

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

TWO HUNDREDTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, May 17, 2016

The Senate met at 9 a.m.

Hon. Jerry Hill, of the 13th 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, Gaines, Galgiani, Glazer, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pavley, Roth, Stone, Vidak, Wieckowski, and Wolk—37.

Quorum present.

(NOTE: Senator Hall will be excused this day on personal business. Senator Pan will be excused this day on legislative business. Senator Runner will be excused this day due to illness.)



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

May 17, 2016

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments 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,

EDMUND G. BROWN JR., Governor

RUSSELL E. BURNS, has been appointed to the California Fish and Game Commission. Burns has been business manager at Operating Engineers Local Union 3 since 2006, where he has held several positions since 1994, including treasurer, financial secretary, district representative, special representative to the business manager, and business agent. Appointed 05/05/2016. Effective 05/09/2016.

Member, California Fish and Game Commission, vice, Jack Baylis, term expired. Term ending 01/15/2022.

PETER S. SILVA, has been appointed to the California Fish and Game Commission. Silva has been president and chief executive officer at Silva-Silva International since 2011. He served as assistant administrator for water at the U.S. Environmental Protection Agency from 2009 to 2011, senior policy advisor at the Metropolitan Water District of Southern California from 2005 to 2009, and vice chair at the State Water Resources Control Board from 2000 to 2005. Silva was deputy general manager at the Border Environment Cooperation Commission from 1997 to 2000 and served in several positions at the City of San Diego Public Utilities Department from 1987 to 1997, including deputy director for water utilities, assistant deputy director for the clean water program, and civil engineer. He was a resident engineer at the International Boundary and Water Commission from 1983 to 1987. Silva was an engineer at the San Diego Regional Water Quality Control Board from 1982 to 1983, at the Otay Water District from 1980 to 1982, and at the Los Angeles Regional Water Quality Control Board from 1977 to 1980. Appointed 05/05/2016. Effective 05/11/2016.

Member, California Fish and Game Commission, vice, James Kellogg, resigned, 12/31/2015. Term ending 01/15/2018.



CATALINA A. CIFUENTES, has been appointed to the California Student Aid Commission. Cifuentes has been college and careers coordinator and school counselor at the Riverside County Office of Education since 2014. She served in several positions for the Corona-Norco Unified School District from 2002 to 2014, including head counselor, Advancement Via Individual Determination (AVID) coordinator, and English teacher. Cifuentes was an English teacher and English language learner coordinator for the Riverside Unified School District from 1999 to 2002. She earned a Master of Arts degree in school counseling from Azusa Pacific University. Appointed 05/06/2016. Effective 05/12/2016.

Member, the California Student Aid Commission, vice, Ana Beltran, term expired. Term ending 12/31/2019.

Above appointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, May 16, 2016

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

ACR 152

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 152—Relative to California Holocaust Memorial Day.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill 940—An act to amend Section 185040 of the Public Utilities Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Senate Bill 945—An act to add Chapter 11 (commencing with Section 122380) to Part 6 of Division 105 of the Health and Safety Code, relating to pet boarding facilities.

Bill read second time and ordered to third reading.

Senate Bill 977—An act to amend Section 104495 of the Health and Safety Code, relating to tobacco.

Bill read second time and ordered to third reading.



Senate Bill 1041—An act to add Section 749.5 to, and to add Part 3 (commencing with Section 9525) to Division 4.8 of, the Public Utilities Code, relating to energy.

Bill read second time and ordered to third reading.

Senate Bill 1049—An act to amend Section 316 of the Public Utilities Code, relating to energy public utilities.

Bill read second time and ordered to third reading.

Senate Bill 1055—An act to amend Section 270 of, and to repeal Section 279 of, the Public Utilities Code, relating to telecommunications.

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

Senate Bill 1112—An act to add Section 853.2 to the Public Utilities Code, relating to utilities.

Bill read second time and ordered to third reading.

Senate Bill 1238—An act to amend Sections 3500 and 3502 of the Penal Code, relating to prisons.

Bill read second time and ordered to third reading.

Senate Bill 1261—An act to amend Sections 2083 and 2442 of the Business and Professions Code, relating to healing arts.

Bill read second time and ordered to third reading.

Senate Bill 1298—An act to amend Section 846 of the Public Utilities Code, relating to electricity.

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

Senate Bill 1302—An act to amend Section 10095.5 of, and to amend, repeal, and add Section 10095 of, the Insurance Code, relating to insurance, and declaring the urgency thereof, to take effect immediately.

Bill read second time and ordered to third reading.

Senate Bill 1317—An act to add Article 2.10 (commencing with Section 65891) to Chapter 4 of Division 1 of Title 7 of the Government Code, relating to land use.

Bill read second time and ordered to third reading.

Senate Bill 1331—An act to amend Sections 7200 and 7200.5 of, and to add Section 7215.7 to, the Business and Professions Code, relating to professions and vocations.

Bill read second time and ordered to third reading.

Senate Bill 1347—An act to amend Section 4214 of the Public Resources Code, relating to fire prevention.

Bill read second time and ordered to third reading.



Senate Bill 1442—An act to repeal Section 261 of the Education Code, and to amend Sections 11135, 11136, 11137, 11139, 12930, and 12935 of, to add Section 12957 to, to add Chapter 18 (commencing with Section 7400) and Chapter 18.1 (commencing with Section 7405) to Division 7 of Title 1 of, and to repeal Sections 11138, 11139.3, 11139.5, 11139.6, and 11139.7 of, the Government Code, relating to discrimination.

Bill read second time and ordered to third reading.

Senate Bill 1446—An act to amend Sections 32310, 32400, 32405, 32410, 32425, 32430, 32435, and 32450 of, to add Section 32406 to, and to repeal Section 32420 of, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Senate Concurrent Resolution 113—Relative to National Military Appreciation Month.

Resolution read second time and ordered to third reading.

Senate Bill 1311—An act to amend Section 1808.4 of the Vehicle Code, relating to vehicles.

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 880—An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.

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 1235—An act to amend Sections 11106, 16150, 17315, 30000, and 30306 of, to add Section 16151 to, to add Article 4 (commencing with Section 30355) and Article 5 (commencing with Section 30360) to Chapter 1 of Division 10 of Title 4 of Part 6 of, to repeal Sections 16650, 16662, and 30312 of, and to repeal and add Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code, relating to ammunition.

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 894—An act to amend Sections 16520, 26835, and 27535 of, and to add Division 4.5 (commencing with Section 25250) to Title 4 of Part 6 of, the Penal Code, relating to firearms.

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



Senate Bill 999—An act to amend Section 4064.5 of the Business and Professions Code, to amend Section 1367.25 of the Health and Safety Code, and to amend Section 10123.196 of the Insurance Code, relating to contraceptives.

Bill read second time and ordered to third reading.

Senate Bill 1006—An act to add Title 12.2 (commencing with Section 14230) to Part 4 of the Penal Code, relating to firearm violence research.

Bill read second time and ordered to third reading.

Senate Bill 1146—An act to amend Section 66271 of, and to add Sections 66290.1, 66290.2, and 66292.8 to, the Education Code, relating to postsecondary education.

Bill read second time and ordered to third reading.

Senate Bill 1270—An act to amend Sections 9175 and 9184 of the Food and Agricultural Code, relating to animals.

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

Senate Bill 1407—An act to amend Sections 11106, 16520, 23910, and 30105 of, and to add Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6, of the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Senate Bill 1429—An act to amend Section 5004.1 of the Vehicle Code, relating to vehicles.

Bill read second time and ordered to third reading.

Senate Bill 1453—An act to amend Section 8341 of the Public Utilities Code, relating to energy.

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

Senate Bill 983—An act to amend Sections 2924c and 2924d of, and to amend and repeal Section 2924.11 of, the Civil Code, relating to mortgages.

Bill read second time and ordered to third reading.

Senate Bill 1305—An act to amend Sections 130102, 130108, and 130233 of, to amend and renumber Section 130054 of, to add Chapter 7 (commencing with Section 130800) to Division 12 of, to repeal Section 130102.5 of, and to repeal Division 20 (commencing with Section 190000) of, the Public Utilities Code, and to amend Section 149.11 of the Streets and Highways Code, relating to transportation.

Bill read second time and ordered to third reading.

Senate Bill 1150—An act to add Section 2920.7 to the Civil Code, relating to mortgages and deeds of trust.

Bill read second time and ordered to third reading.



SECOND READING OF ASSEMBLY BILLS

Assembly Bill 1927—An act to amend Section 853.9 of the Penal Code, relating to criminal procedure.

Bill read second time.

The amendments proposed by the Committee on Public Safety were read and adopted and the measure ordered printed and to consent calendar.

Assembly Concurrent Resolution 104—Relative to the Pomona Police Officer Shaun Diamond Memorial Highway.

Resolution read second time and ordered to consent calendar.

Assembly Concurrent Resolution 107—Relative to the Bakersfield Police Officer David J. Nelson Memorial Bridge.

Resolution read second time and ordered to consent calendar.

Assembly Bill 156—An act to amend Sections 11106, 16150, 17315, 30000, and 30306 of, to add Section 16151 to, to add Article 4 (commencing with Section 30355) and Article 5 (commencing with Section 30360) to Chapter 1 of Division 10 of Title 4 of Part 6 of, to repeal Sections 16650, 16662, and 30312 of, and to repeal and add Article 3 (commencing with Section 30345) of Chapter 1 of Division 10 of Title 4 of Part 6 of, the Penal Code, relating to ammunition.

Bill read second time.

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

Assembly Bill 1511—An act to amend Sections 27880 and 27950 of the Penal Code, relating to firearms.

Bill read second time.

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

Assembly Bill 857—An act to amend Sections 11106, 16520, 23910, and 30105 of, and to add Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Assembly Bill 1135—An act to amend Sections 30515 and 30900 of, and to add Section 30680 to, the Penal Code, relating to firearms.

Bill read second time and ordered to third reading.

Assembly Bill 1176—An act to amend Sections 490.2, 496, and 29805 of the Penal Code, relating to theft, and calling an election, to take effect immediately.

Bill read second time and ordered to third reading.



REPORTS OF STANDING COMMITTEES**Committee on Appropriations**

Senate Chamber, May 16, 2016

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

SB 970

Reports the same back with the recommendation: That the above bill be ordered to second reading pursuant to Senate Rule 28.8.

LARA, Chair

Above bill ordered to second reading.

Committee on Rules

Senate Chamber, May 17, 2016

Mr. President: The Committee on Rules has examined:

SB 894	SB 983	SB 1055	SB 1150
SB 1270	SB 1298	SB 1305	SB 1453

And reports the same correctly engrossed.

DE LEÓN, Chair

Committee on Education

Senate Chamber, May 17, 2016

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

AB 934

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

LIU, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 934—An act to amend Sections 1296, 44664, 44670, 44671, 44830.1, 44885.5, 44901, 44929.21, 44929.23, 44934, 44937, 44938, 44943, 44944.05, 44945, and 44955 of, to amend the heading of Article 13 (commencing with Section 44670) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to add Sections 44934.2 and 44944.2 to, and to add Article 4.6 (commencing with Section 44520) and Article 4.7 (commencing with Section 44550) to Chapter 3 of Part 25 of Division 3 of Title 2 of, the Education Code, relating to certificated school employees.

Bill read second time.

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



Committee on Business, Professions and Economic Development

Senate Chamber, May 17, 2016

Mr. President: The Chair of the Committee on Business, Professions and Economic Development, to which was referred:

AB 923

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

HILL, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 923—An act to amend Sections 3750 and 3755 of, and to add Section 3754.8 to, the Business and Professions Code, relating to healing arts.

Bill read second time.

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

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Concurrent Resolution 144: By Senator Gaines (Coauthors: Senators Bates and Huff)—Relative to Fireworks Safety Month.

Senate Concurrent Resolution 145: By Senator Gaines—Relative to Prostate Cancer Awareness Month.

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

Assembly Bill 1597—An act to amend Section 4019.4 of the Penal Code, relating to county jails.

Bill read third time.

Amendments Adopted

Amendments to **AB 1597** proposed by Senator Hancock were read and adopted and the measure ordered printed and to second reading.

SENATE COMMITTEE ROLL CALLS**Committee on Appropriations**

SB 880—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage

SB 880—Do pass as amended

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

SB 894—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage

SB 894—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

SB 999—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (1)—Senator Nielsen.

SB 1006—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage

SB 1006—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

SB 1146—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

SB 1235—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage

SB 1235—Do pass as amended

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

SB 1270—Do pass

AYES (7)—Senators Bates, Beall, Hill, Lara, McGuire, Mendoza, and Nielsen.

NOES (0)—None.

SB 1407—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza

Failed passage

SB 1407—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.



SB 1429—Do pass

AYES (6)—Senators Bates, Beall, Hill, McGuire, Mendoza, and Nielsen.

NOES (0)—None.

SB 1453—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (1)—Senator Nielsen.

AB 156—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage

AB 156—Do pass as amended

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

AB 857—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza

Failed passage

AB 857—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

AB 1135—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage

AB 1135—Do pass

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

AB 1176—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage

AB 1176—Do pass

AYES (7)—Senators Bates, Beall, Hill, Lara, McGuire, Mendoza, and Nielsen.

NOES (0)—None.

AB 1511—Motion to place on suspense file

AYES (2)—Senators Bates and Nielsen

NOES (4)—Senators Beall, Hill, Lara, and McGuire

Failed passage



AB 1511—Do pass as amended

AYES (5)—Senators Beall, Hill, Lara, McGuire, and Mendoza.

NOES (2)—Senators Bates and Nielsen.

Date of Hearing: 5/16/2016

Lara, Chair

LEAVES OF ABSENCE

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

The following Senator was granted leave of absence for the day on legislative business: Senator Pan.

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

ADJOURNMENT

At 3:30 p.m., the Senate adjourned until 9 a.m., Wednesday, May 18, 2016.

NEVA MARIE PARKER, Minute Clerk

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