

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Wednesday, May 6, 2015

The Senate met at 9 a.m.

Hon. Mark Leno, of the 11th District, presiding.

Secretary Daniel Alvarez at the Desk.

Assistant Secretary Zachary L. Twilla reading.

ROLL CALL

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

Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Galgiani, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, and Wolk—38.

Quorum present.

(NOTE: Senator Gaines will be excused this day on personal business.)



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

Senate Bill 510—An act to amend Section 23109 of the Vehicle Code, relating to vehicles.

Bill read second time.

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

Senate Bill 739—An act to amend Sections 47605 and 47605.1 of, and to add and repeal Section 47604.34 of, the Education Code, relating to charter schools.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 367—An act to amend Sections 566 and 568 of, and to add Sections 562 and 569 to, the Food and Agricultural Code, to amend Section 39719 of the Health and Safety Code, and to add Section 75217.5 to the Public Resources Code, relating to agriculture, and making an appropriation therefor.

Bill read second time.

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

Senate Bill 64—An act to add Section 65073.1 to the Government Code, relating to transportation planning.

Bill read second time.

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

Senate Bill 516—An act to amend Sections 2550 and 2557 of the Streets and Highways Code, relating to highways.

Bill read second time.

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

Senate Bill 210—An act to add Section 56326.5 to the Education Code, relating to special education.

Bill read second time.

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



Senate Concurrent Resolution 35—Relative to Anti-Semitism.

Resolution read second time.

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

Senate Bill 798—An act to amend Section 338 of the Code of Civil Procedure, to amend Sections 205.1, 714, 1050.8, 1053.5, 1055.1, 1056, 1059, 1764, 3050, 7149.2, 7149.3, 7150, 7860, 12002.2.1, 12153, and 13005 of, and to repeal Sections 1053, 1055, 1055.4, 1055.5, 1060, 1070, 3682, 3700, 6596, 7149, 7149.4, 7180, 7181, 7182, 7183, 7184, and 7186 of, the Fish and Game Code, to amend Section 113 of the Government Code, to amend Sections 741, 8301, and 30315 of, and to repeal Section 30310.5 of, the Public Resources Code, and to amend Sections 1026, 1055, 1228.1, 1228.2, 1228.3, 1228.6, 1229, 1229.1, 1243, 1260, 1427, 1430, 1437, 1440, 1701.2, 1703, 1726, 1727, 1736, and 2863 of, and to repeal Sections 1126.2 and 2866 of, the Water Code, relating to natural resources.

Bill read second time.

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

Senate Bill 38—An act to add Section 22255.5 to the Business and Professions Code, and to add and repeal Sections 17052.1 and 17052.2 of the Revenue and Taxation Code, relating to the earned income tax credit.

Bill read second time.

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

Senate Bill 120—An act to add Section 6012.4 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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

Senate Bill 152—An act to add and repeal Section 17052.1 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

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



Senate Bill 643—An act to amend Section 2220.05 of, to add Article 25 (commencing with Section 2525) to Chapter 5 of Division 2 of, and to add Part 5 (commencing with Section 18100) to Division 7 of, the Business and Professions Code, to add Section 23028 to the Government Code, and to amend Section 11362.775 of, and to add Article 8 (commencing with Section 111658) to Chapter 6 of Part 5 of Division 104 of, the Health and Safety Code, relating to medical marijuana, and making an appropriation therefor.

Bill read second time.

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

Senate Bill 747—An act to add Section 21689 to the Public Utilities Code, and to add Section 7102.1 to the Revenue and Taxation Code, relating to airports, and making an appropriation therefor.

Bill read second time.

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

Senate Bill 718—An act to add Section 8670.48.4 to the Government Code, relating to fish and wildlife, and making an appropriation therefor.

Bill read second time.

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

Senate Bill 236—An act to add and repeal Section 8334.6 of the Streets and Highways Code, relating to highways.

Bill read second time and ordered to consent calendar.

Senate Bill 404—An act to amend Section 40800 of the Vehicle Code, relating to vehicles.

Bill read second time, ordered engrossed, and to consent calendar.

Senate Concurrent Resolution 23—Relative to the Paul J. Lunardi Memorial Highway.

Resolution read second time.

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

Senate Concurrent Resolution 38—Relative to memorial highways.

Resolution read second time.

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



Senate Bill 48—An act to amend Sections 305, 306, 307, 308, 309.6, 321.6, 1701, 1701.1, 1701.4, and 1759 of, and to add Sections 1701.6 and 1711 to, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time.

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

Senate Bill 665—An act to add Chapter 15.8 (commencing with Section 67395) to Part 40 of Division 5 of Title 3 of the Education Code, relating to postsecondary education.

Bill read second time.

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

Senate Bill 660—An act to amend Sections 1701.1, 1701.3, and 1701.4 of, and to add Section 1701.6 to, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time.

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, May 6, 2015

Mr. President: The Committee on Rules has examined:

| | | | |
|--------|--------|--------|--------|
| SB 9 | SB 18 | SB 19 | SB 22 |
| SB 26 | SB 32 | SB 119 | SB 145 |
| SB 149 | SB 162 | SB 177 | SB 180 |
| SB 226 | SB 235 | SB 246 | SB 248 |
| SB 253 | SB 270 | SB 277 | SB 284 |
| SB 285 | SB 300 | SB 308 | SB 315 |
| SB 345 | SB 358 | SB 379 | SB 396 |
| SB 452 | SB 471 | SB 492 | SB 503 |
| SB 524 | SB 534 | SB 536 | SB 541 |
| SB 543 | SB 573 | SB 581 | SB 585 |
| SB 637 | SB 648 | SB 671 | SB 673 |
| SB 676 | SB 681 | SB 682 | SB 687 |
| SB 696 | SB 705 | SB 716 | SB 722 |
| SB 736 | SB 759 | SB 760 | SB 793 |

And reports the same correctly engrossed.

DE LEÓN, Chair

Senate Chamber, May 6, 2015

Mr. President: The Committee on Rules has examined:

SB 317

And reports the same correctly engrossed.

DE LEÓN, Chair

Senate Chamber, May 6, 2015

Mr. President: The Committee on Rules has examined:

SB 404

And reports the same correctly engrossed.

DE LEÓN, Chair

Senate Chamber, May 6, 2015

Mr. President: The Committee on Rules has examined:

SB 475

SB 597

And reports the same correctly engrossed.

DE LEÓN, Chair

Committee on Natural Resources and Water

Senate Chamber, May 6, 2015

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

SB 218

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

PAVLEY, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 218—An act to amend Sections 21, 385, and 21455.5 of the Vehicle Code, relating to vehicles.

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, May 6, 2015

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

SB 206

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

LARA, Chair



Second Reading of Bills—Author's Amendments

Senate Bill 206—An act to add Section 43003 to the Health and Safety Code, relating to vehicular air pollution.

Bill read second time.

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

Senate Chamber, May 6, 2015

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

SB 333

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

LARA, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 333—An act to add Sections 11350.5 and 11377.5 to the Health and Safety Code, relating to controlled substances.

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

Date of Hearing, May 5, 2015

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

AB 60

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

JACKSON, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing, May 5, 2015

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

SB 474

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.

JACKSON, Chair

Above bill re-referred to the Committee on Appropriations.



Date of Hearing, May 5, 2015

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

SB 340

Reports the same back with the recommendation: Do pass.

JACKSON, Chair

Above bill ordered to second reading.

Date of Hearing, May 5, 2015

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

SB 785

Reports the same back with the recommendation: Do pass and be ordered to the consent calendar.

JACKSON, Chair

Above bill ordered to second reading.

Committee on Appropriations

Date of Hearing, May 4, 2015

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

SB 302

Reports the same back with the recommendation: Do pass as amended.

LARA, Chair

Above bill ordered to second reading.

Committee on Rules

State Capitol, May 6, 2015

Mr. President: The Committee on Rules has ordered the following measures to third reading:

SCR 47

SCR 48

SCR 49

SCR 50

ACR 37

ACR 52

State Capitol, May 6, 2015

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

Awet P. Kidane, Director, Department of Consumer Affairs (4-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.



State Capitol, May 6, 2015

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

Elizabeth C. Abbott, Patient Advocate, Office of the Patient Advocate (5-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, May 6, 2015

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

Andrew J. Ball, Member, California Water Commission (5-0)

Joseph P. Byrne, Member, California Water Commission (5-0)

Daniel M. Curtin, Member, California Water Commission (5-0)

Joe L. Del Bosque, Member, California Water Commission (5-0)

Armando M. Quintero, Member, California Water Commission (5-0)

Brian G. Anderson, Member, State Mining and Geology Board (5-0)

Michael A. Mendez, Member, State Mining and Geology Board (5-0)

DE LEÓN, Chair

Above appointments ordered to unfinished business.

State Capitol, May 6, 2015

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

Gideon Kracov, Member, State Mining and Geology Board (3-0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, May 6, 2015

Mr. President: The Committee on Rules has appointed Senator Allen as a member of the Select Committee on Ports and Goods Movement to fill the existing vacancy.

DE LEÓN, Chair



Committee on Governance and Finance

Date of Hearing, May 6, 2015

Mr. President: The Committee on Governance and Finance, to which was referred:

SB 295

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.

HERTZBERG, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing, May 6, 2015

Mr. President: The Committee on Governance and Finance, to which were referred:

SB 317

SB 578

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

HERTZBERG, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing, May 6, 2015

Mr. President: The Committee on Governance and Finance, to which were referred:

SB 371

SB 485

SB 493

SB 562

Reports the same back with the recommendation: Do pass.

HERTZBERG, Chair

Above bills ordered to second reading.

Senate Chamber, May 6, 2015

Mr. President: The Chair of the Committee on Governance and Finance, to which was referred:

SB 593

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

HERTZBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 593—An act to add Article 12 (commencing with Section 53170) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

Bill read second time.

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



INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 60: By Senator McGuire (Coauthors: Senators Beall, Berryhill, Hancock, Jackson, Leno, Liu, and Monning) (Coauthors: Assembly Members Calderon, Chiu, Kim, Lopez, Olsen, and Mark Stone)—Relative to Foster Care Month.

MOTIONS, RESOLUTIONS AND NOTICES**MEASURES WITHDRAWN AND RE-REFERRED TO COMMITTEE**

Without objection, the following measure was withdrawn from the Committee on Appropriations and re-referred to the Committee on Rules:

SB 735

Without objection, the following measure was withdrawn from the Committee on Transportation and Housing and re-referred to the Committee on Rules:

SB 581

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill 408—An act to add Section 2516.5 to the Business and Professions Code, relating to healing arts.

Bill read third time.

Amendments Adopted

Amendments to **SB 408** proposed by Senator Morrell were read and adopted and the measure ordered printed, engrossed, and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Governance and Finance**

SB 16—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hernandez, Hertzberg, Lara, and Pavley.

NOES (1)—Senator Moorlach.

SB 295—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, Moorlach, Nguyen, and Pavley.

NOES (0)—None.

SB 313—Do pass as amended

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, Moorlach, Nguyen, and Pavley.

NOES (0)—None.



SB 317—Do pass and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hernandez, Hertzberg, Lara, and Pavley.

NOES (1)—Senator Moorlach.

SB 371—Do pass

AYES (5)—Senators Beall, Hernandez, Hertzberg, Lara, and Pavley.

NOES (1)—Senator Moorlach.

SB 485—Do pass

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, Moorlach, Nguyen, and Pavley.

NOES (0)—None.

SB 493—Do pass

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, Moorlach, Nguyen, and Pavley.

NOES (0)—None.

SB 562—Do pass

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, Moorlach, Nguyen, and Pavley.

NOES (0)—None.

SB 578—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hernandez, Hertzberg, Lara, Nguyen, and Pavley.

NOES (1)—Senator Moorlach.

SB 670—Do pass as amended and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hernandez, Hertzberg, Lara, Moorlach, and Nguyen.

NOES (0)—None.

SB 680—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hernandez, Hertzberg, Moorlach, and Pavley.

NOES (2)—Senators Lara and Nguyen.

SB 710—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hernandez, Hertzberg, Moorlach, and Pavley.

NOES (0)—None.

Date of Hearing: 5/6/2015

Hertzberg, Chair



Committee on Judiciary

SB 28—Do pass as amended and be ordered to the consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

SB 134—Do pass as amended

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

SB 340—Do pass

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

SB 474—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

SB 594—Do pass as amended

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

SB 672—Do pass as amended

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

SB 738—Do pass as amended

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

SB 785—Do pass and be ordered to the consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

AB 60—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Anderson, Hertzberg, Jackson, Leno, Monning, Moorlach, and Wieckowski.

NOES (0)—None.

Date of Hearing: 5/5/2015

Jackson, Chair



LEAVES OF ABSENCE

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Berryhill requested that when the Senate adjourns this day it do so in memory of Jack Kazanjian of Fresno.

ADJOURNMENT

At 3:30 p.m., the Senate adjourned pursuant to the Senator's request until 9 a.m., Thursday, May 7, 2015.

NEVA MARIE PARKER, Minute Clerk

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