

CALIFORNIA LEGISLATURE
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SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, March 5, 2018

The Senate met at 2:13 p.m.
Hon. Mike McGuire, of the 2nd District, presiding.
Secretary Daniel Alvarez at the Desk.
Assistant Secretary Heshani Wijemanne 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,
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: Senator De León will be excused this day on personal business.
Senator Fuller will be excused this day due to illness.)*



PRAYER

Prayer was offered by the Chaplain, Sister Michelle Gorman, RSM:
We are a feather on the breath of God.

Holy Spirit, giving life to all life,
moving all creatures, root of all things,
washing us clean, wiping out our mistakes,
healing our wounds:

You are our true life, luminous, wonderful,
awakening the heart
from its ancient sleep.—AMEN.

(Adapted from Hildegard of Bingen.)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

**PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS**

Senator Beall introduced representatives of the Golden Gate Bridge and Highway Authority, in honor of their visit to the California State Senate.

Senator Anderson introduced Dolores Canizales, former President and Chief Executive Officer of the Poway Chamber of Commerce, in honor of her visit of the California State Senate.

Senator Nguyen introduced Tammy Newland-Shishido, president of the Orange County Realtors Association and Dirissy Doan, in honor of their visit to the California State Senate.



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 5, 2018

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments and reappointments are subject to Senate confirmation and consent. I hereby nominate these appointees and reappointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

CATHRYN I. RIVERA-HERNANDEZ, has been reappointed to the California Agricultural Labor Relations Board, where she has served since 2002. Rivera-Hernandez served as chief deputy cabinet secretary in the Office of the Governor from 1999 to 2002. She was a new voter registration and event coordinator for Governor Gray Davis' gubernatorial campaign in 1998. She is a mentor at the Florin High School Law Academy, and a member of the Cruz Reynoso Bar Association and the Planned Parenthood Mar Monte Board of Directors, where she served as chair from 2015 to 2017. Rivera-Hernandez earned a Juris Doctor degree from the University of California, Berkeley School of Law. Reappointed 02/16/2018. Effective 03/01/2018.

Member, California Agricultural Labor Relations Board, vice, self, reappointed. Term ending 01/01/2023.

KENT K. SASAKI, has been reappointed to the California Building Standards Commission, where he has served since 2012. Sasaki has held several positions at Wiss Janney Elstner Associates Inc. since 1989, including principal, board member, and engineer. He is a member of the American Society of Civil Engineers and the Structural Engineers Association of California. Sasaki earned a Master of Engineering degree in structural engineering from the University of California, Berkeley. Reappointed 02/21/2018. Effective 02/27/2018.

Member, California Building Standards Commission, vice, self, reappointed. Term ending 01/01/2022.

WARREN A. STANLEY, has been appointed commissioner of the California Highway Patrol, where he has served as acting commissioner since 2017. Stanley has served in several positions at the California Highway Patrol since 1982, including protective services detail, field training officer, lieutenant of the border division investigative services unit, and commander of the California Highway Patrol Academy. He is a graduate of the Federal Bureau of Investigation, National Executive Institute. Appointed 01/30/2018. Effective 02/26/2018.

Commissioner, California Highway Patrol, vice, Joseph Farrow, resigned 08/28/2017. Term ending at the pleasure of the Governor.



ALEX SOLIS, has been reappointed to the California Horse Racing Board, where he has served since 2015. Solis was a jockey from 1982 to 2017. He is a member of the Jockey's Guild, and was inducted into the National Racing Hall of Fame in 2014. Reappointed 02/16/2018. Effective 02/23/2018.

Member, California Horse Racing Board, vice, self, reappointed. Term ending 01/01/2022.

DORENE D'ADAMO, has been reappointed to the State Water Resources Control Board, where she has served since 2013. D'Adamo served as senior policy advisor to Congressman Jim Costa in 2013 and to Congressman Dennis Cardoza from 2003 to 2012. She was legal counsel for Congressman Gary Condit from 1994 to 2003, and a visiting instructor at California State University, Stanislaus from 1992 to 1998. D'Adamo was an associate attorney at the Law Offices of Perry and Wildman from 1992 to 1994, and a policy consultant at DeeDee D'Adamo Consulting from 1991 to 1992. She was legislative director for Congressman Gary Condit from 1990 to 1991, and assistant director at the California Youth Authority from 1988 to 1990. D'Adamo was legal counsel at the California State Assembly Committee on Public Safety from 1986 to 1988, and legislative director for the California State Assembly Assistant Majority Leader from 1985 to 1986. She is a member of the California Partnership for the San Joaquin Valley, and served on the California Air Resources Board from 1999 to 2013. D'Adamo earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law. Reappointed 02/08/2018. Effective 02/15/2018.

Member, State Water Resources Control Board, vice, self, reappointed. Term ending 01/15/2022.

Above appointments and reappointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 1, 2018

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

SCR 94

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 2, 2018

Mr. President: The Committee on Rules has examined:

SB 827 SB 908 SB 922 SB 933

And reports the same correctly engrossed.

DE LEÓN, Chair



Committee on Governmental Organization

Senate Chamber, March 5, 2018

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

SB 973

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

DODD, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 973—An act to amend Section 23320.5 of the Business and Professions Code, relating to alcoholic beverages.

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 5, 2018

Mr. President: The Chair of the Committee on Natural Resources and Water, to which were referred:

SB 835

SB 836

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 835—An act to add Section 5008.9 to the Public Resources Code, relating to parks.

Bill read second time.

Senate Bill 836—An act to add Section 5008.9 to the Public Resources Code, relating to state beaches.

Bill read second time.

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

Committee on Rules

Senate Chamber, March 5, 2018

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

SB 971

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 971—An act to amend Section 853.85 of the Penal Code, relating to crimes.

Bill read second time.

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

COMMUNICATIONS AND PETITIONS

The following letter was ordered printed in the Journal:

January 30, 2018

The Honorable Kevin de León

President pro Tempore of the Senate

Dear Senator De León: I am respectfully requesting to assume authorship of **AB 1205**, pursuant to Senate Rule 26.

Sincerely,
REGINALD BYRON JONES-SAWYER, SR.
Assembly Member
59th Assembly District

Approved by the Committee on Rules (5–0).

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 5, 2018

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

AB 709

AB 1205

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

Assembly Bill 709—An act to amend Sections 102013, 102018, 102050, 102051, 102105.1, 102107, 102160, 102206, 102242, 102243, 102260, 102281, 102282, 102310, 102332, and 102351 of, and to repeal Section 102336 of, the Public Utilities Code, relating to transportation.

Bill read second time.

Assembly Bill 1205—An act to amend Section 130232 of the Public Utilities Code, relating to transportation.

Bill read second time.

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



Senate Chamber, March 5, 2018

Mr. President: The Committee on Rules has examined:

SB 835 SB 836 SB 973

And reports the same correctly engrossed.

DE LEÓN, Chair

Committee on Education

Senate Chamber, March 5, 2018

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

SB 968

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 968—An act to add Section 66027.7 to the Education Code, relating to postsecondary education.

Bill read second time.

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

Senate Chamber, March 5, 2018

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

SB 972

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 972—An act to amend the heading of Article 2.5 (commencing with Section 215) of Chapter 2 of Part 1 of Division 1 of Title 1 of, and to add Section 216 to, the Education Code, relating to pupil and student health.

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

Senate Chamber, March 5, 2018

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

SB 910

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 910—An act to add Section 10123.61 to the Insurance Code, relating to health insurance.

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
CONSIDERATION OF GOVERNOR'S VETOES
REMOVED FROM FILE**

Pursuant to Joint Rule 58.5, consideration of the Governor's vetoes of **SB 596, SB 11, SB 513, SB 784, SB 56, SB 643, SB 289, SB 386, SB 42, SB 702, SB 290, SB 318, SB 51, SB 464, SB 478, SB 527, SB 304, SB 345, SB 390, SB 491, SB 494, SB 687, SB 80, SB 357, SB 149, SB 169, SB 574, SB 599**, and **SB 649** were removed from the Daily File.

(NOTE: Last day to consider was March 3, 2018.)

UNANIMOUS CONSENT TO SUSPEND JOINT RULE 62(a)

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Rules to meet Tuesday, March 6, 2018 without four days' notice in the Daily File.

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

Assembly Bill 105—An act to amend the Budget Act of 2017 (Chapter 14 of the Statutes of 2017) by amending Item 9100-101-0001 of Section 2.00 of, and amending Section 39.00 of, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

Bill read second time and ordered to third reading.

Assembly Bill 106—An act to amend Sections 144 and 26051.5 of the Business and Professions Code, relating to cannabis, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time and ordered to third reading.



Assembly Bill 108—An act to amend Sections 8212, 8332, 8332.1, 8332.2, 8332.3, 8332.4, 8332.5, 8332.7, 8335.1, 8335.3, 8335.4, 8347.2, 8347.3, 8347.4, and 8499.5 of, to amend the heading of Article 15.1 (commencing with Section 8332) of Chapter 2 of Part 6 of Division 1 of Title 1 of, to add Sections 8332.25, 8332.8, and 8335.5 to, to repeal Section 8335.2 of, and to repeal Article 15.1.1 (commencing with Section 8333), Article 15.1.1 (commencing with Section 8334), Article 15.3 (commencing with Section 8340), Article 15.4.1 (commencing with Section 8348), and Article 15.4.2 (commencing with Section 8349) of Chapter 2 of Part 6 of Division 1 of Title 1 of, the Education Code, to amend Sections 99101, 99102, 99106, 99108, and 99109 of, and to repeal Section 99104 of, the Government Code, and to add Item 6980-102-0001 to, and to repeal Item 0954-101-0001 of, Section 2.00 of the Budget Act of 2017, relating to education, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

Consideration of Governor's Appointments

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

SANJAY M. RANCHOD, Member, San Francisco Bay Conservation and Development Commission.

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:

JERRY E. POWERS, Director, Division of Adult Parole Operations, Department of Corrections and Rehabilitation.

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 Assembly Amendments**

Senate Concurrent Resolution 57—Relative to memorial highways.

Resolution presented by Senator Cannella.

The question being: "Shall the Senate concur in the Assembly amendments to SCR 57?"

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

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

NOES (0)—None.

Above resolution ordered enrolled.



THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 98—Relative to military personnel.
Resolution read third time and presented by Senator Nguyen.

Roll Call

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**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 Sanjay M. Ranchod was confirmed by the following vote:

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

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

**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 Jerry E. Powers was confirmed by the following vote:

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

NOES (0)—None.



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

Assembly Joint Resolution 29—Relative to new Outer Continental Shelf oil and gas operations in federal waters offshore California.

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

NOES (5)—Senators Anderson, Morrell, Nielsen, Stone, and Vidak.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution 143—Relative to a Day of Remembrance.

Resolution read third time and presented by Senator Pan.

Roll Call

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

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

LEAVES OF ABSENCE

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

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

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

At 3:03 p.m., on motion of Senator Cannella, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Cannella 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, March 6, 2018.

Motion carried.



REPORTS OF STANDING COMMITTEES

Committee on Judiciary

Senate Chamber, March 5, 2018

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

SB 823

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 823—An act to amend Sections 1785.11.2 and 1785.15 of the Civil Code, relating to consumer credit reports.

Bill read second time.

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

Committee on Education

Senate Chamber, March 5, 2018

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

SB 940

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 940—An act to amend Sections 69433.6, 69434, and 69435.3 of the Education Code, relating to student financial aid.

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 5, 2018

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

SB 960

SB 982

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 960—An act to add Section 2064.1 to the Penal Code, relating to corrections.

Bill read second time.

Senate Bill 982—An act relating to public social services.

Bill read second time.

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

Committee on Budget and Fiscal Review

Date of Hearing, March 5, 2018

Mr. President: The Committee on Budget and Fiscal Review, to which was referred:

AB 110

Reports the same back with the recommendation: Do pass.

MITCHELL, Chair

Above bill ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 111: By Senator Leyva—Relative to the Douglas Stephen Franco Memorial Bridge.

Senate Concurrent Resolution 112: By Senator Leyva—Relative to Cesar Chavez Memorial Highway.

SENATE COMMITTEE ROLL CALLS**Committee on Budget and Fiscal Review**

AB 110—Do pass

AYES (15)—Senators Anderson, Beall, Glazer, Jackson, McGuire, Mitchell, Monning, Moorlach, Nielsen, Pan, Roth, Skinner, Stone, Wieckowski, and Wilk.

NOES (0)—None.

Date of Hearing: 3/5/2018

Mitchell, Chair



REQUESTS TO ADJOURN IN MEMORIAM

Senator Bates requested that when the Senate adjourns this day it do so in memory of Louis Renevitz of San Diego and Gary Campbell of San Juan Capistrano.

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Duane Louis Cronk of Angwin, Harold Moskowitz of Napa, and Richard Campbell of Fairfield.

Senator McGuire requested that when the Senate adjourns this day it do so in memory of Jim Bouler of Larkfield.

Senator Mitchell requested that when the Senate adjourns this day it do so in memory of Leon Ndugu Chanler of Los Angeles.

Senator Stern requested that when the Senate adjourns this day it do so in memory of Steven Politis of Northridge.

ADJOURNMENT

At 3:30 p.m., on motion of Senator Cannella, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, March 6, 2018.

NEVA MARIE PARKER, Minute Clerk

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