

CALIFORNIA LEGISLATURE
2021–22 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 4, 2021

The Senate met at 9 a.m.
Hon. Steven Bradford, of the 35th District, presiding.
Secretary Erika Contreras at the Desk.
Assistant Secretary Heshani Wijemanne reading.

QUORUM CALL OF THE SENATE

Without objection, a quorum call was placed upon the Senate.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE
ROLL CALL

The roll was called and the following Senators answered to their names:

Allen, Atkins, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Laird, Leyva, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, and Wilk—35.

Quorum present.

(NOTE: Senators Bates, Glazer, and Limón have been approved to participate remotely this day due to California Department of Public Health guidelines regarding coronavirus (COVID-19) risks. Senator Archuleta will be excused this day due to illness.)



PRAYER

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

Father, Mother, God, we pray with Maya Angelou:

Thank you for your presence during the hard and mean days; for then we have you to lean upon.

Thank you for your presence during the bright and sunny days; for then we can share that which we have with those who have less.

And thank you for your presence during the Holy Days; for then we are able to celebrate you, and our families, and our friends.

For those who have no voice, we ask you to speak.

For those who feel unworthy, we ask you to pour out your love in waterfalls of tenderness.

For those who live in pain, we ask you to bathe them in the river of your healing.

For those who are lonely, we ask you to keep them company.

For those who are depressed, we ask you to shower upon them the light of hope.

Dear Creator, You, are the borderless sea of substance. We ask you to give to all the world that which we need most—peace.—AMEN.

(Maya Angelou)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****Consideration of Governor's Appointments**

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

CINTHIA N. FLORES, J.D., Member, Agricultural Labor Relations Board.

VICTORIA A. HASSID, J.D., Member, Agricultural Labor Relations Board.

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 (28)—Senators Allen, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, and Wilk.

NOES (5)—Senators Borgeas, Dahle, Grove, Jones, and Melendez.



Consideration of Governor's Appointments

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

GIDEON KRACOV, J.D., Member, South Coast Air Quality Management District 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 (28)—Senators Allen, Atkins, Becker, Bradford, Caballero, Cortese, Dodd, Durazo, Eggman, Gonzalez, Hertzberg, Hueso, Hurtado, Laird, Leyva, McGuire, Min, Newman, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, and Wilk.

NOES (4)—Senators Dahle, Grove, Jones, and Melendez.

Consideration of Governor's Appointments

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

YONG PING CHEN, M.D., L.AC., Member, Acupuncture Board.

THOMAS P. PIER, J.D., Member, Boating and Waterways Commission.

LILIA C. GONZÁLES CHÁVEZ, Member, California Arts Council.

ALEXANDER M. ISRAEL, Member, California Arts Council.

SOURAYA S. ELHESSEN, ED.D., Member, Commission on Disability Access.

TINA S. BRAZIL, Member, Off-Highway Motor Vehicle Recreation Commission.

ROGER V. SALAZAR, Member, Off-Highway Motor Vehicle Recreation Commission.

ELLEN N. JUNN, PH.D., Member, Western Interstate Commission for Higher Education.

ROBERT M. SHIREMAN, Member, Western Interstate Commission for Higher Education.

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 (35)—Senators Allen, Atkins, Becker, Borgeas, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Laird, Leyva, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



LEAVES OF ABSENCE

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

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 9:14 a.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 Monday, February 8, 2021.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 4, 2021

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

RYAN BROOKS, has been appointed to the Medical Board of California. Brooks has been Executive Vice President of Government Affairs at Outfront Media since 2002. He is a member of the California State Board of Pharmacy, Industry Trade Advisory Committee, and California International Relations Foundation. Appointed 01/26/2021. Effective 02/03/2021.

Member, Medical Board of California, vice, Denise Pines, term expired. Term ending 06/01/2024.



SUSAN K. BURR, has been reappointed to the State Board of Education, where she has served since 2013. Burr was Executive Director and Education Advisor to Governor Edmund G. Brown Jr. at the State Board of Education from 2011 to 2012. She held multiple positions at the California County Superintendents Educational Services Association from 2003 to 2011, including Executive Director and Governmental Relations Director. Burr was Assistant Superintendent for Business Services at Elk Grove Unified School District from 2000 to 2003. She held multiple positions in the Office of Governor Gray Davis from 1999 to 2000, including Interim Secretary of Education and Undersecretary of Education. Burr was Co-Director at the California State University Institute for Education Reform from 1995 to 1999. She was Principal Consultant for the California State Senate Education and Appropriations Committees from 1986 to 1994. She earned a Master of Business Administration degree from California State University, Sacramento. Reappointed 01/16/2021. Effective 01/25/2021.

Member, State Board of Education, vice, self, reappointed. Term ending 01/15/2025.

PAULA D. LABRIE, has been designated Chair of and reappointed Member to the California Gambling Control Commission, where she has served since 2017. LaBrie was Chief Deputy Director at the California State Lottery from 2015 to 2017, where she was Acting Director from 2013 to 2015 and Chief Deputy Director from 2012 to 2013. She was Legislative Counsel at the American Automobile Association Club of Northern California, Nevada and Utah from 1997 to 2011. LaBrie was an Attorney at MacMorris and Carbone from 1993 to 1997 and at Carroll, Burdick and McDonough from 1990 to 1993. She was an Account Administrator at IBM from 1983 to 1987. LaBrie earned a Juris Doctor degree from the University of California, Hastings College of the Law and a Master of Laws degree from the University of the Pacific, McGeorge School of Law. Reappointed 01/14/2021. Effective 01/22/2021.

Member, California Gambling Control Commission, vice, self, reappointed. Term ending 12/31/2024.



MICHAEL A. MENDEZ, has been appointed to the Los Angeles Regional Water Quality Control Board. Mendez has been an Assistant Professor in the Department of Urban Planning and Public Policy at the University of California, Irvine since 2019. He was a Faculty Fellow and Associate Research Scientist at the Yale School of the Environment from 2016 to 2019 and a Postdoctoral Scholar and Lecturer at the University of San Francisco Department of Environmental Science from 2015 to 2016. Mendez was Legislative Director at the University of California, Office of the President from 2008 to 2010, Senior Government Affairs Advocate at Blue Shield of California from 2006 to 2008, and Senior Legislative Aide in the Office of California State Assembly Member Cindy Montañez from 2003 to 2006. He is a member of the National Academies of Sciences' Board on Environmental Change and Society and the Alliance for a Better Community. Mendez earned a Doctor of Philosophy degree in environmental planning from the University of California, Berkeley and a Master of Public Policy degree in environmental planning from the Massachusetts Institute of Technology. Appointed 01/21/2021. Effective 02/01/2021.

Member, California Regional Water Quality Control Board, Los Angeles Region, vice, Francine B. Diamond, not confirmed. Term ending 09/30/2022.

HAMID DAVID NAHAI, has been appointed to the Los Angeles Regional Water Quality Control Board. Nahai has been President of David Nahai Consulting Services Inc. and Partner at Lewis, Brisbois, Bisgaard and Smith since 2010. He was General Manager and CEO of the Los Angeles Department of Water and Power from 2007 to 2009, Vice President of the Los Angeles Department of Water and Power Board of Commissioners from 2005 to 2006, and President of the Los Angeles Department of Water and Power Board of Commissioners from 2006 to 2007. Nahai was a Partner at Nahai Law Corporation from 1992 to 2007, at Stroock & Stroock, & Lavan from 1986 to 1992, and at Memel, Jacobs, Ellsworth, Pierno and Gersh from 1982 to 1986. He was an Associate at Loeb and Loeb from 1979 to 1982. He is a member of the Los Angeles Business Council, California League of Conservation Voters, and Los Angeles Cleantech Incubator. He was a board member of the Los Angeles Regional Water Quality Control Board from 1997 to 2007. Nahai earned a Master of Laws degree from the University of California, Berkeley School of Law. Appointed 01/21/2021. Effective 01/31/2021.

Member, California Regional Water Quality Control Board, Los Angeles Region, vice, Daniel Tellalian, resigned 01/01/2020. Term ending 09/20/2024.



SHARLYNE T. PALACIO, has been appointed to the Alcoholic Beverage Control Appeals Board. Palacio has been a Sole Practitioner since 1984. She was a Personal Assistant to Commissioner Frank Brass of the Workers' Compensation Appeals Board from 2015 to 2018 and Billing Administrator at Parente & Christopher from 1997 to 2015. Palacio was Office Manager and Hearing Representative at the Law Office of M. Francis Brass from 1991 to 1997. She was a Lobbyist at Hawaii State AFL-CIO from 1988 to 1990 and an Administrative Assistant to the Executive Officers at ILWU Local 142 from 1986 to 1988. She was an Associate at King, Nakamura & Chun Hoon from 1984 to 1986. Palacio was a Lecturer in the Criminal Justice Department at Chaminade University of Honolulu from 1981 to 1983. She was an Administrative Assistant to the House Minority Leader at the Hawaii State Legislature House of Representatives from 1981 to 1982. Palacio was Executive Director at Life of the Land, U.S. Vista Program from 1980 to 1981. She is a member of the Hawaii State Bar Association and U.S. Judo Federation. Palacio earned a Juris Doctor degree from the University of Washington School of Law. Appointed 01/06/2021. Effective 01/28/2021.

Member, Alcoholic Beverage Control Appeals Board, vice, B. Baxter Rice, resigned 03/31/2019. Term ending at the pleasure of the Governor.

Above appointments and reappointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 4, 2021

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

SCR 6

SUE PARKER, Chief Clerk of the Assembly

Above resolution ordered enrolled.

COMMUNICATIONS AND PETITIONS

The following letters were ordered printed in the Journal:

February 4, 2021

Ms. Erika Contreras
Secretary of the Senate

Dear Ms. Contreras: Because of the limitations placed on committee hearings due to ongoing health and safety risks of the COVID-19 virus, the Rules Committee has decided to have all measures heard by a maximum of two policy committees. Because some bills were referred to a third policy committee, these third committees will not have an opportunity to hear these bills. However, these committees will be given the opportunity to provide input to the committee(s) that will be hearing the bill.



The decision to refer a bill to a maximum of two policy committees in no way sets a new precedent as it relates to these referrals or committee jurisdictions as outlined in Senate Rule 12.

Below is a Senate Bill referred on February 3, 2021 that included a third committee. Please note the committees in bold represent the committees of referral and the other committee listed will be rescinded:

SB 261 (**E.Q./Trans./Housing**)

Thank you for your favorable consideration of this request.

Sincerely,
TONI G. ATKINS
President pro Tempore
Senator, 39th District

February 4, 2021

Ms. Erika Contreras
Secretary of the Senate

Dear Ms. Contreras: Pursuant to the Senate Rules and effective immediately, I am writing to inform you that I am making the following committee assignment:

Replacing Senator Monique Limón (D-Santa Barbara) as Chair of the Senate Banking and Financial Institutions Committee with Senator Anna Caballero (D-Salinas) for the informational hearing only on Monday, February 8, 2021. Senator Limón will serve as a member of the Banking and Financial Institutions Committee for this hearing.

Thank you and if you have questions, please contact Kimberly Rodriguez in my office at 916-651-4039.

Sincerely,
TONI G. ATKINS
President pro Tempore
Senator, 39th District

REPORTS OF STANDING COMMITTEES
Committee on Rules

State Capitol, February 3, 2021

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

Appointed Terra Lawson-Remer, J.D., Ph.D. as a member of the Tax Credit Allocation Committee for a term ending at the pleasure of the Committee.

Appointed the Honorable Josh Newman as a member of the California Transportation Commission for a term ending at the pleasure of the Committee.

ATKINS, Chair



State Capitol, February 3, 2021

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

Carla P. Castañeda, Chief Deputy Director, Department of Developmental Services (5-0)

ATKINS, Chair

Above appointment ordered to unfinished business.

State Capitol, February 3, 2021

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

Asif Mahmood, M.D., Member, Medical Board of California (5-0)

ATKINS, Chair

Above appointment ordered to unfinished business.

State Capitol, February 3, 2021

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

Richard E. Thorp, M.D., Member, Medical Board of California (4-0)

ATKINS, Chair

Above appointment ordered to unfinished business.

State Capitol, February 3, 2021

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

Dev A. GnanaDev, M.D., Member, Medical Board of California (3-0)

ATKINS, Chair

Above appointment ordered to unfinished business.

State Capitol, February 3, 2021

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

Laura N. Rambin, Member, Building Standards Commission (5-0)

Aaron T. Stockwell, Member, Building Standards Commission (5-0)

ATKINS, Chair

Above appointments ordered to unfinished business.



Senate Chamber, February 4, 2021

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

SB 47

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 47—An act relating to oil and gas.

Bill read second time.

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

Senate Chamber, February 4, 2021

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

SCR 8

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 Concurrent Resolution 8—Relative to the Lunar New Year.

Resolution read second time.

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

Committee on Appropriations

Date of Hearing, February 4, 2021

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

SB 51

Reports the same back with the recommendation: Do pass.

PORTANTINO, Chair

Above bill ordered 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 306: By Senator Pan (Principal coauthor: Senator Wiener)—An act to amend Section 4076 of the Business and Professions Code, to amend Sections 1367.31, 120582, 120685, and 120917 of the Health and Safety Code, to amend Section 10123.202 of the Insurance Code, and to amend Sections 14105.181, 14132, and 24007 of the Welfare and Institutions Code, relating to health care.



Senate Bill 307: By Senator McGuire—An act relating to agriculture.

Senate Bill 308: By Senator Min—An act to amend Section 1532 of the Code of Civil Procedure, relating to unclaimed property.

Senate Bill 309: By Senator Leyva—An act to amend Sections 51228 and 51229 of, and to repeal and add Section 41580 of, the Education Code, relating to school finance, and making an appropriation therefor.

Senate Bill 310: By Senator Rubio (Coauthors: Senators Archuleta, Dodd, Eggman, Hurtado, and Limón) (Coauthors: Assembly Members Aguiar-Curry, Burke, and Carrillo)—An act to add Article 26 (commencing with Section 2529.7) to Chapter 5 of Division 2 of the Business and Professions Code, and to add Division 117 (commencing with Section 150400) to the Health and Safety Code, relating to public health.

Senate Bill 311: By Senator Hueso (Coauthors: Senators Bradford, Caballero, Jones, Melendez, and Wiener) (Coauthors: Assembly Members Aguiar-Curry, Carrillo, Cristina Garcia, Lorena Gonzalez, Ting, and Wood)—An act to add Chapter 4.9 (commencing with Section 1649) to Division 2 of the Health and Safety Code, relating to health care facilities.

Senate Bill 312: By Senator Nielsen—An act to amend Section 8385 of the Public Utilities Code, relating to energy.

Senate Bill 313: By Senator Durazo—An act to amend Sections 17059.2 and 23689 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

Senate Bill 314: By Senator Wiener (Principal coauthors: Assembly Members Quirk and Villapudua) (Coauthor: Senator Borgeas) (Coauthors: Assembly Members Carrillo, Chiu, Eduardo Garcia, Gray, and Ting)—An act to amend Sections 23320, 23399, 24300, 25600.5, 25607, and 25665 of, to add Sections 23398.9, 23406, and 23407 to, and to add Article 7 (commencing with Section 23550) to Chapter 3 of Division 9 of, the Business and Professions Code, and to add Section 65863.15 to the Government Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

Senate Bill 315: By Senator Roth—An act to amend Section 27281 of the Government Code, and to amend Sections 5600, 5608, 5624, 5632, 5642, 5644, 5652, 5674, 5682, 5690, and 5694 of, to add Sections 5605, 5615, 5618, 5625, 5658, 5659, 5677, 5678, and 5681 to, to repeal Section 5676 of, and to repeal and add Section 5610 of, the Probate Code, relating to revocable transfer on death deeds.



Senate Bill 316: By Senators Eggman and McGuire (Principal coauthor: Assembly Member Aguiar-Curry) (Coauthors: Senators Dahle, Hertzberg, Jones, Nielsen, and Wiener) (Coauthors: Assembly Members Frazier, Cristina Garcia, Eduardo Garcia, Lorena Gonzalez, Mathis, Patterson, Robert Rivas, and Stone)—An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 317: By Senator Stern—An act to repeal and amend Section 4019 of, and to repeal and add Section 1370.01 of the Penal Code, relating to criminal procedure.

Senate Bill 318: By Senator Melendez—An act to amend Section 66023 of the Government Code, relating to local government.

Senate Bill 319: By Senator Melendez—An act to amend Section 66023 of the Government Code, relating to land use.

Senate Bill 320: By Senator Eggman (Principal coauthors: Assembly Members Friedman and Blanca Rubio) (Coauthor: Senator Skinner) (Coauthors: Assembly Members Bauer-Kahan, Berman, Chiu, Cristina Garcia, Gipson, Levine, McCarty, Quirk, and Santiago)—An act to amend Sections 3044, 6304, 6306, 6323, and 6389 of, and to add Section 6322.5 to, the Family Code, and to amend Section 213.5 of the Welfare and Institutions Code, relating to domestic violence.

The following measures were offered and referred to the Committee on Rules:

Senate Concurrent Resolution 11: By Senator Rubio (Coauthors: Senators Portantino and Wilk) (Coauthor: Assembly Member Lackey)—Relative to the Cancer Patients' Bill of Rights.

Senate Concurrent Resolution 12: By Senator Bates—Relative to the CAL-FIRE Chief William R. Clayton Memorial Highway.

SENATE COMMITTEE ROLL CALLS **Committee on Appropriations**

SB 51—Do pass

AYES (4)—Senators Bates, Laird, Portantino, and Wieckowski.

NOES (0)—None.

Date of Hearing: 2/4/2021

Portantino, Chair



CERTIFICATIONS OF COMMITTEE VOTE

February 4, 2021

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 today, Thursday, February 4, 2021.

Pursuant to Senate Rule 56, adopted by Senate Resolution 3 of the 2021–22 Regular Session, I certify that on February 4, 2021, I cast the following votes in the Senate Committee on Appropriations using the video platform provided by the Senate:

SB 51—Aye

PATRICIA C. BATES, Senator, 36th District

ADJOURNMENT

At 3:30 p.m., on motion of Senator Atkins, the Senate adjourned until 2 p.m., Monday, February 8, 2021.

MATHEW BURNS, Minute Clerk

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