

CALIFORNIA LEGISLATURE
2019–20 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 6, 2020

The Senate met at 2 p.m.
Hon. Anna M. Caballero, of the 12th District, presiding.
Secretary Erika Contreras 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, Archuleta, Atkins, Bates, Beall, Borgeas, Bradford, Caballero,
Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove,
Hertzberg, Hill, Hueso, Hurtado, Jackson, Jones, Leyva, McGuire,
Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth,
Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, and Wilk—39.

Quorum present.



PRAYER

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

Begin again to the summoning birds
to the sight of the light at the window,
begin to the roar of morning traffic
all along L Street.

Every beginning is a promise
born in light and dying in dark
determination and exaltation of springtime
flowering the way to work.

Begin to the pageant of queuing constituents
the arrogant loneliness of crows downtown
bridges linking the past and future
old friends passing though with us still.

Begin to the loneliness that cannot end
since it perhaps is what makes us begin,
begin to wonder at unknown faces
at crying birds in the sudden rain

Though we live in a world that dreams of ending
that always seems about to give in,
something that will not acknowledge conclusion
insists that we forever begin.

(The Essential Brendan Kennelly)

Gracious and merciful God, be with us this year as we dare to trust that our work can benefit the lives of so many people in our State. We thank You for our courage and our desire to begin again.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

COMMUNICATIONS AND PETITIONS**MEMORANDUM OF UNDERSTANDING**

A Memorandum of Understanding (MOU) reached with Bargaining Unit (BU) 18, represented by the California Association of Psychiatric Technicians, dated December 20, 2019, was received from the California Department of Human Resources and filed pursuant to Senate Rule 29.4.



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
December 19, 2019

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments or reappointments 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,

GAVIN NEWSOM, Governor

DALILA T. SOTELO, has been reappointed to the California Housing Finance Agency Board of Directors, where she has served since 2014. Sotelo has been principal of the Sotelo Group since 2011 and vice president and western regional managing director for Integral Development LLC since 2015. She served in multiple positions at the City of Los Angeles, Community Redevelopment Agency from 2007 to 2011, including acting deputy chief executive officer and deputy chief of operations. Sotelo was senior vice president at McCormack Baron Salazar from 1995 to 2007, finance officer for the Los Angeles Housing Department from 1993 to 1995 and project manager for the Concerned Citizens of South Central Los Angeles from 1991 to 1993. Reappointed 11/21/2019. Effective 12/14/2019.

Member, Board of Directors, California Housing Finance Agency, vice, self, reappointed. Term ending 09/26/2025.

IRMA MUÑOZ, has been reappointed to the Los Angeles Regional Water Quality Control Board, where she has served since 2011. Muñoz has been founder and president of Mujeres de la Tierra since 2007. She was a senior manager at TreePeople from 2001 to 2003 and national director of marketing and customer service at the U.S. Small Business Administration from 1994 to 2000. She earned a Juris Doctor degree from the Thomas Jefferson School of Law. Reappointed 11/14/2019. Effective 12/17/2019.

Member, California Regional Water Quality Control Board, Los Angeles Region, vice, self, reappointed. Term ending 09/30/2023.

Above reappointments referred to the Committee on Rules.



Governor's Office, State Capitol
December 20, 2019

To the Senate of the State of California:

I hereby respectfully withdraw from consideration, effective close of business December 20, 2019, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Tamika L. Butler Member, California Transportation
Commission

Sincerely,

GAVIN NEWSOM, Governor

Above withdrawal transmitted to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Public Safety

Senate Chamber, January 6, 2020

Madam President: The Chair of the Committee on Public Safety, to which were referred:

SB 536 SB 684 SB 710

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 536—An act to amend Section 3301 of the Government Code, relating to public safety officers.

Bill read second time.

Senate Bill 684—An act to add and repeal Section 2425 of the Vehicle Code, relating to traffic safety.

Bill read second time.

Senate Bill 710—An act to amend Sections 296, 459.5, 490.2, 3003, 3041, 3454, and 3455 of, and to add Sections 490.3, 3040.1, 3040.2, 3040.3, and 3040.4 to, the Penal Code, relating to crimes.

Bill read second time.

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



Committee on Governmental Organization

Senate Chamber, January 6, 2020

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

SB 444

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 444—An act to add Section 3305 to the Public Contract Code, relating to public contracts.

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, January 6, 2020

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

SB 378

SB 522

SB 773

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

ATKINS, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 378—An act to amend Section 707 of, and to add Sections 592, 748, 911.3, and 2111.5 to, the Public Utilities Code, relating to electricity.

Bill read second time.

Senate Bill 522—An act relating to taxation, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Senate Bill 773—An act to amend Section 381.4 of the Public Utilities Code, relating to energy efficiency.

Bill read second time.

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



Senate Chamber, January 6, 2020

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

SB 33	SB 388	SB 605	SB 755
SB 203	SB 587	SB 692	SB 757
SB 246	SB 596	SB 723	SB 776

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

ATKINS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 33—An act relating to solid waste.

Bill read second time.

Senate Bill 203—An act relating to a public bank.

Bill read second time.

Senate Bill 246—An act to add Part 19.1 (commencing with Section 40300) to Division 2 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Senate Bill 388—An act relating to public health.

Bill read second time.

Senate Bill 587—An act to amend Section 18754.3 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

Senate Bill 596—An act to amend Section 5009 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

Senate Bill 605—An act to amend Section 718 of the Public Utilities Code, relating to public utilities.

Bill read second time.

Senate Bill 692—An act to amend Section 25249.6 of the Health and Safety Code, relating to toxic substances.

Bill read second time.

Senate Bill 723—An act to amend Section 11106 of the Penal Code, relating to firearms.

Bill read second time.



Senate Bill 755—An act to amend Section 1812.501 of the Civil Code, relating to employment services.

Bill read second time.

Senate Bill 757—An act to amend Section 1 of the Fish and Game Code, relating to fish and wildlife.

Bill read second time.

Senate Bill 776—An act to amend Section 11174.4 of the Penal Code, relating to elder and dependent adult abuse.

Bill read second time.

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

Senate Chamber, January 6, 2020

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

SB 739

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

ATKINS, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 739—An act relating to energy.

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, January 6, 2020

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

AB 713

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

PAN, Chair

Second Reading of Bills—Author’s Amendments

Assembly Bill 713—An act to amend Sections 5835.1 and 5835.5 of the Welfare and Institutions Code, relating to mental health.

Bill read second time.

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



Committee on Education

Senate Chamber, January 6, 2020

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

SB 702

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

LEYVA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 702—An act to amend Section 48900 of, and to add Section 66305 to, the Education Code, relating to pupil and student discipline.

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, January 6, 2020

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

SB 372

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

ATKINS, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 372—An act relating to solid waste.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, January 6, 2020

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

SB 753

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 753—An act to amend Section 1798.140 of the Civil Code, relating to privacy.

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, January 6, 2020

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

SB 640

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

PAN, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 640—An act to amend Section 1799.111 of the Health and Safety Code, and to amend Section 5008 of the Welfare and Institutions Code, relating to mental 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 Appropriations

Senate Chamber, January 6, 2020

Madam President: The Chair of the Committee on Appropriations, to which were referred:

SB 254

SB 281

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 254—An act to amend Sections 10089.5, 10089.10, 10089.13, 10089.22, 10089.23, 10089.29, 10089.30, and 10089.34 of, to add Sections 10089.315, 10089.316, and 10089.317 to, to repeal Section 10089.31 of, and to repeal and add Sections 10089.33 and 10089.54 of, the Insurance Code, relating to insurance, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.



Senate Bill 281—An act to add Section 4133 to the Food and Agricultural Code, and to add and repeal Title 7.7 (commencing with Section 67490) of the Government Code, relating to the Cow Palace Authority, 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 Health

Senate Chamber, January 6, 2020

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

SB 406

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

PAN, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 406—An act to amend Section 1348.96 of the Health and Safety Code, and to amend Section 10127.21 of the Insurance Code, relating to health care coverage.

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, January 6, 2020

Madam President: The Committee on Rules has examined:

SB 33	SB 444	SB 684	SB 755
SB 203	SB 522	SB 692	SB 757
SB 246	SB 536	SB 702	SB 773
SB 372	SB 587	SB 710	SB 776
SB 378	SB 596	SB 723	
SB 388	SB 605	SB 739	

And reports the same correctly engrossed.

ATKINS, Chair

Senate Chamber, January 6, 2020

Madam President: The Committee on Rules has examined:

SB 640 SB 753

And reports the same correctly engrossed.

ATKINS, Chair



Senate Chamber, January 6, 2020

Madam President: The Committee on Rules has examined:

SB 254 SB 281 SB 406

And reports the same correctly engrossed.

ATKINS, Chair

Committee on Business, Professions and Economic Development

Senate Chamber, January 6, 2020

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

SB 201

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

GLAZER, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 201—An act to add Section 2295 to the Business and Professions Code, relating to sex characteristics.

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
UNANIMOUS CONSENT TO TAKE MEASURES
FROM INACTIVE FILE**

Without objection, **SB 175** was taken from the inactive file and taken up at this time.

Consideration of Senate Bill 175

Senate Bill 175—An act to amend Section 100520 of, and to add Title 24 (commencing with Section 100700) to, the Government Code, to amend Section 1399.849 of, and to add Section 1345.5 to, the Health and Safety Code, to amend Section 10965.3 of, and to add Section 10112.45 to, the Insurance Code, and to amend Sections 19254, 19291, 19521, and 19533 of, to add Section 19548.8 to, and to add Part 32 (commencing with Section 61000) to Division 2 of, the Revenue and Taxation Code, relating to health care coverage, and making an appropriation therefor.

Bill read second time.

Amendments Adopted

Amendments to **SB 175** proposed by Senator Pan were read and adopted and the measure ordered printed, engrossed, and to second reading.



Without objection, **SB 38** was taken from the inactive file and taken up at this time.

Consideration of Senate Bill 38

Senate Bill 38—An act to add Division 8.7 (commencing with Section 22995) to the Business and Professions Code, relating to tobacco products.

Bill read second time.

Amendments Adopted

Amendments to **SB 38** proposed by Senator Hill were read and adopted and the measure ordered printed, engrossed, and to second reading.

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 793: By Senators Hill, Glazer, McGuire, Pan, and Wiener (Principal coauthor: Senator Durazo) (Principal coauthors: Assembly Members Bauer-Kahan, Berman, Bloom, Gonzalez, McCarty, Muratsuchi, Robert Rivas, and Wood) (Coauthors: Senators Archuleta, Beall, Lena Gonzalez, Leyva, and Nielsen) (Coauthors: Assembly Members Boerner Horvath, Bonta, Chiu, Levine, Mullin, O'Donnell, Petrie-Norris, Luz Rivas, Mark Stone, Ting, and Wicks)—An act to add Article 5 (commencing with Section 104559.5) to Chapter 1 of Part 3 of Division 103 of the Health and Safety Code, relating to tobacco products.

Senate Bill 794: By Senator Jackson—An act to amend Sections 8593.3 and 8593.4 of, and to add Section 8593.5 to, the Government Code, and to add Section 910.9 to the Public Utilities Code, relating to state government.

Senate Bill 795: By Senators Beall, McGuire, and Portantino (Principal coauthor: Senator Roth) (Principal coauthor: Assembly Member Mullin) (Coauthors: Senators Bradford, Caballero, Hueso, Stern, Wieckowski, and Wiener) (Coauthors: Assembly Members Gloria, Kalra, and Low)—An act to add Section 41202.6 to the Education Code, to add Part 4 (commencing with Section 55900) to Division 2 of Title 5 of, and to add Division 6 (commencing with Section 62300) to Title 6 of, the Government Code, and to add Section 97.68.1 to the Revenue and Taxation Code, relating to local government finance.

Senate Bill 796: By Senator Leyva (Principal coauthor: Assembly Member McCarty)—An act to amend Sections 44940.5, 44977, 44977.5, 44978, 44984, 45196, and 45196.1 of, and to repeal Section 44983 of, the Education Code, relating to school employees.



Senate Bill 797: By Senator Wilk—An act to add Section 1305 to the Water Code, relating to water resources.

Senate Bill 798: By Senator Chang—An act relating to civil law.

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

Senate Resolution 66: By Senators Leyva, Atkins, Durazo, Galgiani, Lena Gonzalez, Jackson, Mitchell, and Skinner—Relative to reproductive health.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:32 p.m., on motion of Senator Atkins, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator Atkins 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, January 7, 2020.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 6, 2020

Ms. Erika Contreras
Secretary of the Senate

Dear Erika: Pursuant to the instructions of the Assembly, I am herewith returning Assembly Bill 545 to the Senate for further action.

Sincerely,

Sue Parker
Acting Chief Clerk of the Assembly

Above bill ordered held at Desk.

MOTIONS, RESOLUTIONS AND NOTICES

MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE

Without objection, **SB 444** was withdrawn from the Committee on Governmental Organization and re-referred to the Committee on Rules.

Without objection, **SB 684** was withdrawn from the Committee on Public Safety and re-referred to the Committee on Rules.

Without objection, **SB 702** was withdrawn from the Committee on Education and re-referred to the Committee on Rules.



REPORTS OF STANDING COMMITTEES**Committee on Health**

Senate Chamber, January 6, 2020

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

ACR 28

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

PAN, Chair

Second Reading of Bills—Author's Amendments

Assembly Concurrent Resolution 28—Relative to sickle cell disease.

Resolution 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, January 6, 2020

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

Business, Professions and Economic Development—SB 692.

Education—SB 776.

Elections and Constitutional Amendments—SB 684.

Energy, Utilities and Communications—SB 203, SB 378, SB 597, SB 605, SB 702.

Environmental Quality—SB 372.

Governance and Finance—SB 37, SB 587, SB 773.

Human Services—SB 33, SB 596.

Insurance—SB 755.

Natural Resources and Water—SB 739.

Public Safety—SB 388, SB 723.

Transportation—SB 757.

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

Education and Judiciary—SB 444.

Judiciary and Banking and Financial Institutions—SB 522.



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

Governance and Finance—SB 246.

State Capitol, January 6, 2020

Madam President: On a vote of 5–0, the Committee on Rules has re-referred the following measure pursuant to Senate Rule 29.10:

Energy, Utilities and Communications—SB 386 (Senate Rule 29.10(b)).

ATKINS, Chair

Committee on Appropriations

Senate Chamber, January 6, 2020

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

SB 50

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 50—An act to amend Section 65589.5 of, to add Sections 65913.5 and 65913.6 to, and to add Chapter 4.35 (commencing with Section 65918.50) to Division 1 of Title 7 of, the Government Code, relating to housing.

Bill read second time.

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

REQUESTS TO ADJOURN IN MEMORIAM

Senators Bates and Moorlach requested that when the Senate adjourns this day it do so in memory of Joan Irvine Smith of San Juan Capistrano.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Bill Popejoy of Newport Beach, Phil Brigandi of Orange, and Trudy Ohlig-Hall of Costa Mesa.

Senator Bradford requested that when the Senate adjourns this day it do so in memory of Derek Marshall, D.D.S. of Los Angeles.

Senator Wilk requested that when the Senate adjourns this day it do so in memory of Dominic Blackwell, Gracie Anne Muehlberger, and Lee M. Shulman of Santa Clarita.

Senator Skinner requested that when the Senate adjourns this day it do so in memory of Judith Tennenbaum of El Cerrito, Michael Davenport of Richmond, and Marilyn Marjorie Moore Reynolds of Berkeley.



ADJOURNMENT

At 3:30 p.m., on motion of Senator Atkins, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, January 7, 2020.

MATHEW BURNS, Minute Clerk

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