

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTIETH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, January 25, 2016

The Senate met at 2:05 p.m.

Hon. Ricardo Lara, of the 33rd 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, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, 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—39.

Quorum present.

(NOTE: Senator Bates will be excused this day due to illness.)



PRAYER

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

Harriet Tubman said: Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world.

Divine Mystery and Presence, Harriet Tubman did not hesitate to reach for the star of freedom to pass it on to others. We ask that You awaken us to the dream that You are dreaming in us this day.

Give us the strength to reach beyond the seemingly overwhelming challenges of the present.

Give us the patience to wait for that which does not yet seem possible.

And give us the passion to forge our commitment to the future through our collaboration with one another. We ask this in Your name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL RECOGNITIONS**

Senator Leyva presented a member's resolution to Kim Carter, recipient of the 2015 Top 10 CNN Hero Award and invited her to address the Senate.

Senator Mendoza presented a member's resolution to Venkatesan Ashok, Consul General of India in San Francisco and introduced Usha Ashok, Dr. K.J. Srinivasa, Venkata Ramana, Venkat Mechineni, Ali Taj, Mala Malani, Dilip Butani, KV Kumar, Kewal Kanda, and Mohan Sharma in recognition of India Republic Day.

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, January 21, 2016

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

SB 680

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

LARA, Chair

Above bill ordered to second reading.

Date of Hearing, January 21, 2016

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

SB 514

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

LARA, Chair

Above bill ordered to second reading.



Date of Hearing, January 21, 2016

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

SB 547

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

LARA, Chair

Above bill ordered to second reading.

Date of Hearing, January 21, 2016

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

SB 648

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

LARA, Chair

Above bill ordered to second reading.

Committee on Rules

State Capitol, January 25, 2016

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

SR 56

MOTIONS, RESOLUTIONS AND NOTICES

UNANIMOUS CONSENT TO SUSPEND JOINT RULE 62(a)

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Natural Resources and Water to meet Tuesday, January 26, 2016 without four days' notice in the Daily File.

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 905: By Senator Berryhill—An act to amend Section 19424 of the Business and Professions Code, relating to horse racing.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 6—An act to amend Sections 1170 and 3550 of the Penal Code, relating to parole.

Bill read second time, ordered engrossed, and to third reading.

Senate Bill 24—An act to amend Section 7522.02 of the Government Code, relating to public employees' retirement.

Bill read second time and ordered to third reading.



Senate Bill 215—An act to amend Sections 309.6, 1701.1, 1701.2, 1701.3, 1701.4, and 1701.5 of, and to add Sections 1701.6, 1701.7, and 1701.8 to, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time and ordered to third reading.

Senate Bill 384—An act to add Section 980.7 to the Military and Veterans Code, relating to veteran housing.

Bill read second time and ordered to third reading.

Senate Bill 512—An act to amend Sections 306, 311.5, 910.1, and 1701 of, to add Section 1711 to, and to repeal and add Section 910 of, the Public Utilities Code, relating to the Public Utilities Commission.

Bill read second time and ordered to third reading.

Senate Bill 527—An act to add Article 14 (commencing with Section 33480) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to education finance.

Bill read second time and ordered to third reading.

Senate Bill 554—An act to amend Section 12987.5 of, and to amend and repeal Section 12986 of, the Water Code, relating to water.

Bill read second time and ordered to third reading.

Senate Bill 563—An act to amend Section 4610 of the Labor Code, relating to workers' compensation.

Bill read second time and ordered to third reading.

Senate Bill 661—An act to amend Sections 4216, 4216.1, 4216.2, 4216.3, 4216.4, 4216.5, 4216.6, 4216.7, 4216.8, and 4216.9 of, and to add Sections 4216.12, 4216.13, 4216.14, 4216.15, 4216.16, 4216.17, 4216.18, 4216.19, 4216.20, 4216.21, and 4216.22 to, the Government Code, to add Sections 17921.11 and 18940.8 to the Health and Safety Code, and to amend Sections 955.5 and 1702.5 of, and to add Sections 320.5, 911.2, and 971 to, the Public Utilities Code, relating to excavations.

Bill read second time and ordered to third reading.

Senate Bill 702—An act to amend Section 1393.5 of the Labor Code, relating to employment.

Bill read second time and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, January 25, 2016

Mr. President: The Committee on Rules has examined:

SB 6

And reports the same correctly engrossed.

DE LEÓN, Chair



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

Senate Bill 112—An act to add Chapter 6 (commencing with Section 1860) to Division 8 of the Military and Veterans Code, relating to veterans.
Bill read third time and presented by Senator Roth.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS

Senator De León presented a member's resolution to Gary Cook upon his retirement from UA Local Union 78.

At 2:29 p.m., Senator Connie M. Leyva, 20th District, Presiding

SPECIAL INTRODUCTIONS

Senator Lara introduced 13 international visitors participating in the U.S. Department of State's International Visitor Leadership Program.

At 2:32 p.m., Senator Ricardo Lara, 33rd District, Presiding

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

Senate Concurrent Resolution 92—Relative to Korean-American Day.

Resolution read third time and presented by Senator Pan.

Roll Call

The roll was called and the resolution was adopted by the following vote:

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



MOTIONS, RESOLUTIONS AND NOTICES
UNANIMOUS CONSENT TO SUSPEND SENATE RULE 55

Without objection, Senate Rule 55 was suspended to allow lobbyists on the Floor of the Senate for today's session.

PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS

Senators De León, Hancock, and Leno introduced Jerry West with the Golden State Warriors in honor of the team winning the 2015 National Basketball Association Championship.

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

Senate Joint Resolution 15—Relative to the Confederate States of America.

Resolution read third time and presented by Senator Glazer.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (31)—Senators Allen, Beall, Berryhill, Block, Cannella, De León, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Nguyen, Pan, Pavley, Roth, Vidak, Wieckowski, and Wolk.

NOES (2)—Senators Anderson and Moorlach.

Resolution ordered transmitted to the Assembly.

Senate Bill 66—An act to add Section 463 to the Business and Professions Code, and to amend Section 88650 of the Education Code, relating to career technical education.

Bill read third time and presented by Senator Leyva.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



Senate Bill 745—An act to amend Sections 281 and 914.7 of the Public Utilities Code, relating to telecommunications.

Bill read third time and presented by Senator Hueso.

Roll Call

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

AYES (36)—Senators Allen, Beall, Berryhill, Block, Cannella, De León, Fuller, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Vidak, Wieckowski, and Wolk.

NOES (1)—Senator Anderson.

Bill ordered transmitted to the Assembly.

Senate Bill 294—An act to amend Sections 19780, 20997, and 21029 of the Government Code, relating to public employment.

Bill read third time and presented by Senator Pan.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Senate Bill 488—An act to amend Sections 1722, 1751.5, 15001, 15008, 15010, 15011, 15013, 15017, 15020, 15027, 15027.1, 15028, 15031, 15036, 15053, 15056, 15060, and 15062 of, to add Section 15009.1 to, to repeal Section 15015 of, and to repeal and add Sections 15007 and 15016 of, the Insurance Code, relating to insurance.

Bill read third time and presented by Senator Block.

Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.



Senate Bill 778—An act to add Article 12 (commencing with Section 9890) to Chapter 20.3 of Division 3 of the Business and Professions Code, relating to professions and vocations.

Bill read third time and presented by Senator Allen.

Roll Call

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

AYES (22)—Senators Allen, Beall, Block, De León, Glazer, Hall, Hancock, Hernandez, Hill, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Pan, Pavley, Roth, and Wieckowski.

NOES (12)—Senators Anderson, Berryhill, Cannella, Fuller, Gaines, Huff, Moorlach, Morrell, Nguyen, Nielsen, Runner, and Vidak.

Bill ordered transmitted to the Assembly.

Senate Bill 313—An act to amend Section 53094 of the Government Code, relating to local government.

Bill read third time and presented by Senator Monning.

Roll Call

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

AYES (29)—Senators Allen, Beall, Block, Cannella, De León, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Nguyen, Pan, Pavley, Roth, Vidak, Wieckowski, and Wolk.

NOES (3)—Senators Anderson, Huff, and Morrell.

Bill ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill 21—An act to amend Section 11362.777 of the Health and Safety Code, relating to medical marijuana, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator McGuire.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (35)—Senators Allen, Anderson, Beall, Berryhill, Block, Cannella, De León, Fuller, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Nguyen, Pan, Pavley, Roth, Runner, Vidak, Wieckowski, and Wolk.

NOES (3)—Senators Gaines, Morrell, and Nielsen.



Roll Call

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

AYES (35)—Senators Allen, Anderson, Beall, Berryhill, Block, Cannella, De León, Fuller, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Nguyen, Pan, Pavley, Roth, Runner, Vidak, Wieckowski, and Wolk.

NOES (3)—Senators Gaines, Morrell, and Nielsen.

Bill ordered transmitted to the Assembly.

CONSENT CALENDAR

Senate Bill 587—An act to add Section 18645.5 of the Business and Professions Code, relating to the State Athletic Commission.

Bill read third time.

Consent Calendar Roll Call

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

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

NOES (0)—None.

Bill ordered transmitted to the Assembly.

REQUESTS TO BE ADDED TO ROLL CALL

January 25, 2016

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

SB 112—Aye

JEAN FULLER, Minority Floor Leader

REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Date of Hearing, January 21, 2016

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

SB 247

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

LARA, Chair

Above bill ordered to second reading.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 25, 2016

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

| | | | |
|---------|---------|---------|---------|
| AB 73 | AB 350 | AB 581 | AB 796 |
| AB 1005 | AB 1180 | AB 1348 | AB 1395 |
| AB 1449 | | | |

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 73—An act to add Section 14133.06 to the Welfare and Institutions Code, relating to Medi-Cal.

Assembly Bill 350—An act to add the heading of Article 1 (commencing with Section 14025) and the heading of Article 2 (commencing with Section 14027) to, and to add Article 3 (commencing with Section 14040) to, Chapter 1.5 of Division 14 of the Elections Code, relating to elections.

Assembly Bill 581—An act to add Section 79707.5 to the Water Code, relating to water.

Assembly Bill 796—An act to amend Section 1374.73 of the Health and Safety Code, and to amend Section 10144.51 of the Insurance Code, relating to health care coverage.

Assembly Bill 1005—An act to amend Sections 14549.2 and 14581 of the Public Resources Code, relating to beverage containers, and making an appropriation therefor.

Assembly Bill 1180—An act to add and repeal Section 755.5 of the Public Utilities Code, relating to utility service.

Assembly Bill 1348—An act to add Section 65040.11.5 to the Government Code, relating to state government.

Assembly Bill 1395—An act to amend Section 186.9 of the Penal Code, relating to money laundering.

Assembly Bill 1449—An act to amend Section 69436 of the Education Code, relating to student financial aid.



**MOTIONS, RESOLUTIONS AND NOTICES
MEASURES TAKEN FROM INACTIVE FILE**

Senator Roth moved that **SB 22** be taken from the inactive file and ordered to second reading.

Motion carried.

Consideration of Senate Bill 22

Senate Bill 22—An act to add Chapter 6 (commencing with Section 128590) to Part 3 of Division 107 of the Health and Safety Code, relating to health care, and making an appropriation therefor.

Bill read second time.

Amendments Adopted

Amendments to **SB 22** proposed by Senator Roth were read and adopted and the measure ordered printed, engrossed, and to second reading.

**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 906: By Senator Beall (Coauthors: Senators Anderson, Block, Hall, Hancock, Leno, Liu, McGuire, Mendoza, Mitchell, Runner, Wieckowski, and Wolk) (Coauthor: Assembly Member Gordon)—An act to amend Sections 66025.9 and 66025.91 of the Education Code, relating to public postsecondary education.

Senate Bill 907: By Senator Galgiani—An act to amend Section 17144.5 of the Revenue and Taxation Code, relating to taxation, and declaring the urgency thereof, to take effect immediately.

LEAVES OF ABSENCE

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

REQUESTS TO ADJOURN IN MEMORIAM

Senator Hancock requested that when the Senate adjourns this day it do so in memory of Sylvia McLaughlin of Berkeley.

Senator Hueso requested that when the Senate adjourns this day it do so in memory of Margaret Jackson McQuater Williams of San Diego.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Carol Klatt of Daly City.

Senator Pavley requested that when the Senate adjourns this day it do so in memory of Glenn Frey of Los Angeles.



ADJOURNMENT

At 3:34 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Tuesday, January 26, 2016.

NEVA MARIE PARKER, Minute Clerk

O

