

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED TWENTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, August 8, 2018

The Senate met at 9 a.m.
Hon. Jerry Hill, of the 13th District, presiding.
Secretary Daniel Alvarez at the Desk.
Assistant Secretary Zachary L. Twilla reading.

ROLL CALL

The roll was called and the following Senators answered to their names:
Allen, Atkins, Bates, Beall, Bradford, Cannella, Chang, De León, Dodd,
Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso,
Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell,
Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak,
Wieckowski, Wiener, and Wilk—37.

Quorum present.

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



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
August 8, 2018

To the Senate of the State of California:

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

Sincerely,

EDMUND G. BROWN JR., Governor

LAPHONZA R. BUTLER, has been appointed to the University of California, Board of Regents. Butler has been president of SEIU United Long Term Care Workers Union since 2010. She was a national division director and campaign director for SEIU in Washington, D.C. from 2006 to 2009. Appointed 08/06/2018. Effective 08/08/2018.

Member, University of California, Board of Regents, vice, William De La Pena, term expired. Term ending 03/01/2030.

RICHARD H. LEIB, has been appointed to the University of California, Board of Regents. Leib has been president and chief executive officer at Dunleer Strategies since 2018. He was executive vice president and general counsel at Liquid Environmental Solutions from 2002 to 2017. Leib was vice president at Lockheed Martin IMS from 1999 to 2001 and executive vice president and general counsel at U.S. Public Technologies from 1994 to 1999. Leib was co-founder of the Investment Management Group at Stone and Youngberg LLC from 1992 to 1994. He was a legislative assistant in the Office of California State Senator Gary Hart from 1982 to 1988 and executive director at Agenda for the '90s from 1988 to 1990. Leib was a Coro fellow from 1979 to 1980. He is a member of the Solana Beach School District Board of Education. Leib earned a Juris Doctor degree from Loyola Law School and a Master of Public Policy degree from Claremont Graduate University. Appointed 08/06/2018. Effective 08/08/2018.

Member, University of California, Board of Regents, vice, Norman Pattiz, retired, 02/06/2018. Term ending 03/01/2026.

Above appointments referred to the Committee on Rules.



Governor's Office, State Capitol
August 8, 2018

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointment heretofore made by me to offices which by law are to be filled by the Governor. This appointment is subject to Senate confirmation and consent. I hereby nominate this appointee to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

CECILIA V. ESTOLANO, has been appointed to the University of California, Board of Regents. Estolano has been co-founder and chief executive officer at Estolano LeSar Advisors since 2011. She was chief strategist for state and local initiatives at Green for All from 2009 to 2011, chief executive officer at the City of Los Angeles Community Redevelopment Agency from 2006 to 2009, and an adjunct professor at the University of California, Los Angeles Luskin School of Public Affairs from 2006 to 2009 and in 2017. Estolano was of counsel at Gibson Dunn and Crutcher LLP from 2005 to 2006 and served as special assistant city attorney in the Los Angeles City Attorney's Office from 2001 to 2005. She served as a senior policy advisor at the U.S. Environmental Protection Agency from 1993 to 1995. Estolano earned a Juris Doctor degree from the University of California, Berkeley School of Law and a Master of Arts degree in urban planning from the University of California, Los Angeles. Appointed 08/06/2018. Effective 08/08/2018.

Member, University of California, Board of Regents, vice, Monica Lozano, resigned, 11/30/2017. Term ending 03/01/2022.

Above appointment referred to the Committee on Rules.

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

Senate Concurrent Resolution 99—Relative to veterans.

Resolution read second time and ordered to third reading.

Senate Concurrent Resolution 101—Relative to Purple Heart Day.

Resolution read second time and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 2363—An act to add and repeal Chapter 8 (commencing with Section 3095) of Division 2 of the Vehicle Code, relating to traffic safety.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, and to third reading.



Assembly Bill 2720—An act to amend Section 30025 of the Government Code, relating to juveniles, making an appropriation therefor. Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, and to third reading.

Assembly Bill 347—An act to amend Sections 12240 and 12246 of the Business and Professions Code, relating to weights and measures.

Bill read second time and ordered to third reading.

Assembly Bill 2019—An act to amend Section 32139 of, and to add Sections 32132.96 and 32140 to, the Health and Safety Code, relating to health care districts.

Bill read second time and ordered to third reading.

Assembly Bill 2143—An act to amend Section 128454 of the Health and Safety Code, relating to mental health.

Bill read second time and ordered to third reading.

Assembly Bill 2195—An act to amend Section 39607 of the Health and Safety Code, relating to greenhouse gases.

Bill read second time and ordered to third reading.

Assembly Bill 2676—An act to amend Sections 12703.1, 12704, and 12709 of the Business and Professions Code, relating to weighmasters.

Bill read second time and ordered to third reading.

Assembly Bill 2994—An act to add Section 18941.12 to the Health and Safety Code, relating to building standards.

Bill read second time and ordered to third reading.

Assembly Bill 3126—An act to amend Sections 7071.17, 7074, 7091, and 7137 of, to add Section 7071.4 to, and to repeal Section 7071.12 of, the Business and Professions Code, relating to contractors.

Bill read second time and ordered to third reading.

Assembly Bill 2705—An act to amend Section 7126 of the Business and Professions Code, relating to professions and vocations.

Bill read second time and ordered to third reading.

Assembly Bill 1792—An act to amend Sections 62254 and 65913.4 of the Government Code, relating to local government.

Bill read second time and ordered to third reading.

Assembly Bill 2878—An act to amend Sections 52060 and 52066 of the Education Code, relating to school accountability.

Bill read second time and ordered to third reading.



Committee on Elections and Constitutional Amendments

Date of Hearing, August 8, 2018

Mr. President: The Committee on Elections and Constitutional Amendments, to which was referred:

SCA 23

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Appropriations.

STERN, Chair

Above resolution re-referred to the Committee on Appropriations.

Committee on Labor and Industrial Relations

Date of Hearing, August 8, 2018

Mr. President: The Committee on Labor and Industrial Relations, to which was referred:

AJR 34

Reports the same back with the recommendation: Be adopted.

LARA, Chair

Above resolution ordered to third reading.

Committee on Governance and Finance

Date of Hearing, August 8, 2018

Mr. President: The Committee on Governance and Finance, to which were referred:

AB 916	AB 1085	AB 1863	AB 2217
AB 2459	AB 2577	AB 2663	AB 2938

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MCGUIRE, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Transportation and Housing

Senate Chamber, August 8, 2018

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

AB 193

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 193—An act to add Section 44274.9 to the Health and Safety Code, relating to vehicular air pollution.

Bill read second time.

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



Committee on Appropriations

Senate Chamber, August 8, 2018

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

SB 939

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

PORTANTINO, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 939—An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Senate Chamber, August 8, 2018

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

AB 2346

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

PORTANTINO, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 2346—An act to add Section 454.85 to the Public Utilities Code, relating to public utilities.

Bill read second time.

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

Committee on Rules

State Capitol, August 8, 2018

Mr. President: The Committee on Rules has ordered the following measures to third reading:

SCR 158	SCR 160	SCR 161	SCR 163
SCR 164	SR 119	SR 120	SR 121
ACR 217	ACR 252	ACR 256	ACR 257



State Capitol, August 8, 2018

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

Appropriations—AB 1897.

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

Business, Professions and Economic Development—AB 18, AB 608.

Elections and Constitutional Amendments—AB 84.

Human Services—SJR 29, AJR 46.

Natural Resources and Water—AB 2054.

Transportation and Housing—SCR 159, SCR 162, ACR 201, ACR 250.

MOTIONS, RESOLUTIONS AND NOTICES

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

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

AB 1862

MEASURES WITHDRAWN AND PLACED ON FILE

Without objection, the following measure was withdrawn from the Committee on Environmental Quality and ordered to second reading:

AB 2341

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 1986—An act to amend Section 25503.9 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

Amendments Adopted

Amendments to **AB 1986** proposed by Senator Skinner were read and adopted and the measure ordered printed, and to second reading.

Assembly Bill 2898—An act to amend Section 8630 of the Government Code, relating to emergency services.

Bill read third time.

Amendments Adopted

Amendments to **AB 2898** proposed by Senator McGuire were read and adopted and the measure ordered printed, and to second reading.



Assembly Bill 2955—An act to add Sections 22353.2, 22353.3, and 22353.4 to the Vehicle Code, relating to traffic.

Bill read third time.

Amendments Adopted

Amendments to **AB 2955** proposed by Senator Portantino were read and adopted and the measure ordered printed, and to second reading.

Assembly Bill 1749—An act to amend Section 3600.2 of the Labor Code, relating to workers' compensation.

Bill read third time.

Amendments Adopted

Amendments to **AB 1749** proposed by Senator Bates were read and adopted and the measure ordered printed, and to second reading.

Assembly Bill 2458—An act to amend, repeal, and add Section 50079 to the Government Code, and to amend, repeal, and add Section 2611.6 to the Revenue and Taxation Code, relating to taxation.

Bill read third time.

Amendments Adopted

Amendments to **AB 2458** proposed by Senator McGuire were read and adopted and the measure ordered printed, and to second reading.

Assembly Bill 1861—An act to amend Section 51934 of the Education Code, relating to pupil instruction.

Bill read third time.

Amendments Adopted

Amendments to **AB 1861** proposed by Senator Mitchell were read and adopted and the measure ordered printed, and to second reading.

Assembly Bill 2330—An act to amend Section 19596.2 of the Business and Professions Code, relating to horse racing.

Bill read third time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 2330 pursuant to Joint Rule 58.

ASSEMBLY MEMBER BIGELOW

Permission of Rules Committee

Senate Chamber, August 8, 2018

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 2330.

ATKINS, Chair

Amendments Adopted

Amendments to **AB 2330** proposed by Senator Wilk were read and adopted and the measure ordered printed, and 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 165: By Senator Lara (Coauthors: Senators Atkins, Dodd, Jackson, and McGuire) (Coauthors: Assembly Members Aguiar-Curry, Dahle, Flora, O'Donnell, and Wood)—Relative to California Firefighter Appreciation Month and California Firefighters Memorial Day.

Senate Resolution 122: By Senators Hertzberg and Glazer—Relative to the 65th anniversary of the death of Eugene Gladstone O'Neill.

SENATE COMMITTEE ROLL CALLS**Committee on Elections and Constitutional Amendments**

SCA 23—Be adopted and re-refer to the Committee on Appropriations

AYES (3)—Senators Allen, Hertzberg, and Stern.

NOES (0)—None.

Date of Hearing: 8/8/2018

Stern, Chair

Committee on Governance and Finance

AB 916—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

AB 1085—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

AB 1863—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, and Moorlach.

NOES (0)—None.

AB 2217—Do pass and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hertzberg, Lara, McGuire, and Nguyen.

NOES (1)—Senator Moorlach.

AB 2459—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, and Nguyen.

NOES (0)—None.

AB 2577—Do pass and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hernandez, Hertzberg, Lara, and McGuire.

NOES (1)—Senator Moorlach.



AB 2663—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

AB 2938—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, and Nguyen.

NOES (1)—Senator Moorlach.

Date of Hearing: 8/8/2018

McGuire, Chair

Committee on Labor and Industrial Relations

AJR 34—Be adopted

AYES (3)—Senators Jackson, Lara, and Mitchell.

NOES (0)—None.

Date of Hearing: 8/8/2018

Lara, Chair

LEAVES OF ABSENCE

The following Senator was granted leave of absence for the day on legislative business: Senator Anderson.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, August 9, 2018.

NEVA MARIE PARKER, Minute Clerk

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