

CALIFORNIA LEGISLATURE
2021–22 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED TWENTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 10, 2022

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.

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, Archuleta, Atkins, Borgeas, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Newman, Nielsen, Pan, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, and Wiener—32.

Quorum present.

(NOTE: Senators Becker, Dahle, Min, Ochoa Bogh, Portantino, and Wilk have been approved to participate remotely this day to adhere to the California State Senate health and safety guidelines regarding coronavirus (COVID-19). Senator Bates will be excused this day due to illness. Senator Caballero will be excused this day due to death in the family.)



PRAYER

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

In this New Year we pray:
To live deeply with purpose,
To live freely with detachment,
To live wisely with humility,
To live justly with compassion,
To live lovingly with fidelity,
To live mindfully with awareness,
To live gratefully with generosity,
To live fully with enthusiasm.

Help us, O God, to hold this vision and to daily renew our hearts, becoming ever more one with You, one another, and one with our truest self.—AMEN.

(Adapted Prayer by Joyce Rupp)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 10, 2022

To the Members of the Senate and the Assembly of the California Legislature:

These last two years have brought unimaginable challenges. Through it all, we worked together to navigate our state through crisis after crisis while making unprecedented investments in our future that will benefit Californians for years to come. I am deeply appreciative of your partnership in protecting Californians and setting us on a path to a better future.

But we have more work to do.

COVID-19 continues to impact our state, and many of the challenges we had before the pandemic remain. Thousands of business owners are still trying to find their footing in an economy that has been upended by the pandemic. Many people across our great state don't feel safe in their communities. Too many Californians find themselves displaced and living on our streets. Climate change is driving devastating wildfire seasons, historic droughts—the challenges seem endless.



In the hardest times, we have been able to show a path forward together. I'm proud of our work to get millions of Californians vaccinated and keep Californians safe from COVID-19. We passed the largest economic relief and recovery package in the nation, providing short-term support to millions of Californians and making billions in longer-term investments that will benefit workers, businesses, and families decades into the future. We fortified ourselves with historic investments to protect against the escalating impacts of a changed climate, preparing for extreme droughts and combating more severe wildfires.

This budget is a new opportunity for us to address the greatest challenges facing our state—for the year ahead and future generations. We must meet the moment once again.

This is not only a spending plan for the year. It is a foundation for California's future—a fiscally responsible plan that seeks to make our state safer and more affordable, and to set our state on a better path for years to come.

This budget fully funds our state's rainy-day fund and pays down future obligations. It prioritizes the safety and security of all Californians with new crime-fighting strategies, investments in behavioral health reform, and more housing for people exiting homelessness. It tackles affordability with record investments in our public schools and makes California the first state in the nation to achieve universal healthcare coverage. And it reinforces our role as the global leader in climate protection, innovation, and job creation.

With your continued partnership, we will persist in our work together to build a better California.

With Respect,

GAVIN NEWSOM, Governor

Receipt

I acknowledge receipt this 10th day of January, 2022 at 10:31 a.m., of the budget for the 2022–23 fiscal year, together with an explanatory message delivered to me personally by Samuel Miller.

BERNADETTE MCNULTY
Chief Assistant Secretary of the Senate

REPORTS OF STANDING COMMITTEES

Committee on Business, Professions and Economic Development

Date of Hearing, January 10, 2022

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

SB 225

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

ROTH, Chair

Above bill re-referred to the Committee on Judiciary.



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 3, 2022

January 4, 2022

January 5, 2022

January 6, 2022

MOTION TO TAKE MEASURES FROM INACTIVE FILE

Senator Glazer moved that **SB 785** and **SCA 5** be taken from the inactive file and ordered to second reading.

Motion carried.

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 839: By Senator Dodd—An act to add Section 380.6 to, and to repeal Section 740.10 of, the Public Utilities Code, relating to electricity.

Senate Bill 840: By Senator Skinner—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.

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

Senate Bill 444—An act to add Section 17131.13 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Senate Bill 450—An act to add and repeal Section 13142.5 of the Health and Safety Code, relating to fire protection.

Bill read second time and ordered to third reading.

Senate Bill 34—An act to add Chapter 4.7 (commencing with Section 18885) to Part 11 of Division 1 of Title 1 of the Education Code, relating to libraries, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Senate Bill 49—An act to add and repeal Sections 17053.70 and 23670 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Senate Bill 53—An act to add Section 1708.88 to the Civil Code, and to add Section 314.5 to the Penal Code, relating to unsolicited images.

Bill read second time and ordered to third reading.



Senate Bill 656—An act to amend Section 9.4 of Chapter 819 of the Statutes of 1971, relating to water.

Bill read second time and ordered to third reading.

Senate Bill 542—An act to add and repeal Section 6377.2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time and ordered to third reading.

Senate Bill 543—An act to add Article 15 (commencing with Section 11149) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agencies.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

Consideration of Governor's Appointments

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

DOUGLAS J. HENDRICKSON, Member, State Athletic Commission.

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 (27)—Senators Allen, Archuleta, Atkins, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Newman, Pan, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, and Wiener.

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

Consideration of Governor's Appointments

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

VIVIAN E. PEREZ, Member, California Regional Water Quality Control Board, Colorado River Basin Region.

ESSRA MOSTAFAVI, Member, California Regional Water Quality Control Board, Lahontan Region.

MICHAEL A. MENDÉZ, PH.D., Member, California Regional Water Quality Control Board, Los Angeles Region.

HAMID D. NAHAI, Member, California Regional Water Quality Control Board, Los Angeles Region.

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 (27)—Senators Allen, Archuleta, Atkins, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Hertzberg, Hueso, Hurtado, Kamlager, Laird, Leyva, Limón, McGuire, Newman, Pan, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, and Wiener.

NOES (1)—Senator Melendez.

THIRD READING OF SENATE BILLS

Senate Bill 602—4/27/2021 9 p.m.—An act to add Section 2351.2 to the Probate Code, relating to conservatorships.

Bill read third time and presented by Senator Laird.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Allen, Archuleta, Atkins, Borgeas, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Newman, Pan, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, and Wiener.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 518—5/25/2021 10 a.m.—An act to amend Sections 4519.5, 4629, and 4685.8 of the Welfare and Institutions Code, relating to public social services.

Bill read third time and presented by Senator Laird.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (31)—Senators Allen, Archuleta, Atkins, Borgeas, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Newman, Pan, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, and Wiener.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 793—1/3/2022 2 p.m.—An act to amend Sections 23320, 23357, 23358, and 23396 of, to add Section 23039.5 to, and to add Article 7 (commencing with Section 23550) to Chapter 3 of Division 9 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read third time and presented by Senator Wiener.



Roll Call

The roll was called and the bill was passed by the following vote:

AYES (32)—Senators Allen, Archuleta, Atkins, Borgeas, Bradford, Cortese, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez, Newman, Nielsen, Pan, Roth, Rubio, Skinner, Stern, Umberg, Wieckowski, and Wiener.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE

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

The following Senator was granted leave of absence for the day due to death in the family: Senator Caballero.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:30 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 11, 2022.

Motion carried.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
January 10, 2022

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



RICK BRAZIEL, has been reappointed to the Commission on Peace Officer Standards and Training, where he has served since 2015. Braziel has been President of Rick Braziel Consulting Inc. since 2016, has been an Instructor at Humboldt State University since 2000, and an Independent Instructor and Consultant since 1995. Braziel was Chief of Police at the Sacramento Police Department from 2008 to 2012, where he held various other positions from 1979 to 2008, including Deputy Chief, Patrol Sergeant, Patrol Watch Commander, and Captain. Braziel earned a Master of Arts degree in Communication Studies from California State University, Sacramento and a Master of Arts degree in Security Studies, Homeland Security and Defense from the United States Naval Postgraduate School. Reappointed 11/22/2021. Effective 01/05/2022.

Member, Commission on Peace Officer Standards and Training, vice, self, reappointed. Term ending 09/18/2024.

ROBERT T. DOYLE, has been reappointed to the Commission on Peace Officer Standards and Training, where he has served since 2012 and served from 2006 to 2011. Doyle has been Sheriff of Marin County since 1996 and has served in several positions at the County of Marin Sheriff's Department since 1969, including Undersheriff, Captain, and Deputy Sheriff. Reappointed 11/22/2021. Effective 01/06/2022.

Member, Commission on Peace Officer Standards and Training, vice, self, reappointed. Term ending 09/18/2024.

LAURA P. BREWER, has been appointed to the Court Reporters Board of California. Brewer has been a Communication Access Realtime Translation Captioner and Court Reporter as a Sole Practitioner since 1992. She was a Communication Access Realtime Translation Captioner and Court Reporter at Brewer & Darrenougue from 1990 to 2017. Brewer was a Court Reporter as a Sole Practitioner from 1981 to 1992. Brewer is a member of the Deposition Reporters Association of California, the National Court Reporters Association, and Intersteno. Appointed 11/03/2021. Effective 11/20/2021.

Member, Court Reporters Board of California, vice, Toni C. O'Neill, term expired. Term ending 06/01/2025.

CHARLES T. NIES, has been reappointed to the California Student Aid Commission, where he has served since 2018. Nies has served as Vice Chancellor of Student Affairs at the University of California, Merced since 2016, where he was Associate Vice Chancellor and Dean of Students from 2006 to 2016. He served in several positions at Miami University from 2000 to 2006, including as Assistant Dean. Nies earned a Master of Arts degree in Counseling Psychology and a Doctor of Philosophy degree in Educational Leadership from Washington State University. Reappointed 12/20/2021. Effective 01/06/2022.

Member, California Student Aid Commission, vice, self, reappointed. Term ending 10/30/2025.



ALICE B. REYNOLDS, has been appointed to the California Public Utilities Commission. Reynolds has been Senior Advisor to the Governor for Energy since 2019. She served as Senior Advisor for Climate, the Environment and Energy in the Office of Governor Edmund G. Brown Jr. from 2017 to January 2019, Deputy Secretary for Law Enforcement and General Counsel at the California Environmental Protection Agency from 2011 to 2017, and Deputy Attorney General at the California Department of Justice, Office of the Attorney General from 2002 to 2011. Reynolds was an Attorney at Sonnenschein Nath and Rosenthal LLP from 1998 to 2001 and at Furth, Fahrner and Mason from 1995 to 1998. She earned a Juris Doctor degree from the Santa Clara University School of Law. Appointed 11/22/2021. Effective 12/31/2021.

Member, California Public Utilities Commission, vice, Marybel Batjer, resigned 12/30/2021. Term ending 01/01/2027.

AMARIK K. SINGH, has been appointed Inspector General at the Office of the Inspector General. Singh has been Senior Assistant Inspector General at the Office of the Inspector General since 2019, where she was Special Assistant Inspector General from 2016 to 2019 and served as Special Assistant Inspector General from 2007 to 2012. She was a Commissioner on the Board of Parole Hearings from 2012 to 2015. Singh served as a Deputy District Attorney in the Kern County District Attorney's Office from 2005 to 2007 and as Adjunct Faculty at the Tulare-Kings County Police Academy from 2002 to 2005. Singh was a Deputy District Attorney at the Tulare County District Attorney's Office from 1997 to 2005. She earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law. Appointed 12/22/2021. Effective 01/04/2022.

Inspector General, Office of the Inspector General, vice, Roy W. Wesley, resigned 12/31/2021. Term ending 6 years from 2nd Commission.

Above appointments and reappointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES
Committee on Environmental Quality

Date of Hearing, January 10, 2022

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

SB 45

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.

ALLEN, Chair

Above bill re-referred to the Committee on Appropriations.



Date of Hearing, January 10, 2022

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

SCR 53

Reports the same back with the recommendation: Be adopted.

ALLEN, Chair

Above resolution ordered to third reading.

**MOTIONS, RESOLUTIONS AND NOTICES
MEASURES WITHDRAWN AND PLACED ON FILE**

Without objection, **SB 225** was withdrawn from the Committee on Judiciary and ordered to second reading.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Bill 841: By Senator Jones (Principal coauthor: Senator Hueso) (Principal coauthor: Assembly Member Cooper)—An act to add Section 6609.4 to the Welfare and Institutions Code, relating to sexually violent predators, and declaring the urgency thereof, to take effect immediately.

SENATE COMMITTEE ROLL CALLS

Committee on Business, Professions and Economic Development

SB 225—Do pass and re-refer to the Committee on Judiciary

AYES (9)—Senators Archuleta, Dodd, Eggman, Leyva, Min, Newman, Ochoa Bogh, Pan, and Roth.

NOES (0)—None.

Date of Hearing: 1/10/2022

Roth, Chair

CERTIFICATIONS OF COMMITTEE VOTE

January 10, 2022

Madam Secretary: Due to COVID-19 quarantine, I have requested, and have been approved to participate and vote in Senate committee hearings from my home through remote electronic means today, January 10, 2022.

Pursuant to Senate Rule 56, adopted by Senate Resolution 3 of the 2021–22 Regular Session, I certify that on January 10, 2022, I cast the following votes in the Senate Committee on Business, Professions and Economic Development using the video platform provided by the Senate:

SB 225—Aye

ROSILICIE OCHOA BOGH, Senator, 23rd District



January 10, 2022

Madam Secretary: Due to COVID-19 quarantine, I have requested, and have been approved to participate and vote in Senate committee hearings from my home through remote electronic means today, January 10, 2022.

Pursuant to Senate Rule 56, adopted by Senate Resolution 3 of the 2021–22 Regular Session, I certify that on January 10, 2022, I cast the following votes in the Senate Committee on Business, Professions and Economic Development using the video platform provided by the Senate:

SB 225—Aye

DAVE MIN, Senator, 37th District

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

SB 379—Do pass as amended and re-refer to the Committee on Appropriations

AYES (11)—Senators Becker, Bradford, Dodd, Eggman, Gonzalez, Hertzberg, Hueso, McGuire, Min, Rubio, and Stern.

NOES (1)—Senator Dahle.

Date of Hearing: 1/10/2022

Hueso, Chair

CERTIFICATIONS OF COMMITTEE VOTE

January 10, 2022

Madam Secretary: Due to COVID-19 quarantine, I have requested, and have been approved to participate and vote in Senate committee hearings from my home through remote electronic means today, January 10, 2022.

Pursuant to Senate Rule 56, adopted by Senate Resolution 3 of the 2021–22 Regular Session, I certify that on January 10, 2022, I cast the following votes in the Senate Committee on Energy, Utilities and Communications using the video platform provided by the Senate:

SB 379—Aye

JOSH BECKER, Senator, 13th District

January 10, 2022

Madam Secretary: Due to COVID-19 quarantine, I have requested, and have been approved to participate and vote in Senate committee hearings from my home through remote electronic means today, January 10, 2022.

Pursuant to Senate Rule 56, adopted by Senate Resolution 3 of the 2021–22 Regular Session, I certify that on January 10, 2022, I cast the following votes in the Senate Committee on Energy, Utilities and Communications using the video platform provided by the Senate:

SB 379—No

BRIAN DAHLE, Senator, 1st District



January 10, 2022

Madam Secretary: Due to COVID-19 quarantine, I have requested, and have been approved to participate and vote in Senate committee hearings from my home through remote electronic means today, January 10, 2022.

Pursuant to Senate Rule 56, adopted by Senate Resolution 3 of the 2021–22 Regular Session, I certify that on January 10, 2022, I cast the following votes in the Senate Committee on Energy, Utilities and Communications using the video platform provided by the Senate:

SB 379—Aye

DAVE MIN, Senator, 37th District

SENATE COMMITTEE ROLL CALLS

Committee on Environmental Quality

SB 45—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (6)—Senators Allen, Dahle, Gonzalez, Skinner, Stern, and Wieckowski.

NOES (0)—None.

SCR 53—Be adopted

AYES (5)—Senators Allen, Gonzalez, Skinner, Stern, and Wieckowski.

NOES (0)—None.

Date of Hearing: 1/10/2022

Allen, Chair

CERTIFICATIONS OF COMMITTEE VOTE

January 10, 2022

Madam Secretary: Due to COVID-19 quarantine, I have requested, and have been approved to participate and vote in Senate committee hearings from my home through remote electronic means today, January 10, 2022.

Pursuant to Senate Rule 56, adopted by Senate Resolution 3 of the 2021–22 Regular Session, I certify that on January 10, 2022, I cast the following votes in the Senate Committee on Environmental Quality using the video platform provided by the Senate:

SB 45—Aye

BRIAN DAHLE, Senator, 1st District



REQUESTS TO ADJOURN IN MEMORIAM

Senator Hueso requested that when the Senate adjourns this day it do so in memory of Dustano Tomas Gómez of San Diego.

Senator Hurtado requested that when the Senate adjourns this day it do so in memory of Anthony Barba of Hanford.

Senator Wiener requested that when the Senate adjourns this day it do so in memory of Charles Starbuck III of San Francisco.

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 11, 2022.

MATHEW BURNS, Minute Clerk

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