

No. 4

CALIFORNIA LEGISLATURE

AT SACRAMENTO

2023–24 FIRST EXTRAORDINARY SESSION

**Senate
Daily File**



SENATOR TONI G. ATKINS

President pro Tempore

SENATOR MIKE MCGUIRE

Majority Floor Leader

SENATOR BRIAN W. JONES

Minority Leader

Compiled Under the Direction of

ERIKA CONTRERAS

Secretary of the Senate

By

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and

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Assistant Daily File Clerk

SENATE CONVENES UPON CALL OF THE PRESIDENT PRO TEMPORE

TUESDAY, JANUARY 31, 2023

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NOTICE

PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, QUALIFIED INDIVIDUALS WITH DISABILITIES MAY REQUEST REASONABLE MODIFICATIONS TO SENATE POLICIES, OR APPROPRIATE AUXILIARY AIDS AND SERVICES, TO ENSURE AN EQUAL OPPORTUNITY TO PARTICIPATE IN SENATE SERVICES, PROGRAMS, AND ACTIVITIES. REQUESTS SHOULD BE SUBMITTED AS SOON AS POSSIBLE, BUT NO LATER THAN THREE (3) BUSINESS DAYS BEFORE A SCHEDULED EVENT, TO THE ADA COORDINATOR AT: ADA.COORDINATOR@SEN.CA.GOV. 1020 N STREET, ROOM 255, SACRAMENTO, CA 95814, (916) 651-1504.

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OFFICERS OF THE SENATE

LIEUTENANT GOVERNOR ELENI KOUNALAKIS

President

SENATOR TONI G. ATKINS

President pro Tempore

ERIKA CONTRERAS

Secretary of the Senate

KATRINA RODRIGUEZ

Sergeant at Arms

SENATE ORDER OF BUSINESS

1. Roll Call.
2. Prayer by the Chaplain.
3. Pledge of Allegiance.
4. Privileges of the Floor.
5. Communications and Petitions.
6. Messages from the Governor.
7. Messages from the Assembly.
8. Reports of Committees.
9. Motions, Resolutions and Notices.
10. Introduction and First Reading of Bills.
11. Consideration of Daily File:
 - a. Second Reading.
 - b. Special Orders.
 - c. Unfinished Business.
 - d. Third Reading.
12. Announcement of Committee Meetings.
13. Leaves of Absence.
14. Adjournment.

2023–2024
FIRST EXTRAORDINARY SESSION
(Convened December 5, 2022)

A PROCLAMATION
BY THE GOVERNOR OF THE STATE OF CALIFORNIA

WHEREAS from August to October 2022, Californians experienced some of the highest gasoline prices ever recorded in the State, even though the price of crude oil declined during that time, state taxes and fees remained unchanged, and gas prices did not increase outside the western United States; and

WHEREAS much of this increase was caused by refiners, which increased their share of the price consumers paid at the pump from \$0.64 per gallon on August 29, 2022, to \$2.48 per gallon on October 3, 2022, leading to prices that were \$2.61 higher per gallon than average U.S. prices; and

WHEREAS as a result of these increases, refiners earned record profits at the expense of Californians during the third quarter of 2022, with Chevron earning \$11.2 billion; Phillips 66 earning \$5.4 billion (up from \$402 million during same period in 2021, an increase of over 1200%); Marathon Petroleum earning \$4.48 billion (up from \$694 million during the same period in 2021, a 545% increase); Valero earning \$2.82 billion (up from \$463 million during this same period in 2021, an increase of more than 500%), and PRF Energy earning \$1.06 billion (up from \$59.1 million during the same period in 2021, an increase of nearly 1700%); and

WHEREAS in addition to the State’s refiners, oil companies took in astronomical profits during this time, including Shell (earning \$9.45 billion in the third quarter of 2022, up from \$4.1 billion in that time in 2021), Exxon (\$19.7 billion in the third quarter of 2022, the highest quarterly profits in its history), and BP (\$8.2 billion in profits in the third quarter); and

WHEREAS oil companies have earned these extraordinary profits at the expense of Californians’ health, which continues to be harmed by the production and burning of fossil fuels, and at the expense of our air, land, and water, which continue to suffer billions of dollars of damage each year from the climate crisis that is caused by the combustion of fossil fuels; and

WHEREAS the burden of high gas prices is borne disproportionately by lower-income Californians, many of whom must drive to commute long distances for work and have less ability to absorb higher gas prices in their budgets and have been disproportionately impacted by inflation generally; and

WHEREAS the Assembly's Select Committee on Gasoline Supply and Pricing and the Energy Commission have been investigating the causes of gasoline price increases and supply shortages, but oil companies have refused to provide complete and adequate explanations for their actions; and

WHEREAS the limited explanations refiners have offered, such as low inventory levels and overlapping scheduled maintenance schedules, can account for only part of the 2022 price spike and suggest the need for closer oversight of the refining sector to prevent supply shortages that artificially drive up prices; and

WHEREAS gas prices in California have remained elevated, without explanation, since a price shock that followed a refinery explosion—an episode that was exacerbated by unlawful price manipulation by market participants, according to the Attorney General; and

WHEREAS the Legislature enacted, and I signed, the California Oil Refinery Cost Disclosure Act (Senate Bill No. 1322, Allen) in 2022, to provide more information about refiners' margins by requiring reporting of data that will make windfall profits more apparent, yet even greater transparency is needed in light of oil companies' recent pricing decisions, particularly with respect to information regarding the timing and production impact of refinery maintenance and timely information about inventory levels; and

WHEREAS oil companies are entitled to a reasonable return, but not to engage in opportunistic price gouging for gasoline, which remains a necessary commodity for most Californians even as the state begins the process of moving away from relying on fossil fuels to power our vehicles; and

WHEREAS the State was able to mitigate the effect of oil companies' excessive profits on Californians by funding the Middle Class Tax Refund and by transitioning to winter-blend gasoline a month early to increase the state's gasoline supply, yet these are stopgap measures and more fundamental changes are necessary to avoid oil company price gouging going forward; and

WHEREAS these extraordinary circumstances require the Legislature of the State of California to be convened in a special session.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with Section 3(b) of Article IV of the California Constitution, hereby convene the Legislature of the State of California to assemble in extraordinary session in Sacramento, California, on the 5th day of December 2022, at a time to be determined, for the following purposes:

To consider and act upon legislation necessary to:

- a. Deter price gouging by oil companies by imposing a financial penalty on excessive margins, with any penalties collected to be returned to Californians.
- b. Empower the Energy Commission and the Department of Tax and Fee Administration to more closely review and evaluate costs, profits, and pricing in the refining, distribution, and retail segments of the market for gasoline in California.
- c. Provide for greater regulatory oversight of the refining, distribution, and retail segments of the market to prevent avoidable supply shortages and excessive price increases.
- d. Make conforming changes to existing law consistent with paragraphs (a), (b), and (c).

I FURTHER DIRECT that as soon as hereafter possible, this Proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Proclamation.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of November 2022.

GAVIN NEWSOM
Governor of California

MEMBERS OF THE SENATE, NAMES, ADDRESSES, OCCUPATIONS

Name	Occupation	Party	Dist.	Suite	Telephone	Counties	District Address
Allen, Benjamin	Attorney/Legislator	D	24	6610	651-4024	Los Angeles	2512 Artesia Blvd., Ste. 320, Redondo Beach 90278. Ph:(310)318-6994.
Alvarado-Gil, Marie	Educator	D	4	7240	651-4004	Alpine, Amador, Calaveras, El Dorado, Inyo, Madera, Mariposa, Merced, Mono, Nevada, Placer, Stanislaus, Tuolumne	102 Grove Ave., Ste. B, Oakdale 95361. Ph:(209)848-8001. 460 Sutter Hill Rd., Ste. C, Sutter Creek 95685. Ph:(209)267-5033.
Archuleta, Bob	Real Estate Broker.....	D	30	6620	651-4030	Los Angeles, Orange	12501 Imperial Hwy., Ste. 110, Norwalk 90650. Ph:(562)406-1001.
Ashby, Angelique V.	Legislator/Women's Advocate.....	D	8	7320	651-4008	Sacramento	1020 N St., Rm. 568, Sacramento 95814. Ph:(916)651-1529. 2251 Florin Rd., Ste. 156, Sacramento 95822. Ph:(916)262-2904.
Atkins, Toni G.	Full-time Legislator	D	39	8518	651-4039	San Diego	7575 Metropolitan Drive, Ste. 100, San Diego 92108. Ph:(619)688-6700.
Becker, Josh.....	Non-profit Founder.....	D	13	7250	651-4013	San Mateo, Santa Clara ...	1528 South El Camino Real, Ste. 303, San Mateo 94402. Ph:(650)212-3313.
Blakespear, Catherine....	Legislator/Attorney	D	38	7340	651-4038	Orange, San Diego	24031 El Toro Rd., Ste. 201A, Laguna Hills 92653. Ph:(949)598-5850. 169 Saxony Rd., Ste. 103, Encinitas 92024. Ph:(760)642-0809.
Bradford, Steven	Full-time Legislator	D	35	7210	651-4035	Los Angeles	One Manchester Blvd., Ste. 600, Inglewood 90301. Ph:(310)412-6120. 302 W. 5th St., Ste. 203, San Pedro 90731. Ph:(310)514-8573.
Caballero, Anna M.	Attorney	D	14	7620	651-4014	Fresno, Madera, Merced, Tulare	510 West Main St., Ste. E, Merced 95340. Ph:(209)726-5495. 2550 Mariposa Mall, Ste. 2016, Fresno 93721. Ph:(559)264-3070.
Cortese, Dave	Full-time Legislator	D	15	6630	651-4015	Santa Clara	2105 S. Bascom Ave., Ste. 154, Campbell 95008. Ph:(408)558-1295.
Dahle, Brian	Farmer	R	1	7230	651-4001	Alpine, El Dorado, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou	1320 Yuba St., Ste. 102, Redding 96001. Ph:(530)224-7001. 11230 Gold Express Dr., Ste. 304, Gold River 95670. Ph:(916)464-4201. 11310 McCourtney Rd., Unit E2/E3, Grass Valley 95949. Ph:(530)271-1022.
Dodd, Bill	Full-time Legislator	D	3	7610	651-4003	Contra Costa, Napa, Sacramento, Solano, Sonoma, Yolo	2721 Napa Valley Corporate Dr., Bldg. 4, 2nd Floor, Napa 94558. Ph:(707)224-1990. 555 Mason St., Ste. 275, Vacaville 95688. Ph:(707)454-3808. 50 D St., Ste. 300, Santa Rosa 95404. Ph:(707)576-2093. 420 Virginia St., Ste. 1-C, Vallejo 94590. Ph:(707)551-2389.
Durazo, María Elena.	Full-time Legislator	D	26	7530	651-4026	Los Angeles	1808 W. Sunset Blvd., Los Angeles 90026. Ph:(213)483-9300.

Name	Occupation	Party	Dist.	Suite	Telephone	Counties	District Address
Eggman, Susan Talamantes	Full-time Legislator	D	5	8530	651-4005	Sacramento, San Joaquin, Stanislaus	2291 W. March Ln., Ste. B200, Stockton 95207. Ph:(209)472-9535.
Glazer, Steven M.	Full-time Legislator	D	7	7520	651-4007	Alameda, Contra Costa	420 W. 3rd St., Antioch 94509. Ph:(925)754-1461. 51 Moraga Way, Ste. 2, Orinda 94563. Ph:(925)258-1176.
Gonzalez, Lena A.	Full-time Legislator	D	33	7720	651-4033	Los Angeles	3939 Atlantic Ave., Ste. 107, Long Beach 90807. Ph:(562)256- 7921. 3355 E. Gage Ave., Huntington Park 90255. Ph:(323)277- 4560.
Grove, Shannon	Small Business Owner ..	R	12	7150	651-4012	Fresno, Kern, Tulare	5701 Truxtun Ave., Ste. 150, Bakersfield 93309. Ph:(661)323- 0443. 567 W. Shaw Ave., Ste. A-3, Fresno 93704. Ph:(559)243- 8580.
Hurtado, Melissa	Health Advocate	D	16	7310	651-4016	Fresno, Kern, Kings, Tulare	1201 E. California Ave., Ste. A, Bakersfield 93307. Ph:(661)395- 2620. 611 N. Douty St., Hanford 93230. Ph:(559)585-7161.
Jones, Brian W.	Commercial Real Estate	R	40	7640	651-4040	San Diego	720 N. Broadway, Ste. 110, Escondido 92025. Ph:(760)796-4655.
Laird, John	Full-time Legislator	D	17	8720	651-4017	Monterey, San Luis Obispo, Santa Clara, Santa Cruz	1026 Palm St., Ste. 201, San Luis Obispo 93401. Ph:(805)549- 3784. 99 Pacific St., Ste. 575F, Monterey 93940. Ph:(831)657- 6315. 701 Ocean St., Ste. 318A, Santa Cruz 95060. Ph:(831)425- 0401.
Limón, Monique	Educator	D	19	6510	651-4019	Santa Barbara, Ventura	300 E. Esplanade Dr., Ste. 430, Oxnard 93036. Ph:(805)988- 1940. 222 E. Carrillo St., Ste. 309, Santa Barbara 93101. Ph:(805)965-0862.
McGuire, Mike	Full-time Legislator	D	2	8610	651-4002	Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma, Trinity	3501 Civic Center Dr., Ste. 425, San Rafael 94903. Ph:(415)479- 6612. 50 D St., Ste. 120A, Santa Rosa 95404. Ph:(707)576- 2771. 200 South School St., Ste. F, Ukiah 95482. Ph:(707)468- 8914. 1080 Mason Mall, Ste. 4, Crescent City 95531. Ph:(707)464- 1255. 1036 5th St., Ste. D, Eureka 95501. Ph:(707)445-6508. 885 Lakeport Blvd., Lakeport 95453. Ph:(707)468-8914.
Menjivar, Caroline	Social Worker	D	20	6720	651-4020	Los Angeles	6150 Van Nuys Blvd., Ste. 400, Van Nuys 91401. Ph:(818)901-5588.
Min, Dave	Educator	D	37	6710	651-4037	Orange	2151 Michelson Dr., Ste. 258, Irvine 92612. Ph:(949)223-5472.
Newman, Josh	Veterans' Advocate	D	29	6520	651-4029	Los Angeles, Orange, San Bernardino	203 N. Harbor Blvd., Fullerton 92832. Ph:(714)525-2342.
Nguyen, Janet	Small Business Owner ..	R	36	7130	651-4036	Los Angeles, Orange	
Niello, Roger W.	Automobile Dealer	R	6	7110	651-4006	Placer, Sacramento	2200A Douglas Blvd., Ste. 100, Roseville 95661. Ph:(916)772-0571.
Ochoa Bogh, Rosilicic ..	Realtor	R	23	7220	651-4023	Los Angeles, Riverside, San Bernardino	1758 Orange Tree Ln., Ste. B, Redlands 92374. Ph:(909)335-0271.

Name	Occupation	Party	Dist.	Suite	Telephone	Counties	District Address
Padilla, Stephen C.	Public Policy Consultant/Former Law Enforcement	D	18	6640	651-4018	Imperial, Riverside, San Bernardino, San Diego.....	1224 State St., Ste. D, El Centro 92243. Ph:(760)335-3442. 303 H St., Ste. 200, Chula Vista 91910. Ph:(619)409-7690. 45-125 Smurr St., Ste. B, Indio 92201. Ph:(760)398-6442.
Portantino, Anthony J. ..	Full-time Legislator	D	25	7630	651-4025	Los Angeles, San Bernardino	601 E. Glenoaks Blvd., Ste. 210 Glendale 91207. Ph:(818)409- 0400. 201 East Bonita Ave., San Dimas 91773. Ph:(909)599-7351.
Roth, Richard D.	Attorney	D	31	7510	651-4031	Riverside	3737 Main St., Ste. 104, Riverside 92501. Ph:(951)680-6750.
Rubio, Susan	Educator	D	22	8710	651-4022	Los Angeles, San Bernardino	100 S. Vincent Ave., Ste. 401, West Covina 91790. Ph:(626)430- 2499. 101 W. Mission Blvd., Ste. 111, Pomona 91766. Ph:(909)469- 1110.
Seyarto, Kelly.....	Retired Firefighter.....	R	32	7120	651-4032	Orange, Riverside, San Bernardino, San Diego.....	25186 Hancock Ave., Ste. 320, Murrieta 92562. Ph:(951)894-3530.
Skinner, Nancy	Full-time Legislator	D	9	8630	651-4009	Alameda, Contra Costa....	1515 Clay St., Ste. 2202, Oakland 94612. Ph:(510)286-1333.
Smallwood-Cuevas, Lola.....	Educator/Community Organizer	D	28	6730	651-4028	Los Angeles	700 Exposition Park Dr., Los Angeles 90037. Ph:(213)745-6656.
Stern, Henry I.	Educator/Attorney	D	27	7710	651-4027	Los Angeles, Ventura	5016 N. Pkwy., Calabasas, Ste. 222, Calabasas 91302. Ph:(818)876- 3352.
Umberg, Thomas J.	Attorney/Retired Military Officer	D	34	6530	651-4034	Los Angeles, Orange	1000 East Santa Ana Blvd., Ste. 220B, Santa Ana 92701. Ph:(714)558-3785.
Wahab, Aisha.....	Businesswoman.....	D	10	7330	651-4410	Alameda, Santa Clara.....	39510 Paseo Padre Pkwy., Ste. 280, Fremont 94538. Ph:(510)794- 3900.
Wiener, Scott D.	Legislator/Attorney	D	11	8620	651-4011	San Francisco, San Mateo.....	455 Golden Gate Ave., Ste. 14800, San Francisco 94102. Ph:(415)557-1300.
Wilk, Scott.....	Small Business Owner..	R	21	7140	651-4021	Los Angeles, San Bernardino	848 W. Lancaster Blvd., Ste. 101, Lancaster 93534. Ph:(661)729- 6232. 23920 Valencia Blvd., Ste. 250, Santa Clarita 91355. Ph:(661)286-1471. 14343 Civic Dr., First Floor, Victorville 92392. Ph:(760)843-8414.

Email addresses all follow the same format. All addresses are senator.lastname@senate.ca.gov (Example: Senator.McGuire@senate.ca.gov)

DIAGRAM OF SENATE CHAMBER, SHOWING MEMBERS AND SEATING ARRANGEMENT—2023–24 FIRST EXTRAORDINARY SESSION

Senatoris Est Civitatis Libertatem Tueri—It is the Duty of the Senators to Protect the Liberty of the People

LIEUTENANT GOVERNOR, ELENI KOUNALAKIS
 SENATOR TONI G. ATKINS, PRESIDENT PRO TEMPORE

ZACH TWILLA HISTORY CLERK	HOLLY HUMMELT DAILY FILE CLERK	CLAUDIA FUENTES ASST. DAILY FILE CLERK	MATHEW BURNS JOURNAL CLERK	HESHANI WJEMANNE ASST. SECRETARY	BERNADETTE C. MCNULTY CHIEF ASST. SECRETARY OF THE SENATE	ERIKA CONTRERAS SECRETARY OF THE SENATE	SUSAN DELAFUENTE ASST. TO SECRETARY OF THE SENATE	JONAS AUSTIN FLOOR ANALYSES
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NIELLO OF FAIR OAKS	OCHOA BOGH OF YUCAIPA	HURTADO OF BAKERSFIELD	ARCHULETA OF PICO RIVERA	SMALLWOOD- CUEVAS OF LOS ANGELES	GONZALEZ OF LONG BEACH	ROTH OF RIVERSIDE	DODD OF NAPA	ALVARADO-GIL OF JACKSON	BECKER OF MENLO PARK	WIENER OF SAN FRANCISCO	ALLEN OF SANTA MONICA	CONTROL CONSOLE
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DAHLE OF BIEBER	GROVE OF BAKERSFIELD	SEYARTO OF MURRIETA	WILK OF SANTA CLARITA	EGGMAN OF STOCKTON	MENJIVAR OF SAN FERNANDO VALLEY	PORTANTINO OF LA CAÑADA FLINTRIDGE	RUBIO OF BALDWIN PARK	LIMÓN OF SANTA BARBARA	BLAKESPEAR OF ENCINITAS	MIN OF IRVINE	STERN OF LOS ANGELES
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NGUYEN OF HUNTINGTON BEACH	JONES OF SAN DIEGO	CABALLERO OF MERCED	BRADFORD OF GARDENA	NEWMAN OF FULLERTON	UMBERG OF SANTA ANA	LAIRD OF SANTA CRUZ	ASHBY OF SACRAMENTO	SKINNER OF BERKELEY	WAHAB OF HAYWARD	CORTESE OF SAN JOSE	GLAZER OF CONTRA COSTA
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PADILLA OF SAN DIEGO	ATKINS OF SAN DIEGO	MCGUIRE OF HEALDSBURG	DURAZO OF LOS ANGELES
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KATRINA RODRIGUEZ, SERGEANT AT ARMS
 SR. MICHELLE GORMAN, RSM, SENATE CHAPLAIN

ORDER OF BUSINESS

- ROLL CALL
- PRAYER BY THE CHAPLAIN
- PLEDGE OF ALLEGIANCE
- PRIVILEGES OF THE FLOOR
- COMMUNICATIONS AND MESSAGES
- REPORTS OF COMMITTEES
- MOTIONS AND RESOLUTIONS
- CONSIDERATION OF THE DAILY FILE
- ANNOUNCEMENTS
- ADJOURNMENT

SENATE PUBLICATIONS
 (OBTAINABLE AT LEGISLATIVE BILL ROOM)

- THE FILE—DAILY
PROGRAM OF THE DAY'S BUSINESS
- THE JOURNAL—DAILY
RECORD OF THE DAY'S BUSINESS
- THE HISTORY—WEEKLY
SHOWS LATEST ACTION ON BILLS

STANDING COMMITTEES OF THE SENATE

Appropriations—(7)—Portantino (Chair), Jones (Vice Chair), Ashby, Bradford, Seyarto, Wahab and Wiener. Staff Director: Mark McKenzie. Consultants: Ashley Ames, Lenin Del Castillo, Matthew Fleming, Robert Ingenito, Agnes Lee and Janelle Miyashiro. Assistants: Jennifer Douglas and Briana Diaz. Phone: (916)651-4101. State Capitol, Room 412.

Energy, Utilities and Communications—(18)—Bradford (Chair), Dahle (Vice Chair), Ashby, Becker, Caballero, Dodd, Durazo, Eggman, Gonzalez, Grove, McGuire, Min, Newman, Rubio, Seyarto, Skinner, Stern and Wilk. Chief Consultant: Nidia Bautista. Consultant: Sarah E. Smith. Assistant: Melanie Cain. Phone: (916)651-4107. 1021 O Street, Room 3350.

Rules—(5)—Atkins (Chair), Grove (Vice Chair), Laird, Ochoa Bogh and Smallwood-Cuevas. Secretary of the Senate: Erika Contreras. Assistant: Chinook Shin. Phone: (916)651-4120. State Capitol, Room 400.

BILLS ON THE SENATE DAILY FILE

BILL NO.	ITEM NO.	AUTHOR	LOCATION	VOTE REQ
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