says:

Above all else, guard your heart, for everything else flows from it.

Creator God,

Give us a heart like Yours that inspires us

to love without reservation,

to step out in courageous service to one another,

and never to dig up in doubt what we have planted in faith.

Fortify us with Your grace

to speak kindly,

to keep our actions on the upswing,

and to refuse to allow any discouragement to infiltrate our spirits.

Let Your light shine through the cracks and splinters of the less-than-perfect portions of our hearts; and may we forgive ourselves our imperfections, and in response, return needed compassionate forgiveness to others.—AMEN.

(Prayer of Auburn Mercy Associates, 2017)

PLEDGE OF ALLEGIANCE TO THE FLAG

Senator Lara led the Senate in the Pledge of Allegiance to the Flag.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 9, 2017

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

SCR 5

Above resolution ordered enrolled.

Assembly Chamber, February 9, 2017

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

SCR 7

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

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolution ordered to unfinished business.

MOTIONS, RESOLUTIONS AND NOTICES**UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS**

Without objection, the following Senate Journals were approved as corrected by the Minute Clerk:

February 6, 2017

February 8, 2017

February 9, 2017



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 273: By Senator Hill—An act to amend Section 1701.4 of, to amend and renumber Section 309.8 of, to add Sections 309.2, 315.2, 315.6, and 315.8 to, and to add and repeal Section 315.4 of, the Public Utilities Code, relating to utility service.

Senate Bill 274: By Senator Glazer (Coauthor: Senator Berryhill)—An act to amend Section 19614 of the Business and Professions Code, relating to horse racing, and making an appropriation therefor.

Senate Bill 275: By Senator Portantino—An act to add Section 54238.8 to the Government Code, relating to surplus residential property, to take effect immediately, tax levy.

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

Senate Concurrent Resolution 11—Relative to a Day of Remembrance.

Resolution read second time and ordered to third reading.

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

Senator De León placed the following Governor's appointment before the Senate:

JOSE (TONY) ORTIZ, Member, California Exposition and State Fair Board of Directors.

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

Roll Call

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator De León moved a call of the Senate.

Motion carried.

**MOTIONS, RESOLUTIONS AND NOTICES
MOTION TO REFER MEASURES TO INACTIVE FILE**

Senator Berryhill moved that **SCR 18** be ordered to the inactive file.

Motion carried.



**PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS**

Senator De León presented a member's resolution to Tony Brown, recipient of the James Irvine Foundation Leadership Award.

Senator Skinner presented a member's resolution to Ken Berrick, recipient of the James Irvine Foundation Leadership Award.

Senator Mitchell presented a member's resolution to Areva Martin, recipient of the James Irvine Foundation Leadership Award.

Senator Wiener presented a member's resolution to Doniece Sandoval, recipient of the James Irvine Foundation Leadership Award.

Senator Hill presented a member's resolution to Julia Wilson, recipient of the James Irvine Foundation Leadership Award.

Senator Hueso presented a member's resolution to Dora Westerlund, recipient of the James Irvine Foundation Leadership Award.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (GOVERNOR'S APPOINTMENTS)**

On motion of Senator De León, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the appointment of Jose (Tony) Ortiz was confirmed by the following vote:

AYES (39)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

LEAVES OF ABSENCE

The following Senator was granted leave of absence for the day on personal business: Senator Glazer.

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

At 9:46 a.m., on motion of Senator De León, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator De León 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 13, 2017.

Motion carried.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 9, 2017

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

Business, Professions and Economic Development—SB 198.

Education—SB 203.

Environmental Quality—SB 212.

Governance and Finance—SB 197, SB 205, SB 206, SB 207, SB 208, SB 218.

Health—SB 192, SB 202.

Judiciary—SB 204, SB 217.

Labor and Industrial Relations—SB 189.

Natural Resources and Water—SB 214.

Public Employment and Retirement—SB 201.

Public Safety—SB 194, SB 215.

Rules—SB 193, SB 195, SB 196, SB 200, SB 209, SB 211, SB 216.

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

Education and Environmental Quality—SB 210.

Education and Health—SB 191.

Governance and Finance and Elections and Constitutional Amendments—SCA 3.

Health and Judiciary—SB 199.

Human Services and Judiciary—SB 213, SB 219.

Public Safety and Human Services—SB 190.

State Capitol, February 9, 2017

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

ACR 4

ACR 10

ACR 11

ACR 13



Committee on Budget and Fiscal Review

Date of Hearing, February 9, 2017

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

SB 28

SB 47

SB 48

Reports the same back with the recommendation: Do pass.

MITCHELL, Chair

Above bills ordered to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES
(RESUMED)**

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

Senate Bill 276: By Senator Dodd—An act to amend Section 16428.86 of the Government Code, relating to greenhouse gases.

Senate Bill 277: By Senator Bradford—An act to amend Section 65850 of the Government Code, relating to land use.

Senate Bill 278: By Senator Wiener—An act to amend Section 18927 of, and to add Section 18927.5 to, the Welfare and Institutions Code, relating to CalFresh.

Senate Bill 279: By Senator Fuller—An act to amend Section 65300 of the Government Code, relating to local government.

Senate Bill 280: By Senator Glazer—An act to amend Section 19819 of the Business and Professions Code, relating to gambling.

Senate Bill 281: By Senator Fuller—An act to amend Section 65000 of the Government Code, relating to land use.

Senate Bill 282: By Senator Wiener—An act to amend Section 18926.5 of, and to add Section 18919 to, the Welfare and Institutions Code, relating to CalFresh.

Senate Bill 283: By Senator Wilk (Coauthor: Senator Hertzberg)—An act to add Section 4512.5 to the Welfare and Institutions Code, relating to developmental services.

Senate Bill 284: By Senator Nguyen—An act to amend Section 853.6 of the Penal Code, relating to criminal procedure.

Senate Bill 285: By Senator Atkins—An act to amend Section 16645 of the Government Code, relating to state funds.

Senate Bill 286: By Senator Stern—An act to amend Section 3015 of the Elections Code, relating to elections.

Senate Bill 287: By Senator Dodd—An act to add Section 1017.5 to the Fish and Game Code, relating to habitat restoration.



Senate Bill 288: By Senator Hernandez—An act to amend Sections 100501, 100502, 100503, and 100522 of the Government Code, to amend Section 1366.6 of the Health and Safety Code, and to amend Section 10112.3 of the Insurance Code, relating to health coverage.

Senate Bill 289: By Senator McGuire—An act to add Section 17131.7 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 290: By Senator Jackson—An act to add Section 4502 to the Fish and Game Code, relating to fish and wildlife.

Senate Bill 291: By Senator Berryhill—An act to amend Section 8686 of the Government Code, relating to state government.

Senate Bill 292: By Senator Bates (Principal coauthor: Senator Nguyen) (Principal coauthors: Assembly Members Brough and Daly)—An act to amend Sections 24054 and 29611 of, to add Section 26881.5 to, and to add Article 5 (commencing with Section 26950) to Chapter 4 of Part 3 of Division 2 of Title 3 of, the Government Code, and to amend Section 424 of the Penal Code, relating to local government.

Senate Bill 293: By Senator Pan—An act to amend Section 19849.18 of the Government Code, relating to state employees.

Senate Bill 294: By Senator Hernandez—An act to amend Sections 1746 and 1749 of the Health and Safety Code, relating to palliative care.

Senate Bill 295: By Senator Monning (Coauthor: Assembly Member Medina)—An act to amend Section 1684 of, and to add Section 1697.5 to, the Labor Code, relating to employment.

Senate Constitutional Amendment 5: By Senator Fuller—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article II thereof, relating to elections.

SENATE COMMITTEE ROLL CALLS

Committee on Budget and Fiscal Review

SB 28—Do pass

AYES (11)—Senators Beall, Jackson, McGuire, Mendoza, Mitchell, Monning, Pan, Portantino, Roth, Skinner, and Wieckowski.

NOES (4)—Senators Anderson, Moorlach, Nielsen, and Wilk.

SB 47—Do pass

AYES (11)—Senators Beall, Jackson, McGuire, Mendoza, Mitchell, Monning, Pan, Portantino, Roth, Skinner, and Wieckowski.

NOES (5)—Senators Anderson, Moorlach, Nielsen, Stone, and Wilk.



SB 48—Do pass

AYES (12)—Senators Beall, Jackson, McGuire, Mendoza, Mitchell, Monning, Pan, Portantino, Roth, Skinner, Wieckowski, and Wilk.

NOES (4)—Senators Anderson, Moorlach, Nielsen, and Stone.

Date of Hearing: 2/9/2017

Mitchell, Chair

Committee on Natural Resources and Water

SB 57—Do pass as amended and re-refer to the Committee on Rules

AYES (7)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, and Stern.

NOES (2)—Senators Stone and Vidak.

Date of Hearing: 2/9/2017

Hertzberg, Chair

REQUESTS TO ADJOURN IN MEMORIAM

Senator Bradford requested that when the Senate adjourns this day it do so in memory of Melba Joyce Reed of South Los Angeles.

Senator Fuller requested that when the Senate adjourns this day it do so in memory of Erica Valdez of Bakersfield.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Ralph Rodheim of Newport Beach.

Senator Roth requested that when the Senate adjourns this day it do so in memory of Thomas J. Martin of Riverside.

Senator Wieckowski requested that when the Senate adjourns this day it do so in memory of James Y. Sakane of Fremont and Dr. Ramon Chacon of Santa Clara University.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, February 13, 2017.

NEVA MARIE PARKER, Minute Clerk

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