

CALIFORNIA LEGISLATURE  
2017–18 REGULAR SESSION

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# SENATE DAILY JOURNAL

THIRTY-NINTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Monday, March 13, 2017

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 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, Bradford, Cannella, De León,  
Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill,  
Hueso, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning,  
Moorlach, Morrell, Newman, Nguyen, Nielsen, Portantino, Roth, Skinner,  
Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—38.

Quorum present.

*(NOTE: Senator Berryhill will be excused this day due to illness. Senator Pan will be excused this day on personal business.)*



**PRAYER**

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

Let us pray the prayer attributed to St. Patrick from the fifth century:  
St. Patrick's Breastplate:

I arise today through the mighty strength of the Creator of creation.

I arise today, through the strength of heaven,  
light of the sun, radiance of moon,  
splendor of fire, speed of lightning,  
swiftness of wind, depth of the sea,  
stability of the earth, firmness of rock.

I arise today, through God's strength to pilot me,  
God's might to uphold me,  
God's wisdom to guide me,  
God's eye to look before me,  
God's ear to hear me,  
God's word to speak for me,  
God's hand to guard me,  
God's shield to protect me,  
God's host to save me from anyone who would wish me ill.

I summon today  
God's love in the heart of everyone who thinks of me,  
God's word in the mouth of everyone who speaks of me,  
God's vision in every eye that sees me,  
God's understanding in every ear that hears me.

I arise today through the mighty strength of the Creator of creation.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**PRIVILEGES OF THE FLOOR  
SPECIAL INTRODUCTIONS**

Senator Wiener introduced representatives of the Golden Gate Bridge Highway and Transportation District: Sabrina Hernandez, First Vice President, Board of Directors; Gerald Cochran and Michael Theriault, Members, Board of Directors; Denis Mulligan, General Manager; and Amorette Ko-Wong, Secretary, in honor of their 80th anniversary.

**SPECIAL RECOGNITIONS**

Senator Beall presented a member's resolution to the family of the late Lynn Jacobs, former Director of the California Department of Housing and Community Development.



**SPECIAL INTRODUCTIONS**

Senator Bradford introduced representatives from Alpha Kappa Alpha Sorority, Inc.: Carol R. Dixon, Far Western Regional Director; Patrice Marshall McKenzie and Leslye M. Tinson, Event Chairwomen; Charletta Wilson-Jacks, International Secretary; Gail M. Atley, Far Western Representative to the International Connection Committee; and Coretta Harris, Protocol Officer, in honor of their 18th Annual AKA Day at the Capitol.

Senator Newman introduced representatives from the Association of California Cities, Orange County, in honor of their visit to the California State Senate.

**SPECIAL RECOGNITIONS**

Senator Jackson presented a member's resolution to Gai Jones and members of California's Youth in Theatre, in honor of their 20th anniversary.

**SPECIAL INTRODUCTIONS**

Senator Mitchell introduced participants of the Black Students of California United Conference, in honor of their visit to the California State Senate.

Senator Monning introduced Hon. Frances Fitzgerald, Deputy Prime Minister of Ireland, and Philip Grant, Consulate General of Ireland in San Francisco, in honor of their visit to the California State Senate.

Senator Lara introduced Hon. Jorge Morales, Council Member of the City of South Gate, and Marcel Rodarte, Executive Director of the California Contract Cities Association, in honor of their visit to the California State Senate.

Senator Anderson introduced members of the Parents United for Kids, in honor of their visit to the California State Senate.

**MESSAGES FROM THE GOVERNOR****MESSAGE FROM THE GOVERNOR  
CONCERNING  
PAROLE REVIEW DECISIONS**

*To the Members of the Senate and Assembly of the State of California:*

In accordance with Article V, Section 8, Subdivision (b) of the California Constitution, I submit this report on the actions I have taken in 2016 in review of decisions by the Board of Parole Hearings. Of these decisions, I reversed 99. I have included copies of each of my actions.

The report may be found at [http://gov.ca.gov/docs/2016\\_Executive\\_Report\\_on\\_Parole\\_Review\\_Decisions.pdf](http://gov.ca.gov/docs/2016_Executive_Report_on_Parole_Review_Decisions.pdf). You may also call the Governor's Office for a hard copy of the report.

Sincerely,

EDMUND G. BROWN JR., Governor

Above report transmitted to the Committee on Public Safety.



**MESSAGE FROM THE GOVERNOR  
CONCERNING PARDONS, COMMUTATIONS  
OF SENTENCE, AND REPRIEVES**

*To the Members of the Senate and Assembly of the State of California:*

In accordance with Article V, Section 8, Subdivision (a) of the California Constitution, Penal Code Section 4807, and Government Code Section 12017, I submit to you a report on the pardons, commutations of sentence, and reprieves issued during 2016. I pardoned 171 people, granted one commutation and did not grant any reprieves.

The report includes copies of the pardons, as well as copies of the applications submitted for each.

The report may be found at [http://gov.ca.gov/docs/2016\\_Executive\\_Report\\_on\\_Pardons\\_Commutions\\_of\\_Sentence\\_and\\_Reprieves.pdf](http://gov.ca.gov/docs/2016_Executive_Report_on_Pardons_Commutions_of_Sentence_and_Reprieves.pdf). You may also call the Governor's Office for a hard copy of the report.

Sincerely,

EDMUND G. BROWN JR., Governor

Above report transmitted to the Committee on Public Safety.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, March 9, 2017

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

ACR 27

ACR 30

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 27**—Relative to Multiple Sclerosis Awareness Week.

**Assembly Concurrent Resolution 30**—Relative to International Women's Day.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Senate Chamber, March 10, 2017

Madam President: The Committee on Rules has examined:

SB 35

SB 79

SB 233

SR 26

And reports the same correctly engrossed.

DE LEÓN, Chair



Senate Chamber, March 13, 2017

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

SB 254

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 254**—An act relating to alcoholic beverage control.

Bill read second time.

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

**Committee on Natural Resources and Water**

Senate Chamber, March 13, 2017

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

SB 252

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 252**—An act to add Section 10729.4 to, and to add Article 5 (commencing with Section 13807) to Chapter 10 of Division 7 of, the Water Code, relating to groundwater.

Bill read second time.

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

**Committee on Rules**

Senate Chamber, March 13, 2017

Madam President: The Committee on Rules has examined:

SB 252

SB 254

And reports the same correctly engrossed.

DE LEÓN, Chair

**Committee on Education**

Senate Chamber, March 13, 2017

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

SB 68

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

ALLEN, Chair



**Second Reading of Bills—Author's Amendments**

**Senate Bill 68**—An act to amend Section 68130.5 of the Education Code, relating to public postsecondary education.

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, March 13, 2017

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

SB 229

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**

**Senate Bill 229**—An act to amend Section 65852.2 of the Government Code, relating to land use.

Bill read second time.

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

**Committee on Human Services**

Senate Chamber, March 13, 2017

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

SB 283

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

WIENER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 283**—An act to add Section 4512.5 to the Welfare and Institutions Code, relating to developmental services.

Bill read second time.

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

**Committee on Health**

Date of Hearing, March 13, 2017

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

SR 26

Reports the same back with the recommendation: Be adopted.

HERNANDEZ, Chair

Above resolution ordered to third reading.



**Committee on Public Employment and Retirement**

Senate Chamber, March 13, 2017

Madam President: The Chair of the Committee on Public Employment and Retirement, to which was referred:

SB 201

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

PAN, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 201**—An act to amend Section 3562 of the Government Code, relating to higher education employees.

Bill read second time.

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

**Committee on Appropriations**

Date of Hearing, March 13, 2017

Madam President: The Committee on Appropriations, to which were referred:

SB 6

SB 31

SB 54

Reports the same back with the recommendation: Do pass.

LARA, Chair

Above bills ordered to second reading.

Date of Hearing, March 13, 2017

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

AB 28

Reports the same back with the recommendation: Do pass.

LARA, Chair

Above bill ordered to second reading.

**CONSIDERATION OF DAILY FILE**

**UNFINISHED BUSINESS**

**Consideration of Governor’s Appointments**

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

ELIZABETH B. ECHOLS, Director, Office of Ratepayer Advocates, Public Utilities Commission.

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

NOES (6)—Senators Anderson, Moorlach, Morrell, Nielsen, Stone, and Vidak.

**Consideration of Governor's Appointments**

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

STACIE A. SPECTOR, Member, State Bar Board of Trustees.

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

NOES (0)—None.

**THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution 24**—Relative to Arts Education Month.

Resolution read third time and presented by Senator Fuller.

**Roll Call**

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

AYES (37)—Senators Allen, Anderson, Atkins, Bates, Beall, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.





**Senate Resolution 26**—Relative to the Patient Protection and Affordable Care Act.

Resolution read third time and presented by Senator Hernandez.

**Roll Call**

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

AYES (25)—Senators Allen, Atkins, Beall, Bradford, De León, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Newman, Portantino, Roth, Skinner, Stern, Wieckowski, and Wiener.

NOES (9)—Senators Anderson, Bates, Fuller, Gaines, Moorlach, Morrell, Nielsen, Stone, and Wilk.

**REPORTS OF STANDING COMMITTEES**

**Committee on Public Safety**

Senate Chamber, March 13, 2017

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

SB 22

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

SKINNER, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 22**—An act to add Division 3.5 (commencing with Section 24900) to Title 4 of Part 6 of the Penal Code, relating to firearms.

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**

**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, the following measure was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules:

SB 79



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

**Assembly Concurrent Resolution 17**—Relative to California Court Reporting and Captioning Week.

Resolution read third time and presented by Senator Jackson.

**Roll Call**

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**PRIVILEGES OF THE FLOOR  
SPECIAL INTRODUCTIONS**

Senator Bradford introduced student leaders from California State University, Dominguez Hills, in honor of their visit to the California State Senate.

**SENATE COMMITTEE ROLL CALLS  
Committee on Appropriations**

**SB 6**—Motion to place on Suspense File

AYES (2)—Senators Bates and Nielsen.

NOES (4)—Senators Beall, Bradford, Lara, and Wiener.

Failed Passage

**SB 6**—Do pass

AYES (5)—Senators Beall, Bradford, Hill, Lara, and Wiener.

NOES (2)—Senators Bates and Nielsen.

**SB 31**—Do pass

AYES (5)—Senators Beall, Bradford, Hill, Lara, and Wiener.

NOES (0)—None.

**SB 54**—Motion to place on Suspense File

AYES (2)—Senators Bates and Nielsen.

NOES (5)—Senators Beall, Bradford, Hill, Lara, and Wiener.

Failed Passage



**SB 54—Do pass**

AYES (5)—Senators Beall, Bradford, Hill, Lara, and Wiener.

NOES (2)—Senators Bates and Nielsen.

**AB 28—Do pass**

AYES (7)—Senators Bates, Beall, Bradford, Hill, Lara, Nielsen, and Wiener.

NOES (0)—None.

Date of Hearing: 3/13/2017

Lara, Chair

**Committee on Health**

**SR 26—Be adopted**

AYES (7)—Senators Atkins, Hernandez, Leyva, Mitchell, Monning, Newman, and Roth.

NOES (1)—Senator Nielsen.

Date of Hearing: 3/13/2017

Hernandez, Chair

**LEAVES OF ABSENCE**

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

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

**REQUESTS TO ADJOURN IN MEMORIAM**

Senator Allen requested that when the Senate adjourns this day it do so in memory of Jesse Esphorst Jr. of Torrance.

**ADJOURNMENT**

At 4:16 p.m., the Senate adjourned pursuant to the Senator’s request until 9 a.m., Tuesday, March 14, 2017.

NEVA MARIE PARKER, Minute Clerk

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