

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-SEVENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 26, 2018

The Senate met at 2:13 p.m.
Hon. Connie M. Leyva, of the 20th District, presiding.
Secretary Daniel Alvarez at the Desk.
Assistant Secretary Jamie Taylor 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, 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—37.

Quorum present.

(NOTE: Senators Berryhill and Fuller will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by Sr. Libby Fernandez, RSM, founder of Mercy Pedalers:

For the expanding grandeur of Creation, we give thanks this day.

For this fragile planet, Earth, we give thanks this day.

For the joy of human life, its wonders and surprises, we give thanks.

For our human community, our oneness transcending all separation, we give thanks.

And we pray for faith without fanaticism, for understanding of views not shared.

We pray for all who labor and suffer for a fairer world.

We pray that we may live, not by our fears, but by our hopes,

Not by our words but by our deeds.—AMEN.

(Adapted from a prayer by Rev. O. Eugene Pickett, Unitarian Universalist.)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator Newman introduced Vincent Sarmiento, Orange County Water District Board Member, Mike Markus, Orange County Water District General Manager, Hon. David Shawver, Mayor of the City of Stanton and John Withers, Irvine Ranch Water District Board of Directors, in honor of their visit to the California State Senate.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 22, 2018

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

SCR 57

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

Above resolution ordered to unfinished business.

Assembly Chamber, February 22, 2018

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

ACR 164

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 164—Relative to Career Technical Education Month.



REPORTS OF STANDING COMMITTEES
Committee on Budget and Fiscal Review

Senate Chamber, February 26, 2018

Madam President: The Chair of the Committee on Budget and Fiscal Review, to which was referred:

AB 108

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

MITCHELL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 108—An act to amend Section 1103 of the Civil Code, to amend Sections 710.5, 711, 1055.1, 1069, 3031.2, 7120, 7149.2, 8032.5, 8040, 8041, 8042, 8047, 8051, 8051.4, 8052, 8053, 8057, 8058, 8059, 8060, 8061, 8062, 8063, 8064, 8065, 8067, 8068, 8558, 12002.2, 13007, and 15003 of, to amend the heading of Article 7.5 (commencing with Section 8040) of Chapter 1 of Part 3 of Division 6 of, to repeal Sections 714 and 8055 of, and to repeal and add Section 13005 of, the Fish and Game Code, to amend Sections 76904, 76905, 78552, 78556, 78557, and 79121 of, and to add Section 62757 to, the Food and Agricultural Code, to amend Sections 4216, 4216.2, 4216.6, 4216.10, 4216.12, 4216.13, 4216.18, 4216.19, 7150.5, 8589.4, 8670.48.3, 16428.86, and 65302 of, to amend, repeal, and add Sections 4216.7 and 4216.21 of, to add Section 4216.11 to, and to repeal and add Section 8589.5 of, the Government Code, to amend Sections 71.4, 72.5, and 85.2 of the Harbors and Navigation Code, to amend Section 39704 of, and to add Section 39614 to, the Health and Safety Code, to amend Sections 12164.5, 12165, and 12166 of, to repeal Section 12167 of, and to repeal and add Section 12167.1 of, the Public Contract Code, to amend Sections 2692, 5097.94, 10280, 10281.5, and 10282 of, to amend and repeal Section 4589 of, and to add Chapter 1.1.6 (commencing with Section 5079.80) to Division 5 of, the Public Resources Code, to amend Section 2870 of the Public Utilities Code, and to amend Sections 6025.6, 6307, 6428, and 8705 of, to amend, repeal, and add Section 85200 of, to add Sections 6002.5, 6009, 6032, 6429, 6430, 6431, 6432, and 8535 to, and to add Article 6 (commencing with Section 6160) to Chapter 4 of Part 1 of Division 3 of, the Water Code, relating to public resources, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

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



Committee on Insurance, Banking and Financial Institutions

Senate Chamber, February 26, 2018

Madam President: The Chair of the Committee on Insurance, Banking and Financial Institutions, to which was referred:

SB 894

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

GAINES, Vice Chair

Second Reading of Bills—Author's Amendments

Senate Bill 894—An act to amend Sections 675.1 and 2051.5 of, and to add Section 10103.7 to, the Insurance Code, relating to insurance.

Bill read second time.

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

Committee on Transportation and Housing

Senate Chamber, February 26, 2018

Madam President: The Chair of the Committee on Transportation and Housing, to which was referred:

AB 1405

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

BEALL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 1405—An act to add Article 4.6 (commencing with Section 172) to Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

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, February 26, 2018

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

SB 919

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

HERTZBERG, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 919—An act to add Section 180 to the Water Code, relating to water resources.

Bill read second time.

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

MOTIONS, RESOLUTIONS AND NOTICES**RE-REFERENCE TO COMMITTEE
PURSUANT TO SENATE RULE 29.10(c)**

Pursuant to Senate Rule 29.10(c), the following measure was re-referred to the Committee on Rules:

AB 238

UNANIMOUS CONSENT TO STRIKE FROM FILE

Without objection, the following measure was stricken from file:

SR 85

UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS

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

February 20, 2018

February 21, 2018

February 22, 2018

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

Senate Resolution 84—Relative to California Dream Act of 2011.

Resolution read third time and presented by Senator De León.

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.



**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS**

Consideration of Governor's Appointments

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

ERIKA A. SPERBECK, Chief Deputy Director, Health Care Services Department.

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 Cannella moved a call of the Senate.

Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)**

Consideration of Governor's Appointments

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

DEAN R. GRAFILO, Director, Department of Consumer Affairs.

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 Cannella moved a call of the Senate.

Motion carried.

**PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS**

Senator Roth introduced John D'Elia and family, in honor of the life of Carole D'Elia.

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

Senator Newman moved that **SCR 99** and **SCR 101** be ordered to the inactive file.

Motion carried.



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

Senate Concurrent Resolution 96—Relative to Eating Disorders Awareness Week.

Resolution read third time and presented by Senator Dodd.

Roll Call

The roll was called.

CALL OF THE SENATE

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

Motion carried.

At 2:38 p.m., Hon. Mike McGuire, of the 2nd District, Presiding

At 2:41 p.m., Hon. Connie M. Leyva, of the 20th District, Presiding

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SR 84)**

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 SR 84 was adopted by the following vote:

AYES (29)—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, Vidak, Wieckowski, Wiener, and Wilk.

NOES (3)—Senators Anderson, Moorlach, and Morrell.

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

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

Roll Call

The names of the absentees were called and the appointment of Erika A. Sperbeck was confirmed by the following vote:

AYES (35)—Senators Allen, Anderson, Atkins, Beall, Bradford, Cannella, De León, Dodd, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



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

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

Roll Call

The names of the absentees were called and the appointment of Dean R. Grafilo was confirmed by the following vote:

AYES (35)—Senators Allen, Anderson, Atkins, Beall, Bradford, Cannella, De León, Dodd, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (SCR 96)**

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

Roll Call

The names of the absentees were called and SCR 96 was adopted by the following vote:

AYES (35)—Senators Allen, Anderson, Atkins, Beall, Bradford, Cannella, De León, Dodd, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Above resolution ordered transmitted to the Assembly.

REQUESTS TO BE ADDED TO ROLL CALL

February 26, 2018

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

GOV# 32—Aye

KEVIN DE LEÓN, President pro Tempore



LEAVES OF ABSENCE

The following Senators were granted leaves of absence for the day due to illness: Senators Berryhill and Fuller.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:57 p.m., on motion of Senator Monning, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Monning 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, February 27, 2018.

Motion carried.

**REPORTS OF STANDING COMMITTEES
Committee on Budget and Fiscal Review**

Senate Chamber, February 26, 2018

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

AB 105

AB 106

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

MITCHELL, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 105—An act to amend Section 8212 of the Education Code, to amend Section 17706 of the Family Code, to add Section 12087.6 to the Government Code, to amend Sections 1522, 1522.41, 1529.2, and 1596.871 of the Health and Safety Code, and to amend Sections 304.7, 11212, 11253.4, 11403, 11461.4, 11464, 11465, 12300.4, 13303, 13304, 13305, 14132.99, 16206, 16501.1, 16519.5, 16521.5, 17601.75, and 18926 of, to amend the heading of Chapter 4.6 (commencing with Section 10830) of Part 2 of Division 9 of, to amend and repeal Sections 10830 and 11253.45 of, to amend, repeal, and add Sections 11325.5, 11325.7, 11325.8, and 11461.3 of, to add Sections 369.6, 739.6, 10072.2, 10831, 11325.15, 11461.6, 11523, 13307, 13308, 15204.35, 18926.1, and 18926.2 to, to add Article 3.7 (commencing with Section 11340) to Chapter 2 of Part 3 of Division 9 of, to add and repeal Section 18901.25 of, and to repeal Section 14124.93 of, the Welfare and Institutions Code, relating to human services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.



Assembly Bill 106—An act to repeal Section 6531.5 of, to repeal Title 23 (commencing with Section 110000) of, and to repeal and amend Section 6253.2 of, the Government Code, to amend Sections 6051.15, 6051.2, 6201.15, 6201.2, and 7102 of the Revenue and Taxation Code, to amend Sections 5912, 17600.15, 17600.50, 17604, 17605, 17606.20, 17612.1, 17612.2, 17613.1, and 17613.2 of, to amend and repeal Section 12306.15 of, to add Sections 12306.16, 12306.17, 12306.18, and 17600.70 to, to add and repeal Section 12301.61 of, to repeal Sections 12300.5, 12300.6, 12300.7, 12302.21, and 12302.25 of, to repeal and amend Section 10101.1 of, and to repeal and add Sections 12306 and 12306.1 of, the Welfare and Institutions Code, and to amend Section 34 of Chapter 37 of the Statutes of 2013, relating to public social services, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time.

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

Committee on Rules

Senate Chamber, February 26, 2018

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

SB 832

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 832—An act relating to taxation.

Bill read second time.

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

Senate Chamber, February 26, 2018

Madam President: The Committee on Rules has examined:

SCR 99

SCR 101

SCR 103

And reports the same correctly engrossed.

DE LEÓN, Chair



INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 107: By Senator Beall—Relative to developmental services.

Senate Concurrent Resolution 108: By Senator Newman—Relative to California Conservation Corps Week.

Senate Resolution 87: By Senator De León—Relative to the Standing Rules of the Senate for the 2017–18 Regular Session.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Dodd requested that when the Senate adjourns this day it do so in memory of John D. Vertrees and Harry Miroglio of Napa.

Senator Glazer requested that when the Senate adjourns this day it do so in memory of Don Biddle of Dublin.

Senator Leyva requested that when the Senate adjourns this day it do so in memory of Del Pickney, Master Sergeant, Tustin Police Department, (Ret.) of Rancho Cucamonga.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of William Franklin Graham, Jr., of South Carolina.

Senator Roth requested that when the Senate adjourns this day it do so in memory of Carole D'Elia of Sacramento.

Senator Morrell requested that when the Senate adjourns this day it do so in memory of George Allan Leja of Yucaipa.

Senator Wiener requested that when the Senate adjourns this day it do so in memory of Shirley Yvonne (Breyer) Black, Sharen Hewitt, and Dennis O'Sullivan of San Francisco.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Monning, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 27, 2018.

NEVA MARIE PARKER, Minute Clerk

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