

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FORTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, January 26, 2016

The Senate met at 10:09 a.m.

Hon. Holly J. Mitchell, of the 30th 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, and Wieckowski—38.

Quorum present.

(NOTE: Senator Bates will be excused this day due to illness. Senator Wolk will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by Imam Haazim Rashed, Masjid As Sabur in Sacramento:

Distinguished Senators, guests, members of the dais and the public that allows us all to serve; we greet you. We greet you as is our tradition:

With the Name of G-d

Peace be unto you

As Salaam Alaikum

Today, you, as leaders of our state face numerous challenges that affect the future of our citizens. As you face these challenges, there are two things we ask you to consider. First, as Helen Hoover says: "Man thinks of himself as a creator instead of a user, and this delusion is robbing him of the earth." Let us remember we are stewards of G-d's earth not the creators of this earth. Your work as stewards determines all of our futures. Second, the Holy Quran has a phrase that is often repeated: "Which of the favors of your Lord will you deny?" (S. 55 verse 13, 16 . . . etc.) This is a reminder of the need for us as human beings to be aware of and grateful for the simple blessings, like water and air, that G-d has given us. Let us all remember to be grateful for all the things that our Lord has blessed us with. In closing, we ask G-d's mercy and guidance for all your deliberations and decision making.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

Senate Bill 680—An act to add Section 6388.6 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 Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

Senate Bill 514—An act to amend Section 100503 of the Government Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately.

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 547—An act to add Division 121 (commencing with Section 152000) to the Health and Safety Code, relating to aging.

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 648—An act to amend Sections 1400, 1401, 1404, and 1408 of, and to add Sections 1402, 1409.4, 1409.6, 1409.7, and 1409.8 to, the Health and Safety Code, relating to health and care facilities.

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 247—An act to add Section 5384.3 to the Public Utilities Code, relating to transportation.

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 22—An act to add Article 7 (commencing with Section 128590) to Chapter 5 of Part 3 of Division 107 of the Health and Safety Code, relating to health care, and making an appropriation therefor.

Bill read second time and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, January 26, 2016

Madam President: The Committee on Rules has examined:

| | | | |
|--------|--------|--------|--------|
| SB 22 | SB 247 | SB 514 | SB 547 |
| SB 648 | SB 680 | | |

And reports the same correctly engrossed.

DE LEÓN, Chair



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

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

Bill read third time and presented by Senator Hill.

Roll Call

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

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

NOES (4)—Senators Anderson, Gaines, Moorlach, and Morrell.

Bill ordered transmitted to the Assembly.

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 third time and presented by Senator Leno.

Roll Call

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

AYES (37)—Senators Allen, Anderson, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, and Wieckowski.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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

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, Stone, Vidak, and Wieckowski.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



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 third time and presented by Senator Hill.

Roll Call

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

AYES (37)—Senators Allen, Anderson, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, and Wieckowski.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

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 third time and presented by Senator Liu.

Roll Call

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

AYES (24)—Senators Allen, Beall, Block, De León, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Pan, Pavley, Roth, and Wieckowski.

NOES (10)—Senators Anderson, Berryhill, Fuller, Gaines, Huff, Moorlach, Morrell, Nielsen, Stone, and Vidak.

Bill ordered transmitted to the Assembly.

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

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, Stone, Vidak, and Wieckowski.

NOES (0)—None.

Bill ordered transmitted to the Assembly.



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 third time and presented by Senator Hill.

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, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, and Wieckowski.

NOES (3)—Senators Moorlach, Morrell, and Nguyen.

Bill ordered transmitted to the Assembly.

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

Bill read third time and presented by Senator McGuire.

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, Stone, Vidak, and Wieckowski.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

PRIVILEGES OF THE FLOOR SPECIAL INTRODUCTIONS

Senator Lara introduced his father, Venustiano Lara.

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 on personal business: Senator Wolk.



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

At 11:12 a.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 Wednesday, January 27, 2016.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, January 25, 2016

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

SCR 88

SCR 91

And respectfully requests your honorable body to concur in said amendments.

E. DOTSON WILSON, Chief Clerk of the Assembly

Above resolutions ordered to unfinished business.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

Date of Hearing, January 26, 2016

Madam President: The Committee on Judiciary, to which was referred:

SJR 19

Reports the same back with the recommendation: Be adopted.

JACKSON, Chair

Above resolution ordered to third 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 908: By Senator Hernandez—An act to amend Sections 1374.21 and 1389.25 of the Health and Safety Code, and to amend Sections 10113.9 and 10199.1 of the Insurance Code, relating to health care coverage.

Senate Bill 909: By Senator Beall—An act to amend Sections 16190 and 16191 of the Government Code, and to amend Sections 20505, 20583, 20627, 20639.11, 20640.2, 20640.3, 20640.5, and 20640.11 of the Revenue and Taxation Code, relating to taxation.



Senate Bill 910: By Senator Berryhill—An act to amend Section 11200 of the Welfare and Institutions Code, relating to CalWORKs.

Senate Bill 911: By Senator Hertzberg—An act to repeal Section 33385 of the Education Code, relating to American Indian education programs.

Senate Bill 912: By Senator Cannella—An act to amend Section 22526 of the Vehicle Code, relating to vehicles.

Senate Bill 913: By Senator Cannella—An act to amend Section 434 of the Food and Agricultural Code, relating to agriculture.

Senate Bill 914: By Senator Mendoza—An act to amend Section 4616.4 of the Labor Code, relating to workers' compensation.

Senate Bill 915: By Senator Liu—An act to add Chapter 3.5 (commencing with Section 44760) to Part 25 of Division 3 of Title 2 of the Education Code, relating to teacher recruitment.

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

Senate Concurrent Resolution 99: By Senator McGuire—Relative to the 28th Annual State Scientist Day.

Senate Concurrent Resolution 100: By Senator Fuller—Relative to the National Day of the Cowboy.

Senate Concurrent Resolution 101: By Senator Fuller—Relative to California Girls and Women in Sports Week.

SENATE COMMITTEE ROLL CALLS

Committee on Judiciary

SJR 19—Be adopted

AYES (5)—Senators Hertzberg, Jackson, Leno, Monning, and Wieckowski.

NOES (2)—Senators Anderson and Moorlach.

Date of Hearing: 1/26/2016

Jackson, Chair



REQUESTS TO ADJOURN IN MEMORIAM

Senator Glazer requested that when the Senate adjourns this day it do so in memory of Deborah Criswell of Orinda.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Dr. Espanola Jackson of San Francisco.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 10 a.m., Wednesday, January 27, 2016.

NEVA MARIE PARKER, Minute Clerk

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