

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 23, 2015

The Senate met at 2:02 p.m.

Hon. Hannah-Beth Jackson, of the 19th District, presiding.

Secretary Daniel Alvarez at the Desk.

Assistant Secretary Zachary L. Twilla reading.

QUORUM CALL OF THE SENATE

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

The President directed the Sergeant at Arms to close the doors and to bring in the absent Members.

PROCEEDINGS UNDER QUORUM CALL OF THE SENATE

ROLL CALL

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

Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Hall, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, McGuire, Mendoza, Mitchell, Monning, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Stone, Vidak, Wieckowski, and Wolk—35.

Quorum present.

*(NOTE: Senator Hancock will be excused this day due to illness.
Senator Liu will be excused this day on personal business.)*



PRAYER

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

I'd like to begin today with a little poem by Rod McKuen called "Lessons."

In imitating Christ
we mustn't once forget
he seldom went alone.
His friends were those
who needed friends themselves.
A teacher, he was often taught
and not just by his father
but by the flock he shepherded
from torment into love.
He was the wisest of his wise men.
That didn't come by chance;
it came from caring.

Gracious God, we thank You today for the caring that You have placed in our hearts for our brothers and sisters. Thank You for our families and friends who give us the space to do Your work, and who support us in our joyful and difficult days. And help us to be grateful for the voices that challenge us—challenge us to go deeper into the reasons for and the consequences of our decisions. May we continue to incarnate Your vision in our world.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator Leno introduced representatives from the Golden Gate Bridge, Highway and Transportation District.

SPECIAL RECOGNITIONS

Senator Gaines presented a member's resolution to firefighters Clay Mazzaglia, Henry Ochs, Scott Tavalero, and Darin Quigley for their bravery fighting the 2014 Boles Fire.



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 20, 2015

*Mr. Daniel Alvarez,
Secretary of the Senate*

Dear Mr. Alvarez: Enclosed is the report on the Governor's acts of executive clemency completed during 2014. An electronic copy of the reports is available at the Governor's website, at http://gov.ca.gov/docs/2014_Executive_Report_on_Pardons_Commutations_of_Sentence_and_Reprieves.pdf.

Sincerely,
PETER A. KRAUSE
Legal Affairs Secretary

**MESSAGE FROM THE GOVERNOR
CONCERNING
PAROLE REVIEW DECISIONS**

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

In accordance with Article V, Section 8, Subdivision (b) of the California Constitution, I submit this report on the actions I have taken in 2014 in review of decisions by the Board of Parole Hearings. Of these decisions, I reversed 133. I have included copies of each of my actions. The report may be found at http://gov.ca.gov/docs/2014_Executive_Report_on_Parole_Review_Decisions.pdf. You may also call the Governor's Office for a hard copy of the report.

Sincerely,

EDMUND G. BROWN JR., Governor

Above report transmitted to the Committee on Public Safety.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 19, 2015

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

ACR 13

ACR 20

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 13—Relative to a Day of Remembrance.

Assembly Concurrent Resolution 20—Relative to California Court Reporting and Captioning Week.



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 288: By Senator McGuire (Coauthor: Assembly Member Wood)—An act to add Section 490.8 to the Penal Code, relating to larceny.

Senate Bill 289: By Senator Mitchell—An act to add Section 1374.14 to the Health and Safety Code, and to add Section 10123.855 to the Insurance Code, relating to health care coverage.

Senate Bill 290: By Senator Vidak—An act to amend Sections 5710 and 6822 of the Civil Code, relating to common interest developments.

Senate Bill 291: By Senator Lara—An act to amend Section 152 of the Health and Safety Code, relating to public health.

Senate Bill 292: By Senator Pan—An act to amend Section 20300 of the Government Code, relating to public employees' retirement.

Senate Bill 293: By Senator Pan—An act to amend Section 20000 of the Government Code, relating to retirement.

Senate Bill 294: By Senator Pan—An act to amend Section 22350 of the Education Code, relating to the State Teachers' Retirement System.

Senate Bill 295: By Senator De León—An act to amend Sections 17053.86 and 23686 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Senate Bill 296: By Senator Cannella—An act to add Section 14727 to the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 297: By Senator McGuire—An act to amend Sections 18901.10 and 18914 of, and to add Section 10508 to, the Welfare and Institutions Code, relating to public social services.

Senate Bill 298: By Senator Block—An act to amend Section 629.52 of the Penal Code, relating to money laundering.

Senate Bill 299: By Senator Monning—An act to amend Sections 14043.1, 14043.15, 14043.25, 14043.28, 14043.36, 14043.38, 14043.4, and 14043.55 of the Welfare and Institutions Code, relating to Medi-Cal, and declaring the urgency thereof, to take effect immediately.

Senate Bill 300: By Senator Mendoza—An act to amend Sections 21201, 21201.5, and 21208 of, and to add Section 21201.6 to, the Financial Code, relating to pawnbrokers.

Senate Bill 301: By Senator Vidak—An act to amend Section 5600.3 of the Welfare and Institutions Code, relating to mental health.



Senate Bill 302: By Senator Lara—An act relating to the payment of claims against the state, and declaring the urgency thereof, to take effect immediately.

Senate Bill 303: By Senator Hueso—An act to amend Section 11479 of the Health and Safety Code, relating to controlled substances.

Senate Bill 304: By Senator Lara—An act relating to state claims, and declaring the urgency thereof, to take effect immediately.

Senate Bill 305: By Senator Bates—An act to amend Sections 11379.6 and 11379.7 of the Health and Safety Code, relating to crimes.

Senate Bill 306: By Senator Hertzberg—An act to amend Sections 11320.3, 18926, and 18926.5 of the Welfare and Institutions Code, relating to public social services.

Senate Bill 307: By Senator Pavley—An act to amend Sections 136.2, 273.5, and 646.9 of the Penal Code, relating to restraining orders.

Senate Bill 308: By Senator Wieckowski—An act to amend Section 2983.3 of the Civil Code, and to amend Sections 703.140, 704.010, 704.113, 704.115, 704.720, 704.730, and 704.960 of, and to add Sections 704.085, 704.111, and 704.165 to, the Code of Civil Procedure, relating to bankruptcy.

Senate Bill 309: By Senator Morrell—An act to amend Section 31621 of the Government Code, relating to county employees' retirement.

Senate Bill 310: By Senator Anderson—An act to amend Section 81001 of the Government Code, relating to the Political Reform Act of 1974.

Senate Bill 311: By Senator Beall (Coauthor: Senator Wieckowski)—An act to amend Section 8205 of the Education Code, relating to education programs.

Senate Bill 312: By Senator Pan—An act to amend Section 11052.5 of the Welfare and Institutions Code, relating to public social services.

Senate Bill 313: By Senator Galgiani—An act to amend Section 53091 of the Government Code, relating to local government.

Senate Bill 314: By Senator Berryhill—An act to amend Section 451 of the Penal Code, relating to arson.

Senate Bill 315: By Senators Monning and Hernandez—An act to amend Section 15438.10 of the Government Code, relating to health care, and making an appropriation therefor.

Senate Bill 316: By Senator Mitchell (Principal coauthor: Assembly Member Levine)—An act to amend Section 317 of the Welfare and Institutions Code, relating to dependency proceedings.



Senate Bill 317: By Senator De León—An act to add Chapter 14 (commencing with Section 5880) to Division 5 of the Public Resources Code, relating to financing a safe neighborhood parks, rivers, and coastal protection program, by providing the funds necessary therefor through an election for the issuance and sale of bonds of the State of California and for the handling and disposition of those funds.

Senate Bill 318: By Senator Morrell—An act to add and repeal Section 33134 to the Education Code, relating to education technology, and making an appropriation therefor.

Senate Bill 319: By Senator Beall (Coauthor: Senator Monning)—An act to amend Section 16501.3 of the Welfare and Institutions Code, relating to child welfare services.

Senate Bill 320: By Senator Lara—An act to amend Section 49011 of the Education Code, relating to pupil fees.

Senate Bill 321: By Senator Beall—An act to amend Section 7360 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

Consideration of Governor's Appointments

Senator De León placed the following Governor's appointment before the Senate:

WILLIAM B. GOULD, IV, 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 (26)—Senators Allen, Beall, Block, Cannella, De León, Gaines, Galgiani, Hall, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leno, Leyva, McGuire, Mendoza, Mitchell, Monning, Nguyen, Pan, Pavley, Roth, Wieckowski, and Wolk.

NOES (6)—Senators Anderson, Bates, Berryhill, Morrell, Stone, and Vidak.

LEAVES OF ABSENCE

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

The following Senator was granted leave of absence for the day on personal business: Senator Liu.



**FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE
SENATE DISPENSED WITH**

At 2:20 p.m., on motion of Senator De León, further proceedings under the quorum call of the Senate were dispensed with.

MOTION TO ADJOURN

Senator De León 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, February 24, 2015.

Motion carried.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES
(RESUMED)**

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

Senate Bill 322: By Senator Leno—An act to amend Sections 47605, 47610, and 48925 of, and to add Section 49068.7 to, the Education Code, relating to charter schools.

Senate Bill 323: By Senator Hernandez (Principal coauthor: Assembly Member Eggman)—An act relating to healing arts.

Senate Bill 324: By Senator Pavley—An act to add Sections 17140.4 and 23711.4 to the Revenue and Taxation Code, and to add Chapter 15 (commencing with Section 4875) to Division 4.5 of the Welfare and Institutions Code, relating to taxation.

Senate Bill 325: By Senator Hall—An act to amend Section 23055 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 326: By Senator Beall—An act to amend Section 76000.10 of the Government Code, relating to courts.

Senate Bill 327: By Senator Hall—An act to amend Sections 24045, 24045.1, and 25633 of the Business and Professions Code, relating to alcoholic beverages.

Senate Bill 328: By Senator Hueso—An act to add Section 1940.8.5 to the Civil Code, relating to rental property.

Senate Bill 329: By Senator Mendoza—An act to amend Section 41010 of the Education Code, relating to school finance.

Senate Bill 330: By Senator Mendoza—An act to amend, repeal, and add Section 1091.5 of, and to add Section 1091.7 to, the Government Code, relating to public officers.

Senate Bill 331: By Senator Mendoza—An act relating to local government.



Senate Bill 332: By Senator Block—An act to amend Section 11165.9 of the Penal Code, relating to child abuse reporting.

Senate Bill 333: By Senator Galgiani (Principal coauthors: Senators Anderson and Vidak) (Principal coauthors: Assembly Members Cooper and Lackey) (Coauthors: Senators Bates, Nguyen, and Stone) (Coauthors: Assembly Members Dodd, Gonzalez, and Maienschein)—An act to amend and repeal Sections 11350 and 11377 of the Health and Safety Code, relating to controlled substances.

Senate Bill 334: By Senator Leyva—An act to amend Section 38086 of, and to add Article 13 (commencing with Section 49580) to Chapter 9 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to pupil nutrition.

Senate Bill 335: By Senator Roth—An act to amend Section 10082.5 of the Insurance Code, relating to earthquake insurance.

Senate Bill 336: By Senator Roth—An act to amend Section 10089.40 of the Insurance Code, relating to earthquake insurance.

Senate Bill 337: By Senator Pavley—An act to amend Sections 3501, 3502, and 3502.1 of the Business and Professions Code, relating to healing arts.

Senate Bill 338: By Senator Morrell (Coauthor: Assembly Member Waldron)—An act to amend Section 368 of the Penal Code, relating to elder abuse.

Senate Bill 339: By Senator Gaines—An act to amend Section 101 of the Unemployment Insurance Code, relating to unemployment compensation.

Senate Bill 340: By Senator Anderson—An act to amend Sections 2103, 2104, 2107, and 2110 of the Family Code, relating to dissolution.

Senate Bill 341: By Senator Nguyen—An act to add Section 50464.5 to the Health and Safety Code, relating to land use.

Senate Bill 342: By Senator Jackson—An act to amend Sections 14000 and 14013 of the Unemployment Insurance Code, relating to unemployment insurance.

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

Senate Concurrent Resolution 19: By Senator Nguyen—Relative to Idiopathic pulmonary fibrosis.

Senate Concurrent Resolution 20: By Senator Galgiani—Relative to peace officers.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Stone requested that when the Senate adjourns this day it do so in memory of Scott Hines of Rancho Mirage.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senator's request until 9 a.m., Tuesday, February 24, 2015.

NEVA MARIE PARKER, Minute Clerk

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