

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

FORTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 16, 2017

The Senate met at 9:04 a.m.
Hon. Ricardo Lara, of the 33rd 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, 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, Pan, Portantino, Roth,
Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—39.
Quorum present.

(NOTE: Senator Berryhill will be excused this day due to illness.)



PRAYER

Upon invitation of the President, the following prayer was offered by the Rabbi Seth Castleman, President of the Sacramento Area Board of Rabbis:

The world traditions teach us that being present as you are present here is what leads us to wisdom, compassion, and understanding. I invite you to take presence a step deeper.

If you feel so called you may shut your eyes and simply feel yourself standing here in the room.

Finding where in your body you can experience your breath, the breath of life, flowing in and out; perhaps in the rising and falling of the belly, the expanding and contracting of the chest, or the whisper at the tip of the nose. For once you can let your belly be soft, nobody is looking, relax your shoulders, and simply notice the breath flowing in and out. If you wish you might consider that your out breath is none other than God's in breath, and your in breath is but God's out breath.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator Monning introduced Leadership Morgan Hill, in honor of their visit to the California State Senate.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 16, 2017

Mr. President: The Committee on Rules has examined:

SCR 33 SCR 34 SCR 35

And reports the same correctly engrossed.

DE LEÓN, Chair

Senate Chamber, March 16, 2017

Mr. President: The Committee on Rules has examined:

SB 5 SB 41 SB 55 SB 144
SB 184 SB 210 SB 282 SB 287

And reports the same correctly engrossed.

DE LEÓN, Chair



State Capitol, March 15, 2017

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

Natural Resources and Water—SB 809.

Transportation and Housing—SB 810.

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

Environmental Quality—SR 27.

Public Safety—SB 142.

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

Business, Professions and Economic Development and Governmental Organization—SB 254.

Environmental Quality and Transportation and Housing—SB 150.

Governance and Finance and Environmental Quality—SB 79.

MOTIONS, RESOLUTIONS AND NOTICES

UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS

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

March 13, 2017

March 14, 2017

March 15, 2017

March 16, 2017

PRIVILEGES OF THE FLOOR

SPECIAL INTRODUCTIONS

Senator Gaines introduced students, teachers, and parents from St. Joseph’s Catholic School in Auburn, in honor of their visit to the California State Senate.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 206—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to consent calendar.

Senate Bill 207—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced, and declaring the urgency thereof, to take effect immediately.

Bill read second time, ordered engrossed, and to consent calendar.



Senate Bill 208—An act to validate the organization, boundaries, acts, proceedings, and bonds of public bodies, and to provide limitations of time in which actions may be commenced.

Bill read second time, ordered engrossed, and to consent calendar.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 16, 2017

Mr. President: The Committee on Rules has examined:

SB 206

SB 207

SB 208

And reports the same correctly engrossed.

DE LEÓN, Chair

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 19—Relative to Periodontal/Gum Disease Awareness Month.

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 (38)—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, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution 30—Relative to education technology.

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



Senate Resolution 25—Relative to Women’s Military History Week. Resolution read third time and presented by Senator Galgiani.

Roll Call

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

AYES (39)—Senators 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, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 1—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 (39)—Senators 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, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 16, 2017

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

SB 193

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 193—An act to amend Section 10723 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.



Senate Chamber, March 16, 2017

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

SB 236

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 236—An act to amend Section 66028 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.

Senate Chamber, March 16, 2017

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

SB 320

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 320—An act to amend Section 137 of the Health and Safety Code, relating to public health.

Bill read second time.

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

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill 28—3/2/2017 9 p.m.—An act to add and repeal Section 820.1 of the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Beall.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators 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, 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, 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, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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

Resolution read third time and presented by Senator Atkins.

Roll Call

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

AYES (39)—Senators 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, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS**

Senator De León presented a member’s resolution to John Dau of the John Dau Foundation and former Lost Boy of Sudan, in recognition of his work at bringing health care to war-torn South Sudan.

REQUESTS TO BE ADDED TO ROLL CALL

March 16, 2017

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

SCR 30—Aye

SCR 19—Aye

KEVIN DE LEÓN, President pro Tempore

LEAVES OF ABSENCE

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



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

At 9:53 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, March 20, 2017.

Motion carried.

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, March 15, 2017

Mr. President: The Committee on Rules has appointed Senator Atkins as a member of the Joint Committee on Fisheries and Aquaculture to replace Senator Stern.

DE LEÓN, Chair

State Capitol, March 15, 2017

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

Kenneth E. Weinberg, Member, Delta Stewardship Council (4-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, March 15, 2017

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation of confirmation:

Russell Burns, Member, Fish and Game Commission (4-0)

Peter S. Silva, Member, Fish and Game Commission (4-0)

DE LEÓN, Chair

Above appointments ordered to unfinished business.

State Capitol, March 15, 2017

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

Eric L. Sklar, Member, Fish and Game Commission (4-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.



State Capitol, March 15, 2017

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

Zia Zafir, Ph.D., Member, State Mining and Geology Board (4-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, March 15, 2017

Mr. President: The Committee on Rules has made the following appointments:

Appointed Laura C. Romero, Ph.D., as a member of the California State Summer School for the Arts Board for a term ending June 1, 2020.

Appointed the Honorable Bill Dodd as a member of the Sacramento-San Joaquin Delta Conservancy Governing Board for a term ending at the pleasure of the Committee.

Appointed Anne M. Kronenberg as a member of the California Earthquake Early Warning Advisory Board for a term ending at the pleasure of the Committee.

Appointed the Honorable Jim Beall as a member of the High-Speed Rail Authority for a term ending at the pleasure of the Committee.

Appointed Ernest M. Camacho as a member of the High-Speed Rail Authority for a term ending December 31, 2018.

DE LEÓN, Chair

COMMUNICATIONS AND PETITIONS

The following letter was ordered printed in the Journal:

March 14, 2017

Mr. Daniel Alvarez
Secretary of the Senate

Dear Mr. Alvarez: The Legislative Analyst’s Office has posted on our website our office’s fiscal analysis of the proposed memorandum of understanding between the Governor and Bargaining Unit 16. This analysis was only released in an online version (<http://lao.ca.gov/Publications/Report/3617>). This analysis is required to be submitted to the Legislature pursuant to Section 19829.5 of the Government Code. On March 3, 2017, the Department of Human Resources transmitted to the Legislature the agreement and the administration’s estimate of the agreement’s fiscal effects.

Sincerely,
MAC TAYLOR
Legislative Analyst



REPORTS OF STANDING COMMITTEES**Committee on Public Safety**

Senate Chamber, March 16, 2017

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

SB 75

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 75—An act to amend Sections 667.5 and 2933.5 of the Penal Code, relating to violent felonies.

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

Date of Hearing, March 14, 2017

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 44

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Environmental Quality.

HERTZBERG, Chair

Above bill ordered to second reading.

Committee on Rules

Senate Chamber, March 16, 2017

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

SB 334

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 334—An act to amend Section 19871.2 of the Government Code, relating to disability leave.

Bill read second time.

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



Committee on Business, Professions and Economic Development

Senate Chamber, March 16, 2017

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

SB 175

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

HILL, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 175—An act to amend Sections 19332.5 and 26063 of the Business and Professions Code, relating to marijuana.

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

Date of Hearing, March 14, 2017

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 42

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

HERTZBERG, Chair

Above bill ordered to second reading.

Committee on Public Safety

Senate Chamber, March 16, 2017

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

SB 299

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 299—An act to amend Sections 16960, 16990, 17060, 26600, 27050, 27600, 27875, 27920, 31700, and 31705 of, and to add Section 27882 to, 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.



Committee on Natural Resources and Water

Date of Hearing, March 14, 2017

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 50

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Judiciary.

HERTZBERG, Chair

Above bill ordered to second reading.

Committee on Rules

Senate Chamber, March 16, 2017

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

SB 34

SB 314

SB 315

SB 317

SB 326

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 34**—An act relating to substance abuse.

Bill read second time.

Senate Bill 314—An act to amend Section 7403 of the Business and Professions Code, relating to barbering and cosmetology.

Bill read second time.

Senate Bill 315—An act to amend Section 4050 of the Business and Professions Code, relating to pharmacy.

Bill read second time.

Senate Bill 317—An act to amend Section 66000 of the Education Code, relating to postsecondary education.

Bill read second time.

Senate Bill 326—An act to amend Section 66201 of the Education Code, relating to postsecondary education.

Bill read second time.

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



REQUESTS TO ADJOURN IN MEMORIAM

Senator Bates requested that when the Senate adjourns this day it do so in memory of Herb Schwartz of Laguna Hills.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Victor Opincar of Laguna Beach.

Senator Morrell requested that when the Senate adjourns this day it do so in memory of Michael P. Neufeld of Crestline.

Senator Portantino requested that when the Senate adjourns this day it do so in memory of Vernon B. Brown of Pasadena.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, March 20, 2017.

NEVA MARIE PARKER, Minute Clerk

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