

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, January 25, 2018

The Senate met at 9:39 a.m.
Hon. Mike McGuire, of the 2nd 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, Berryhill, Bradford, Cannella,
De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg,
Hill, Hueso, Jackson, Lara, Leyva, McGuire, Monning, Moorlach,
Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern,
Stone, Wieckowski, Wiener, and Wilk—37.

Quorum present.

(NOTE: Senators Mendoza and Vidak will be excused this day on personal business. Senator Mitchell will be excused this day on legislative business.)



PRAYER

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

If we utter the word mercy,
Standing, each of us, by an open window
Anywhere we are in the world,
Then the word mercy will carry on the soundwaves
Onwards and unceasing,
Through the air of the wounded world.

And maybe, when it takes flight
Into deed and kindness, justice and effort,
It will effect a healing, a hope and a blessing.

It may call the homeless home,
It may coax to hope the betrayed and broken,
It may ease the burdened earth.

Listen for it . . .
Listen for its neighborly dialects and global idiom.
Imagine those who, like you, are saying it aloud,
And those who need to hear it, today . . .
One word, one deed of justice, one kind effort at a time.

(“Mercy” by Mary Wickham, RSM.)

Gracious God, give us the courage to say and be mercy today.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator Wieckowski introduced Shravan Sundaram, first place winner of the 2017 Wildlife Photo of the Year Contest.

RECESS TO CONVENE JOINT CONVENTION

At 9:45 a.m., on motion of Senator McGuire, the Senate recessed in order to convene in Joint Convention for the Governor’s State of the State Address.



IN JOINT CONVENTION
2018 State of the State Address

Assembly Chamber, Sacramento
Thursday, January 25, 2018

At 9:54 a.m., the Senate and Assembly met in Joint Convention.
Hon. Anthony Rendon, Speaker of the Assembly, presiding.

(Note: For the proceedings of the Joint Convention, please see the Assembly Journal for January 25, 2018. For the text of the State of the State Address, please see the Appendix to the Assembly Journal for January 25, 2018.)

ADJOURNMENT OF JOINT CONVENTION

At 10:42 a.m., there being no further business, Speaker Rendon declared the Joint Convention adjourned *sine die*.

IN SENATE

Senate Chamber, Sacramento
Thursday, January 25, 2018

At 11:06 a.m., the Senate reconvened.
Hon. Mike McGuire, of the 2nd District, presiding.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Senate Chamber, January 25, 2018

Mr. President: The Committee on Rules has examined:
SB 419

And reports the same correctly engrossed.

DE LEÓN, Chair

REPUBLICAN CAUCUS

At 11:07 a.m., Senator Bates announced a Republican Caucus.

REASSEMBLED

At 11:33 a.m., the Senate reassembled.
Hon. Mike McGuire, of the 2nd District, presiding.



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

Senate Bill 419—An act to add Article 12 (commencing with Section 9149.38) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Senate Bill 714—An act to add and repeal Chapter 4.7 (commencing with Section 31190) of Division 21 of the Public Resources Code, relating to natural resources conservancy, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 403—An act to add Article 11 (commencing with Section 9149.30) to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code, relating to the Legislature, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Resolution 79—Relative to the Standing Rules of the Senate for the 2017–18 Regular Session.

Resolution read third time and presented by Senator De León.

Roll Call

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

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

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

MOTIONS, RESOLUTIONS AND NOTICES

UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS

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

January 22, 2018	January 23, 2018	January 24, 2018
January 25, 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 Thursday, January 25, 2018 without four days' notice in the Daily File.



UNANIMOUS CONSENT TO ADOPT AMENDMENTS

Without objection, all floor amendments accompanied by a policy committee analysis, and author's amendments submitted to the Desk on January 26, 2018 will be adopted upon receipt.

LEAVES OF ABSENCE

The following Senators were granted leaves of absence for the day on personal business: Senators Mendoza and Vidak.

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

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

At 12:35 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 Monday, January 29, 2018.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, January 24, 2018

Mr. President: The Committee on Rules has made the following changes to Joint Committees:

Appointed Senator Allen as a member of the Joint Legislative Audit Committee to fill the existing vacancy.

Appointed Senator Stern, who currently serves as a member, as Vice-Chair of the Joint Legislative Committee on Climate Change Policies to replace Senator Hueso who will remain as a member.

DE LEÓN, Chair



State Capitol, January 24, 2018

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

Appointed Debbie Y. Manning as a member of the State Bar Board of Trustees for a term ending January 1, 2022.

Reappointed Joshua Perttula, J.D., as a member of the State Bar Board of Trustees for a term ending January 1, 2022.

Appointed Monica Fitzgerald, Ph.D., as a member of the California Children and Families Commission for a term ending December 12, 2021.

Reappointed David Steinhart, J.D., as a member of the Board of State and Community Corrections for a term ending July 1, 2020.

Reappointed Guy J. Leemhuis, J.D., as a member of the California Commission on Disability Access for a term ending January 1, 2021.

Appointed Donelle Dadigan as a member of the California Film Commission for a term ending January 24, 2020.

Reappointed Felicia Scruggs as a member of the California Housing Partnership Corporation Board of Directors for a term ending January 1, 2021.

Appointed the Honorable Luis Chavez as a member of the California Organized Investment Network Advisory Board for a term ending December 31, 2019.

Appointed Sejal P. Choski-Chugh, J.D., as a member of the Oil Spill Technical Advisory Committee for a term ending at the pleasure of the Committee.

Appointed Teresa A. Alvarado as a member of the San Francisco Bay Conservation and Development Commission for a term ending February 24, 2018.

Reappointed the Honorable Ricardo Lara as a member of the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for a term ending January 20, 2020.

Reappointed Pamela M. Ling, M.D., as a member of the Tobacco Education and Research Oversight Committee for a term ending January 1, 2020.

DE LEÓN, Chair

State Capitol, January 24, 2018

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

Juan Pedro J. Gaffney, Member, Alcoholic Beverage Control Appeals Board (5-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.



State Capitol, January 24, 2018

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

Brian E. Duffy, Associate Director, Division of Adult Institutions, Department of Corrections and Rehabilitation (5-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, January 24, 2018

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

Karen J. Valdes, Ed.D., Member, State Board of Education (5-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, January 24, 2018

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

Einar M. Nyborg, Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun (5-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, January 24, 2018

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

Jacquelyn E. Crabtree, Member, State Board of Barbering and Cosmetology (5-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

Senate Chamber, January 25, 2018

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

ACR 77

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 Concurrent Resolution 77—Relative to public social services.

Resolution read second time.

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

State Capitol, January 25, 2018

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

SR 76

INTRODUCTION AND FIRST READING OF SENATE MEASURES

The following measures were introduced, read the first time, and transmitted to the Committee on Rules for assignment:

Senate Bill 929: By Senator McGuire—An act to amend Section 53085 of the Government Code, relating to local government.

Senate Bill 930: By Senator Hertzberg—An act relating to financial institutions.

Senate Bill 931: By Senator Hertzberg—An act to amend Section 5352.5 of the Welfare and Institutions Code, relating to conservatorships.

Senate Bill 932: By Senator Wilk—An act to amend Section 35010 of the Education Code, relating to school districts.

Senate Bill 933: By Senator Allen—An act relating to visual and performing arts education.

Senate Bill 934: By Senator Allen—An act to amend Section 13399 of the Water Code, relating to water quality.

Senate Bill 935: By Senator Allen—An act to amend Section 14217 of the Elections Code, relating to elections.

Senate Bill 936: By Senator Allen—An act to amend Section 12404 of the Public Contract Code, relating to public contracts.

Senate Bill 937: By Senators Wiener and Leyva (Principal coauthors: Assembly Members Cristina Garcia and Gonzalez Fletcher) (Coauthor: Assembly Member Chiu)—An act to add Section 18941.12 to the Health and Safety Code, and to amend Sections 1031 and 1033 of, and to add Sections 1034 and 1035 to, the Labor Code, relating to employment.

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

Senate Concurrent Resolution 92: By Senator McGuire (Principal coauthor: Senator Dodd) (Principal coauthor: Assembly Member Aguiar-Curry)—Relative to the Deputy Sheriff Robert Rumfelt Memorial Highway.



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

Senate Bill 215—An act to add Chapter 2.9D (commencing with Section 1001.82) to Title 6 of Part 2 of the Penal Code, relating to diversion.

Bill read third time.

Amendments Adopted

Amendments to **SB 215** proposed by Senator Beall were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Resolution 73—Relative to a new 5-year National Offshore Oil and Gas Leasing Program on the Outer Continental Shelf.

Resolution read third time.

Amendments Adopted

Amendments to **SR 73** proposed by Senator McGuire were read and adopted and the measure ordered printed, engrossed, and to second reading.

Senate Bill 227—An act to add Sections 17053.88 and 23688 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read third time.

Amendments Adopted

Amendments to **SB 227** proposed by Senator De León were read and adopted and the measure ordered printed, engrossed, and to second reading.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Allen requested that when the Senate adjourns this day it do so in memory of Ed Moses of Los Angeles.

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Bernice Theresa Bettencourt and June Moroney of Napa.

Senator Hueso requested that when the Senate adjourns this day it do so in memory of Jerome “Jerry” Duran, Capt., United States Marine Corps (Ret.) of San Diego.

Senator Leyva requested that when the Senate adjourns this day it do so in memory of Naomi Parker Fraley of Longview, WA.

Senator McGuire requested that when the Senate adjourns this day it do so in memory of Eugene O’Connor and Linda Rae Wittke of Healdsburg.



ADJOURNMENT

At 3:30 p.m., on motion of Senator Monning, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 29, 2018.

NEVA MARIE PARKER, Minute Clerk

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