

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

FORTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, March 14, 2017

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, 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.)



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 13, 2017

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

ACR 28

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 28—Relative to Irish American Heritage Month.

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

Senate Bill 6—An act to amend the heading of Chapter 5.6 (commencing with Section 13300) of Part 3 of Division 9 of, and to add Sections 13307, 13308, and 13309 to, the Welfare and Institutions Code, relating to immigrants, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Senate Bill 31—An act to add Section 8310.3 to the Government Code, relating to state government, and declaring the urgency thereof to take effect immediately.

Bill read second time and ordered to third reading.

Senate Bill 54—An act to add Chapter 17.25 (commencing with Section 7284) to Division 7 of Title 1 of the Government Code, to repeal Section 11369 of the Health and Safety Code, and to add Sections 3058.10 and 3058.11 to the Penal Code, relating to law enforcement, 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 28—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 second time and ordered to third reading.



REPORTS OF STANDING COMMITTEES
Committee on Natural Resources and Water

Date of Hearing, March 7, 2017

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

SB 5

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

HERTZBERG, Chair

Above bill ordered to second reading.

Committee on Rules

Senate Chamber, March 14, 2017

Mr. President: The Committee on Rules has examined:

SB 22 SB 68 SB 201
SB 229 SB 283

And reports the same correctly engrossed.

DE LEÓN, Chair

Committee on Governmental Organization

Date of Hearing, March 14, 2017

Mr. President: The Committee on Governmental Organization, to which were referred:

SB 165 SB 188 SB 274

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

GLAZER, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Human Services

Senate Chamber, March 14, 2017

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

SB 167 SB 232

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 167—An act to add Section 5067 to the Penal Code, and to add Section 18901.35 to the Welfare and Institutions Code, relating to public social services.

Bill read second time.

Senate Bill 232—An act to add and repeal Article 3.7 (commencing with Section 11337) of Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

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 14, 2017

Mr. President: The Committee on Rules has examined:

SCR 20

SCR 23

And reports the same have been correctly enrolled and presented to the Secretary of State on the 14th day of March, 2017, at 11:30 a.m.

DE LEÓN, Chair

Senate Chamber, March 14, 2017

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

SB 17

SB 285

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 17—An act relating to health care.

Bill read second time.

Senate Bill 285—An act to amend Section 16645 of the Government Code, relating to state funds.

Bill read second time.

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



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
March 14, 2017

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

NORMA R. LINDO, has been reappointed to the California Arts Council, where she has served since 2014. Lindo has been an independent museum consultant and curator since 1996. She was an instructor of African-American art history at the City College of San Francisco from 2008 to 2014 and manager of educational programs at the New York Public Library Schomburg Center for Research in Black Culture from 1990 to 1995. Lindo was coordinator for community services at the Baltimore Museum of Art from 1986 to 1990. She earned a Master of Science degree in museum leadership from the Bank Street College of Education. Reappointed 02/24/2017. Effective 03/04/2017.

Member, California Arts Council, vice, self, reappointed. Term ending 01/01/2021.

JACQUELYN E. CRABTREE, has been appointed to the California Board of Barbering and Cosmetology. Crabtree has been owner of four Aveda Salon and Spa Stores since 2005. She was manager and a hairstylist at Maida's Touch Salon from 1999 to 2005 and a bookkeeper at Wild Carter and Oliver Law Firm from 1991 to 1999. Appointed 02/03/2017. Effective 03/01/2017.

Member, California Board of Barbering and Cosmetology, vice, Mary Lou Amaro, term expired. Term ending 01/01/2021.

ANDREW S. DRABKIN, has been reappointed to the California Board of Barbering and Cosmetology, where he has served since 2013. Drabkin has been a database analyst for SEIU United Healthcare Workers since 2015. He was director of information technology for the California Democratic Party from 2010 to 2014, where he was deputy director of information technology from 2006 to 2010. Drabkin was staff at Phil Giarrizzo Campaign Consultants from 1999 to 2006. Reappointed 02/03/2017. Effective 02/13/2017.

Member, California Board of Barbering and Cosmetology, vice, self, reappointed. Term ending 01/01/2021.



CHAYA M. MANDELBAUM, has been reappointed to the California Fair Employment and Housing Council, where he has served since 2013. Mandelbaum has been a partner at Rudy, Exelrod, Zieff and Lowe LLP since 2014. He held several positions at Sanford Heisler LLP from 2011 to 2014, including senior litigation counsel and associate. Mandelbaum was a trial attorney in the Office of the Solicitor at the U.S. Department of Labor from 2007 to 2011 and an associate at Morgan Lewis and Bockius LLP from 2005 to 2007. He is vice president of the Scott Raymond Evans Foundation Board of Directors. Mandelbaum earned a Juris Doctor degree from the University of Michigan Law School. Reappointed 02/24/2017. Effective 03/02/2017.

Member, California Fair Employment and Housing Council, vice, self, reappointed. Term ending 01/01/2021.

REX S. HIME, has been reappointed to the California Exposition and State Fair Board of Directors, where he has served since 1996. Hime has been president and chief executive officer at the California Business Properties Association since 1984. He was senior assistant to California State Assembly Member and minority caucus chairman Robert W. Naylor from 1983 to 1984, and held several positions at the California Commission for Economic Development from 1979 to 1983, including executive director and deputy director. Hime earned a Juris Doctor degree from the University of California, Davis School of Law. Reappointed 02/24/2017. Effective 03/02/2017.

Member, California Exposition and State Fair Board of Directors, vice, self, reappointed. Term ending 01/01/2021.

DAVID L. HOPPES, has been reappointed to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, where he has served since 2016. Hoppes has been a representative at the Pacific Merchant Shipping Association since 2017. He held several positions at the Matson Navigation Company from 1989 to 2015, including senior vice president of ocean services, general manager of sales, and operations manager. He was principal at Cargo Handling Specialists from 1985 to 1989. Hoppes held several positions at the Marine Terminals Corporation from 1978 to 1985, including general manager, operations manager, and director of safety. He was a loss-prevention specialist at the Pacific Maritime Association from 1976 to 1978. Hoppes earned a Master of Business Administration degree in finance from the University of California, Los Angeles. Reappointed 02/24/2017. Effective 03/01/2017.

Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, vice, self, reappointed. Term ending 12/31/2020.



EINER NYBORG, has been appointed to the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun. Nyborg has been a pilot at the San Francisco Bar Pilots since 1995. He was a harbor tug captain at Crowley Maritime Services from 1991 to 1995, tank vessel deck officer at the Keystone Shipping Company from 1989 to 1993, and first officer and deck boss for Arctic Alaska Seafoods in 1988. Appointed 02/24/2017. Effective 03/01/2017.

Member, Board of Pilot Commissioners for the Bays of San Francisco, San Pablo and Suisun, vice, Joseph Long, resigned, 11/02/2016. Term ending 12/31/2020.

JOSEPH P. BYRNE, has been reappointed to the California Water Commission, where he has served since 2010. Byrne has been a partner at Best Best and Krieger since 2015, where he was of counsel from 2013 to 2015. Byrne was a partner at Burke, Williams and Sorensen LLP from 2007 to 2013 and executive director of Business Executives for National Security, Los Angeles Region from 2005 to 2008. He was an associate at Mayer Brown and Platt from 2003 to 2005, and served in several positions in the Office of California State Assembly Speaker Robert Hertzberg from 1998 to 2002, including legal counsel and chief water policy consultant. Byrne earned a Juris Doctor degree from the University of Notre Dame Law School. Reappointed 02/21/2017. Effective 02/27/2017.

Member, California Water Commission, vice, self, reappointed. Term ending 01/15/2021.

HUGH E. CROOKS, JR., has been reappointed to the California Veterans Board, where he has served since 2014. Crooks served as an operations manager at the Los Angeles County Registrar-Recorder/County Clerk Human Resources Division from 2000 to 2005. He was operations manager at the Los Angeles County Natural History Museum from 1990 to 2000, where he was safety police chief from 1971 to 1990. Crooks was a booking clerk at the Los Angeles County Sheriff's Department from 1969 to 1971. He served as a rifleman in the U.S. Army from 1967 to 1969. Reappointed 02/14/2017. Effective 03/13/2017.

Member, California Veterans Board, vice, self, reappointed. Term ending 01/15/2021.

Above appointments and reappointments referred to the Committee on Rules.



REPORTS OF STANDING COMMITTEES
Committee on Energy, Utilities and Communications

Senate Chamber, March 14, 2017

Mr. President: The Chair of the Committee on Energy, Utilities and Communications, to which was referred:

SB 19

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

HUESO, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 19—An act to add Section 13979.5 to the Government Code, and to amend Sections 303, 308, 309, 321, 632, and 1759 of, and to add Sections 307.2, 307.5, 307.6, 314.6, 912.3, and 8331 to, the Public Utilities Code, relating to the Public Utilities Commission.

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 49

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

HERTZBERG, Chair

Above bill re-referred to the Committee on Environmental Quality.

Date of Hearing, March 14, 2017

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

SB 58

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

HERTZBERG, Chair

Above bill re-referred to the Committee on Appropriations.



Date of Hearing, March 14, 2017

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

SB 249

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

HERTZBERG, Chair

Above bill re-referred to the Committee on Transportation and Housing.

Date of Hearing, March 14, 2017

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

SB 161

SB 214

SB 269

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

HERTZBERG, Chair

Above bills re-referred to the Committee on Appropriations.

Committee on Education

Date of Hearing, March 8, 2017

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

SB 55

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

ALLEN, Chair

Above bill ordered to second reading.

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 144

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 Judiciary

Date of Hearing, March 14, 2017

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

SR 23

Reports the same back with the recommendation: Be adopted.

JACKSON, Chair

Above resolution ordered to third reading.

Committee on Rules

Senate Chamber, March 14, 2017

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

SB 226

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 226**—An act to amend Section 84305.7 of the Government Code, relating to the Political Reform Act of 1974.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, March 14, 2017

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

SB 21

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 21**—An act to add Chapter 15 (commencing with Section 54999.8) to Part 1 of Division 2 of Title 5 of the Government Code, relating to law enforcement agencies.

Bill read second time.

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



MESSAGES FROM THE GOVERNOR

Governor’s Office, State Capitol
March 14, 2017

To the Senate of the State of California:

Senate Bill 28, in my opinion, constitutes an emergency bill within the meaning of that term as used in Section 12 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I, therefore, recommend consideration of **Senate Bill 28** as an emergency measure.

Sincerely,

EDMUND G. BROWN JR., Governor

Above bill ordered transmitted to the Governor.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, March 14, 2017

Mr. President: The Committee on Rules has examined:

SB 28 SB 47 SB 48

And reports the same have been correctly enrolled and presented to the Governor on the 14th day of March, 2017, at 2:30 p.m.

DE LEÓN, Chair

Committee on Education

Date of Hearing, March 8, 2017

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

SB 210

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

ALLEN, Chair

Above bill ordered to second reading.

Committee on Governance and Finance

Senate Chamber, March 14, 2017

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

SB 3

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

MCGUIRE, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 3—An act to add Part 16 (commencing with Section 54000) to Division 31 of the Health and Safety Code, relating to housing, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds, 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.

MOTIONS, RESOLUTIONS AND NOTICES**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, the following measure was withdrawn from the Committee on Health and re-referred to the Committees on Human Services and Health:

SB 399

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Resolution 28: By Senators Galgiani, Allen, Atkins, Bates, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Glazer, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mendoza, Monning, Moorlach, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Vidak, Wieckowski, Wiener, and Wilk—Relative to California Agriculture Day.

SENATE COMMITTEE ROLL CALLS**Committee on Governmental Organization**

SB 165—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (11)—Senators Bradford, Cannella, Dodd, Galgiani, Glazer, Hill, Hueso, Lara, Mendoza, Portantino, and Vidak.

NOES (0)—None.

SB 188—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (11)—Senators Bradford, Cannella, Dodd, Galgiani, Glazer, Hill, Hueso, Lara, Mendoza, Portantino, and Vidak.

NOES (0)—None.

SB 274—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (11)—Senators Bradford, Cannella, Dodd, Galgiani, Glazer, Hill, Hueso, Lara, Mendoza, Portantino, and Vidak.

NOES (0)—None.

Date of Hearing: 3/14/2017

Glazer, Chair



Committee on Judiciary

SR 23—Be adopted

AYES (4)—Senators Jackson, Monning, Stern, and Wieckowski.

NOES (1)—Senator Moorlach.

Date of Hearing: 3/14/2017

Jackson, Chair

Committee on Natural Resources and Water

SB 42—Do pass as amended and re-refer to the Committee on Appropriations

AYES (7)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, and Stern.

NOES (1)—Senator Vidak.

SB 44—Do pass as amended and re-refer to the Committee on Environmental Quality

AYES (8)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, Stern, and Vidak.

NOES (0)—None.

SB 49—Do pass and re-refer to the Committee on Environmental Quality

AYES (7)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, and Stern.

NOES (2)—Senators Stone and Vidak.

SB 50—Do pass as amended and re-refer to the Committee on Judiciary

AYES (7)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, and Stern.

NOES (1)—Senator Vidak.

SB 58—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (8)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, Stern, and Vidak.

NOES (0)—None.

SB 144—Do pass as amended and re-refer to the Committee on Appropriations

AYES (9)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, Stern, Stone, and Vidak.

NOES (0)—None.

SB 161—Do pass and re-refer to the Committee on Appropriations

AYES (9)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, Stern, Stone, and Vidak.

NOES (0)—None.



SB 214—Do pass and re-refer to the Committee on Appropriations

AYES (8)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, Stern, and Vidak.

NOES (1)—Senator Stone.

SB 234—Do pass as amended and re-refer to the Committee on Judiciary with the recommendation: To consent calendar

AYES (8)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, Stern, and Vidak.

NOES (0)—None.

SB 249—Do pass and re-refer to the Committee on Transportation and Housing

AYES (7)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, and Stern.

NOES (2)—Senators Stone and Vidak.

SB 269—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Allen, Atkins, Hertzberg, Hueso, Jackson, Monning, and Stern.

NOES (2)—Senators Stone and Vidak.

Date of Hearing: 3/14/2017

Hertzberg, Chair

LEAVES OF ABSENCE

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., Wednesday, March 15, 2017.

NEVA MARIE PARKER, Minute Clerk

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