

CALIFORNIA LEGISLATURE  
2017–18 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FORTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, January 30, 2018

The Senate met at 10:19 a.m.  
Hon. Connie M. Leyva, of the 20th District, presiding.  
Secretary Daniel Alvarez at the Desk.  
Assistant Secretary Zachary L. Twilla reading.

### **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, Glazer, Hernandez, Hertzberg,  
Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning,  
Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth,  
Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—39.

Quorum present.

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



**PRAYER**

Prayer was offered by the Chaplain, Sister Michelle Gorman, RSM:  
International Holocaust Remembrance Day was on Saturday,  
January 27.

Let us remember those whose lives were so brutally taken from them,  
and may we be alert to all that can happen on our watch.

At the rising of the sun and at its going down

We remember them . . .

When we are weary and in need of strength

We remember them.

When we are lost and sick at heart

We remember them.

When we have joy we crave to share

We remember them.

When we have decisions that are difficult to make

We remember them.

When we have achievements that are based on theirs

We remember them.

As long as we live, they too will live;

for they are now a part of us

as we remember them.

(Adapted from "We Remember Them" by Sylvan Kamens and Rabbi Jack Riemer.)

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, January 29, 2018

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

ACR 140

ACR 147

ACR 156

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

The following measures were read and referred to the Committee on  
Rules:

**Assembly Concurrent Resolution 140**—Relative to Human  
Trafficking Awareness Month.

**Assembly Concurrent Resolution 147**—Relative to India Republic  
Day.

**Assembly Concurrent Resolution 156**—Relative to Chronic  
Traumatic Encephalopathy.



**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Senate Chamber, January 30, 2018

Madam President: The Committee on Rules has examined:

SCR 90

And reports the same correctly engrossed.

DE LEÓN, Chair

Senate Chamber, January 29, 2018

Madam President: The Committee on Rules has examined:

SB 558

And reports the same has been correctly enrolled and presented to the Governor on the 29th day of January, 2018, at 5:30 p.m.

DE LEÓN, Chair

Senate Chamber, January 30, 2018

Madam President: The Committee on Rules has examined:

SCA 9

And reports the same has been correctly enrolled and presented to the Secretary of State on the 30th day of January, 2018, at 9:30 a.m.

DE LEÓN, Chair

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF SENATE BILLS**

**Senate Bill 705**—An act to add Chapter 6.8 (commencing with Section 42398) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

Bill read second time and ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 403**—An act to add Article 11 (commencing with Section 9149.30) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.



**THIRD READING OF SENATE BILLS**

**Senate Bill 215—1/25/2018 9 p.m.**—An act to add Chapter 2.9D (commencing with Section 1001.82) to Title 6 of Part 2 of the Penal Code, relating to diversion.

Bill read third time and presented by Senator Beall.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**REPUBLICAN CAUCUS**

At 10:37 a.m., Senator Bates announced a Republican Caucus.

**REASSEMBLED**

At 10:49 a.m., the Senate reassembled.

Hon. Connie M. Leyva, of the 20th District, presiding.

**MOTIONS, RESOLUTIONS AND NOTICES****MOTION TO TAKE UP OUT OF ORDER**

Senator Allen moved that the Senate Rules be suspended as they relate to **SB 705**, and that the measure be taken-up at this time.

**Roll Call**

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

**AYES (22)**—Senators Allen, Bradford, De León, Dodd, Galgiani, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, McGuire, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener.

**NOES (12)**—Senators Anderson, Bates, Berryhill, Gaines, Leyva, Moorlach, Morrell, Nguyen, Nielsen, Stone, Vidak, and Wilk.

**Consideration of Senate Bill 705**

**Senate Bill 705—5/26/2017 9 p.m.**—An act to add Chapter 6.8 (commencing with Section 42398) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

Bill read third time and presented by Senator Allen.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 712—5/1/2017 9 p.m.**—An act to amend Section 5201 of the Vehicle Code, relating to vehicles.

Bill read third time and presented by Senator Anderson.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 419—1/24/2018 9 p.m.**—An act to add Article 12 (commencing with Section 9149.38) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Portantino.

**At 11:24 a.m., Hon. Hannah-Beth Jackson, of the 19th District,  
Presiding**

**At 11:30 a.m., Hon. Connie M. Leyva, of the 20th District, Presiding**

**Urgency Clause**

Urgency clause read.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 714—9/12/2017 8:04 p.m.**—An act to add and repeal Chapter 4.7 (commencing with Section 31190) of Division 21 of the Public Resources Code, relating to natural resources conservancy, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Newman.

**Urgency Clause**

Urgency clause read.

**Roll Call**

The roll was called.

**CALL OF THE SENATE**

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

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS (RESUMED)**

**Senate Bill 227—1/25/2018 9 p.m.**—An act to amend Section 17039 of, and to add Section 17053.88 to, the Revenue and Taxation Code, relating to state contributions, to take effect immediately, tax levy.

Bill read third time and presented by Senator De León.

**Roll Call**

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

**AYES (27)**—Senators Allen, Atkins, Beall, Bradford, Cannella, De León, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Lara, Leyva, McGuire, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, Wiener, and Wilk.

**NOES (7)**—Senators Anderson, Fuller, Moorlach, Morrell, Nielsen, Stone, and Vidak.

Bill ordered transmitted to the Assembly.



**Senate Bill 561—1/23/2018 9 p.m.**—An act to add Sections 61049 and 61108 to the Government Code, relating to community services districts.

Bill read third time and presented by Senator Gaines.

**Roll Call**

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

AYES (36)—Senators Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 215)**

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

**Roll Call**

The names of the absentees were called and SB 215 was passed by the following vote:

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 705)**

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

**CALL OF THE SENATE CONTINUED**

Pending the announcement of the vote, Senator Allen moved to continue the call of the Senate.

Motion carried.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 712)**

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

**Roll Call**

The names of the absentees were called and SB 712 was refused passage by the following vote:

AYES (12)—Senators Anderson, Bates, Berryhill, Cannella, Fuller, Gaines, Hertzberg, Hill, Roth, Skinner, Vidak, and Wiener.

NOES (18)—Senators Allen, Atkins, Dodd, Galgiani, Glazer, Hernandez, Hueso, Jackson, Lara, Leyva, McGuire, Monning, Newman, Pan, Portantino, Stern, Wieckowski, and Wilk.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 419)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 419 was adopted by the following vote:

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

NOES (0)—None.

**Roll Call**

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

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

NOES (0)—None.

Above bill ordered transmitted to the Assembly.



**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 714)**

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

**Urgency Clause**

The names of the absentees were called and the urgency clause to SB 714 was adopted by the following vote:

AYES (27)—Senators Allen, Atkins, Beall, Bradford, Cannella, De León, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener.

NOES (11)—Senators Anderson, Bates, Berryhill, Fuller, Gaines, Moorlach, Morrell, Nguyen, Nielsen, Stone, and Vidak.

**Roll Call**

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

AYES (27)—Senators Allen, Atkins, Beall, Bradford, Cannella, De León, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener.

NOES (11)—Senators Anderson, Bates, Berryhill, Fuller, Gaines, Moorlach, Morrell, Nguyen, Nielsen, Stone, and Vidak.

Above bill ordered transmitted to the Assembly.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE  
DISPENSED WITH (SB 705)**

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

**Roll Call**

The names of the absentees were called and SB 705 was refused passage by the following vote:

AYES (18)—Senators Allen, Atkins, Beall, Bradford, De León, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, McGuire, Mitchell, Monning, Skinner, Stern, Wieckowski, and Wiener.

NOES (16)—Senators Anderson, Bates, Berryhill, Cannella, Dodd, Fuller, Gaines, Galgiani, Leyva, Moorlach, Morrell, Nguyen, Nielsen, Stone, Vidak, and Wilk.



**LEAVES OF ABSENCE**

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

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

At 12:36 p.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 Wednesday, January 31, 2018.

Motion carried.

**MOTIONS, RESOLUTIONS AND NOTICES****MEASURES PLACED ON SPECIAL CONSENT CALENDAR**

Without objection, the following measures were set as a special consent calendar to be taken up on Thursday, February 1, 2018:

ACR 134            ACR 141            ACR 137            ACR 139  
ACR 144

**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 Jackson (Principal coauthor: Senator Dodd)—An act to add Section 51206.5 to the Education Code, relating to pupil instruction.

**Senate Bill 948:** By Senator Allen—An act to amend Section 5096.520 of the Public Resources Code, relating to conservation easements.

**Senate Bill 949:** By Senator Allen—An act to repeal Sections 60605 and 60649 of the Education Code, relating to pupil assessment.

**Senate Bill 950:** By Senator Allen—An act to amend Section 50199.15 of the Health and Safety Code, relating to housing.

**Senate Bill 951:** By Senator Mitchell—An act to amend Sections 17053.95 and 23695 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

**Senate Bill 952:** By Senator Anderson—An act relating to water.

**Senate Bill 953:** By Senator Anderson—An act relating to vehicles.

**Senate Bill 954:** By Senator Wieckowski—An act to add Section 1129 to the Evidence Code, relating to mediation.

**Senate Bill 955:** By Senator Nielsen—An act relating to water.



**Senate Bill 956:** By Senator Berryhill—An act to amend Section 10072 of the Welfare and Institutions Code, relating to public social services.

**Senate Bill 957:** By Senator Lara—An act to amend Sections 5205.5 and 21655.9 of the Vehicle Code, relating to vehicles.

**Senate Bill 958:** By Senator Dodd—An act to amend Section 9500 of the Elections Code, and to amend Section 50079 of the Government Code, relating to school districts.

The following measure was offered and referred to the Committee on Rules:

**Senate Concurrent Resolution 94:** By Senators Leyva and Jackson (Principal coauthor: Assembly Member Limón) (Coauthors: Senators Atkins, Bates, Fuller, and Galgiani)—Relative to Teen Dating Violence Awareness and Prevention Month.

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

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Donald C. Shortridge, MSgt, United States Air Force (Ret.).

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, January 31, 2018.

NEVA MARIE PARKER, Minute Clerk

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