

CALIFORNIA LEGISLATURE
2019–20 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDRED NINTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, August 3, 2020

The Senate met at 2 p.m.
Hon. Connie M. Leyva, of the 20th 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, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, and Wilk—39.

Quorum present.

(NOTE: Senator Stern will be excused this day to adhere to California Department of Public Health guidelines regarding coronavirus (COVID-19).)



PRAYER

Upon invitation of the President, the following prayer was offered by Senator Hill, as written by the Chaplain, Sister Michelle Gorman, RSM:

Mysterious Holy One, we must trust that You are not sitting idly by watching our self-destruction.

You are at work through us in every moment,
the same dance of electrons and embrace of gravity,
vibrating with love, creating and creating,
grace in the very being of our struggles and imperfections.

In every moment, through us, You are mending what is
from the depths of what is.

Tragic or magic, momentous or mundane,
our every moment is a choice
to join in harmony or sit idly by.
We are ready for this day.

The light of the lamp of our heart is lit,
to enlighten the world
and be guided by You when our light flickers.
May we not lose hope.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES
Committee on Governmental Organization

Senate Chamber, August 3, 2020

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

AB 2054

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

Assembly Bill 2054—An act to add and repeal Article 8.5 (commencing with Section 8601) of Chapter 7 of Division 1 of Title 2 of the Government Code, relating to emergency services.

Bill read second time.

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



Committee on Environmental Quality

Senate Chamber, August 3, 2020

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

AB 2060

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

ALLEN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 2060—An act to amend Sections 25214.4.3 and 116875 of the Health and Safety Code, relating to drinking water.

Bill read second time.

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

Committee on Public Safety

Senate Chamber, August 3, 2020

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

AB 767

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

Assembly Bill 767—An act to amend Sections 13951 and 13956 of the Government Code, relating to victim compensation, and making an appropriation therefor.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to AB 767 pursuant to Joint Rule 58.

ASSEMBLY MEMBER GRAYSON

Permission of Rules Committee

Senate Chamber, August 3, 2020

The Committee on Rules grants permission to offer amendments which would add an urgency section to AB 767.

ERIKA CONTRERAS, Designee
(Secretary of the Senate)

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

REPUBLICAN CAUCUS

At 2:07 p.m., Senator Grove announced a Republican Caucus.



REASSEMBLED

At 2:28 p.m., the Senate reassembled.

Hon. Connie M. Leyva, of the 20th District, presiding.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 3, 2020

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 118

SB 119

And respectfully requests your honorable body to concur in said amendments.

SUE PARKER, Chief Clerk of the Assembly

Above bills ordered to unfinished business.

MOTIONS, RESOLUTIONS AND NOTICES**MOTION TO WITHDRAW AND PLACE ON FILE**

Senator Melendez moved that **SCR 93** be withdrawn from the Committee on Rules, and that the measure be ordered to third reading.

Roll Call

The roll was called and the motion lost by the following vote:

AYES (10)—Senators Bates, Borgeas, Dahle, Grove, Jones, Melendez, Moorlach, Morrell, Nielsen, and Wilk.

NOES (28)—Senators Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, and Wiener.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Assembly Amendments**

Senate Bill 118—An act to amend Sections 4021.5, 4187.2, and 4187.5 of the Business and Professions Code, to add Section 66024.5 to the Education Code, to amend Sections 15402, 15420, 15421, 15422, and 15819.403 of, and to repeal Section 15403 of, the Government Code, to amend Sections 290.5, 851.93, 977.2, 1170, 1203.425, 11105, 16532, 18010, 30400, 30405, 30406, 30412, 30414, 30442, 30445, 30447, 30448, 30450, 30452, 30454, 30456, 30470, 30485, 30515, 30900, and 30955 of, to add Sections 3000.01, 5003.7, and 30685 to, and to repeal Article 5 (commencing with Section 2985) of Chapter 7 of Title 1 of Part 3 of, the Penal Code, and to amend Section 1731.7 of the Welfare and Institutions Code, relating to public safety, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Senator Mitchell.

The question being: “Shall the Senate concur in the Assembly amendments to SB 118?”



Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (26)—Senators Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Dodd, Durazo, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, and Wiener.

NOES (12)—Senators Bates, Borgeas, Chang, Dahle, Grove, Hurtado, Jones, Melendez, Moorlach, Morrell, Nielsen, and Wilk.

Above bill ordered enrolled.

Senate Bill 119—An act to amend Sections 19829.9848, 19829.9849, 19829.9850, 20677.5, 20683.71, 20683.9, 20683.91, and 22944.5 of, and to add Sections 19829.9851, 19829.9852, 20677.5.1, and 20683.81.3 to, the Government Code, relating to state employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Senator Mitchell.

The question being: “Shall the Senate concur in the Assembly amendments to SB 119?”

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (27)—Senators Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Dodd, Durazo, Galgiani, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, and Wiener.

NOES (12)—Senators Bates, Borgeas, Chang, Dahle, Glazer, Grove, Jones, Melendez, Moorlach, Morrell, Nielsen, and Wilk.

Above bill ordered enrolled.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 3, 2020

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 364

SB 423

And respectfully requests your honorable body to concur in said amendments.

SUE PARKER, Chief Clerk of the Assembly

Above bills ordered to unfinished business.

MOTIONS, RESOLUTIONS AND NOTICES**UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS**

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

July 27, 2020

July 28, 2020

July 29, 2020

July 30, 2020

July 31, 2020



**RE-REFERENCE TO COMMITTEE
PURSUANT TO SENATE RULE 29.10(d)**

Pursuant to Senate Rule 29.10(d), **SB 423** was re-referred to the Committee on Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)
CONSENT CALENDAR
Objections Raised**

Senator Durazo objected to **AB 2471** being on the consent calendar. The President ordered the above measure to third reading.

SECOND READING OF ASSEMBLY BILLS

Assembly Bill 465—An act to add Section 5848.7 to the Welfare and Institutions Code, relating to mental health.

Bill read second time and ordered to consent calendar.

Assembly Bill 904—An act to amend Section 1534 of the Penal Code, relating to search warrants.

Bill read second time and ordered to consent calendar.

Assembly Bill 1927—An act to add Section 1324.2 to the Penal Code, relating to criminal process.

Bill read second time and ordered to consent calendar.

Assembly Bill 2741—An act to add Section 11166.4 to the Penal Code, relating to child abuse.

Bill read second time and ordered to consent calendar.

Assembly Bill 2426—An act to amend Sections 679.10 and 679.11 of the Penal Code, relating to victims of crime.

Bill read second time and ordered to third reading.

Assembly Bill 2512—An act to amend Section 1376 of the Penal Code, relating to criminal procedure.

Bill read second time and ordered to third reading.

Assembly Bill 2147—An act to add Section 1203.4b to the Penal Code, relating to convictions.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.



Assembly Bill 1989—An act to add Chapter 7.5 (commencing with Section 111822) to Part 5 of Division 104 of the Health and Safety Code, relating to menstrual products.

Bill read second time.

The amendments proposed by the Committee on Health were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

Assembly Bill 2253—An act to amend Section 1277 of the Health and Safety Code, to amend Section 5068.5 of the Penal Code, and to amend Section 5751.2 of the Welfare and Institutions Code, relating to professional licensure.

Bill read second time and ordered to consent calendar.

Assembly Bill 2300—An act to amend Section 124241 of the Health and Safety Code, relating to public health.

Bill read second time and ordered to consent calendar.

UNFINISHED BUSINESS (RESUMED)

Consideration of Governor's Appointments

Senator Wilk placed the following Governor's appointment before the Senate:

LILIA E. GARCIA-BROWER, Chief, Division of Labor Standards Enforcement.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (28)—Senators Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, and Wiener.

NOES (6)—Senators Bates, Borgeas, Grove, Melendez, Morrell, and Nielsen.

Consideration of Governor's Appointments

Senator Wilk placed the following Governor's appointment before the Senate:

HONORABLE ISADORE HALL, III, PH.D., Member, Agricultural Labor Relations Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"



Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (31)—Senators Allen, Archuleta, Atkins, Beall, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, and Wilk.

NOES (6)—Senators Bates, Borgeas, Grove, Jones, Melendez, and Morrell.

Consideration of Governor's Appointments

Senator Wilk placed the following Governor's appointment before the Senate:

RALPH E. LIGHTSTONE, J.D., Member, Agricultural Labor Relations Board.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (33)—Senators Allen, Archuleta, Atkins, Beall, Borgeas, Bradford, Caballero, Chang, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, and Wilk.

NOES (3)—Senators Jones, Melendez, and Morrell.

Consideration of Governor's Appointments

Senator Wilk placed the following Governor's appointments before the Senate:

GREGORY J. AHERN, Member, California State Lottery Commission.

KEETHA C. MILLS, Member, California State Lottery Commission.

PETER A. STERN, Member, California State Lottery Commission.

The President put the question: "Will the Senate advise and consent to the appointments by the Governor?"

Roll Call

The roll was called and the appointments were confirmed by the following vote:

AYES (32)—Senators Allen, Archuleta, Atkins, Beall, Borgeas, Bradford, Caballero, Dahle, Dodd, Durazo, Galgiani, Glazer, Lena Gonzalez, Grove, Hertzberg, Hill, Hueso, Hurtado, Jackson, Leyva, McGuire, Mitchell, Monning, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, and Wilk.

NOES (2)—Senators Melendez and Morrell.



Consideration of Governor's Appointments

Senator Wilk placed the following Governor's appointment before the Senate:

MARION E. SPEARMAN, SR., Associate Director, Division of Adult Institutions, Department of Corrections and Rehabilitation.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

Roll Call

The roll was called and the appointment was confirmed by the following vote:

AYES (39)—Senators 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, Melendez, Mitchell, Monning, Moorlach, Morrell, Nielsen, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

LEAVES OF ABSENCE

The following Senator was granted leave of absence for the day to adhere to California Department of Public Health guidelines regarding coronavirus (COVID-19): Senator Stern.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 3:02 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 all legislative business has been received at the Desk. The Desk shall remain open to receive communications and to conduct the business of the day. When all legislative business has been received, the Senate will adjourn until Tuesday, August 4, 2020.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, August 3, 2020

Madam President: I am directed to inform your honorable body that the Assembly amended, and on this day passed, as amended:

SB 684

And respectfully requests your honorable body to concur in said amendments.

Above bill ordered to unfinished business.



Assembly Chamber, August 3, 2020

Madam President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 1460

SUE PARKER, Chief Clerk of the Assembly

REPORTS OF STANDING COMMITTEES

Committee on Rules

State Capitol, August 3, 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:

Elections and Constitutional Amendments—SB 423 (Senate Rule 29.10(d)).

ATKINS, Chair

Committee on Environmental Quality

Senate Chamber, August 3, 2020

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

AB 2731

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

ALLEN, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 2731—An act to add Chapter 6.9 (commencing with Section 21189.70) to Division 13 of, and to repeal Sections 21189.70.2, 21189.70.3, 21189.70.4, 21189.70.5, and 21189.70.6 of, the Public Resources Code, relating to environmental quality.

Bill read second time.

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

Committee on Judiciary

Senate Chamber, August 3, 2020

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

AB 3364

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

Assembly Bill 3364—An act to amend Section 6075.5 of the Business and Professions Code, to amend Sections 55.32, 1102.19, and 1788.18 of, and to add Section 2924.8 to, the Civil Code, to amend Sections 673, 681.020, 708.150, 1161.2, and 1540 of the Code of Civil Procedure, to amend Section 5650.1 of the Fish and Game Code, to amend Sections 12921, 12926, 12940, and 14985.8 of the Government Code, to amend Section 15642 of the Probate Code, and to amend Section 19209 of the Public Contract Code, relating to state government.

Bill read second time.

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

SENATE COMMITTEE ROLL CALLS**Committee on Energy, Utilities and Communications**

AB 570—Do pass as amended and re-refer to the Committee on Appropriations

AYES (9)—Senators Bradford, Dodd, Hertzberg, Hill, Hueso, McGuire, Rubio, Skinner, and Wiener.

NOES (3)—Senators Chang, Dahle, and Moorlach.

AB 841—Do pass as amended and re-refer to the Committee on Appropriations

AYES (9)—Senators Bradford, Dodd, Hertzberg, Hueso, McGuire, Rubio, Skinner, Stern, and Wiener.

NOES (4)—Senators Chang, Dahle, Hill, and Moorlach.

AB 1657—Do pass and re-refer to the Committee on Appropriations

AYES (11)—Senators Bradford, Chang, Dodd, Hertzberg, Hill, Hueso, McGuire, Rubio, Skinner, Stern, and Wiener.

NOES (0)—None.

AB 2788—Do pass

AYES (10)—Senators Bradford, Dodd, Hertzberg, Hill, Hueso, McGuire, Rubio, Skinner, Stern, and Wiener.

NOES (0)—None.

AB 3163—Do pass and re-refer to the Committee on Appropriations

AYES (11)—Senators Bradford, Chang, Dahle, Dodd, Hertzberg, Hill, Hueso, McGuire, Moorlach, Rubio, and Skinner.

NOES (1)—Senator Wiener.

Date of Hearing: 8/3/2020

Hueso, Chair



CERTIFICATIONS OF COMMITTEE VOTE

August 3, 2020

Madam Secretary: Due to COVID-19 risks, I have requested, and have been approved to participate and vote in Senate committee hearings from my district office through remote electronic means beginning on July 29, 2020.

Pursuant to Senate Rule 56, adopted by Senate Resolution 86 of the 2019–20 Regular Session, I certify that on August 3, 2020, I cast the following votes in the Senate Committee on Energy, Utilities and Communications using the video platform provided by the Senate:

AB 841—Aye AB 1657—Aye AB 2788—Aye

HENRY STERN, Senator, 27th District

REQUESTS TO ADJOURN IN MEMORIAM

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Marcie Waldron of Sonoma, Barry Sterling of Sebastapol, and Leota Imogene Zopfi and William Segal Chiat of Napa.

Senator Wiener requested that when the Senate adjourns this day it do so in memory of Dr. Bahman Sheikh of San Francisco.

ADJOURNMENT

At 5 p.m., on motion of Senator Atkins, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, August 4, 2020.

MATHEW BURNS, Minute Clerk

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