

## CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED THIRTY-FIRST LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Thursday, January 7, 2016

The Senate met at 9:06 a.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, Bates, Beall, Cannella, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pavley, Roth, Stone, Vidak, Wieckowski, and Wolk—34.

Quorum present.

*(NOTE: Senators Berryhill and Runner will be excused this day due to illness. Senators Block and Hertzberg will be excused this day on personal business. Senators De León and Pan will be excused this day on legislative business.)*



**PRAYER**

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

The following short poem by Dom Helder Camara of Brazil (1909–99) invites us to become experts. He says:

Become an expert  
In the art  
Of discovering the good  
In every person.  
No one  
Is entirely bad.  
Become an expert  
In the art  
Of finding the truthful core  
In views of every kind.  
The human mind  
Abhors total error.

*Gracious and loving Creator*, we trust that You respect the good intentions of our hearts. Help us to extend the same courtesy to those we encounter in our daily lives. We ask this in Your name.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**PRIVILEGES OF THE FLOOR  
SPECIAL INTRODUCTIONS**

Senator Monning introduced visiting staff members from Senate District 17.

**MOTIONS, RESOLUTIONS AND NOTICES****RE-REFERENCE TO COMMITTEE  
PURSUANT TO SENATE RULE 29.10(c)**

Pursuant to Senate Rule 29.10(c), the following measures were re-referred to the Committee on Rules:

SB 24                      SB 681                      AB 21

**UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS**

Without objection, the following Senate Journals were approved as corrected by the Minute Clerk:

January 4, 2016              January 5, 2016              January 6, 2016  
January 7, 2016



**MOTION TO TAKE UP OUT OF ORDER**

Senator Anderson moved that **SB 333** be taken up at this time, out of order.

**Ruling by the Presiding Officer**

Senator Lara ruled the motion by Senator Anderson out of order.

**MOTION TO APPEAL  
THE DECISION OF THE PRESIDING OFFICER**

Senator Anderson moved to appeal the decision of the Presiding Officer. The question being: "Shall the decision of the Presiding Officer be overruled?"

**Roll Call**

The roll was called and the decision of the Presiding Officer was sustained by the following vote:

**AYES** (7)—Senators Anderson, Fuller, Moorlach, Morrell, Nguyen, Stone, and Vidak.

**NOES** (17)—Senators Allen, Hall, Hancock, Hill, Hueso, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Pavley, Wieckowski, and Wolk.

**REPORTS OF STANDING COMMITTEES****Committee on Rules**

State Capitol, January 7, 2016

The Committee on Rules has re-referred the following measure to committee:

**Public Employment and Retirement**—SB 24.

The Committee on Rules has re-referred the following measures to two committees:

**Governance and Finance** and **Health**—AB 21.

**Transportation and Housing** and **Appropriations**—SB 681.

Senate Chamber, January 7, 2016

Mr. President: The Committee on Rules has examined:

SB 384

SJR 19

And reports the same correctly engrossed.

DE LEÓN, Chair

**PRIVILEGES OF THE FLOOR  
SPECIAL INTRODUCTIONS**

Senator Hall introduced participants of the Young Visionaries Mentorship Program.

Senators Allen and Pavley introduced David Seck and Jared Veiguela.



**LEAVES OF ABSENCE**

The following Senators were granted leaves of absence for the day due to illness: Senators Berryhill and Runner.

The following Senators were granted leaves of absence for the day on personal business: Senators Block and Hertzberg.

The following Senators were granted leaves of absence for the day on legislative business: Senators De León and Pan.

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

At 10:02 a.m., on motion of Senator Monning, further proceedings under the quorum call of the Senate were dispensed with.

**MOTION TO ADJOURN**

Senator Monning 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 Monday, January 11, 2016.

Motion carried.

**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol

January 7, 2016

*To the Members of the Senate and the Assembly of the California Legislature:*

Relative to years past, the state budget is in good shape. Education funding is at its highest level ever, fifteen million Californians are covered by Medi-Cal or Covered California, the minimum wage has risen to \$10 an hour, and for the first time, the state will provide almost \$400 million to low-wage working families through an earned income tax credit.

Our Rainy Day Fund is growing and the proposed budget for next year will have a healthy surplus even after spending several billion on long overdue infrastructure investments.

It must never be forgotten, however, that 69.5 percent of our General Fund revenues come from the volatile personal income tax which, as history shows us, drops precipitously in time of recession—an event not too far off given the historic pattern of the ten recessions that have occurred since 1945. During a moderate recession, revenue losses to the General Fund will easily total \$55 billion over three years.

That is the nature of our California economy and our state tax system. It's the reason why the Legislature unanimously placed Proposition 2 on the ballot and why the people approved it by nearly 70 percent.

Given the wide disparities that exist in our state and the millions who struggle in one form or another, understandably there will be proposals to fund a variety of worthwhile programs. But it would be short-sighted in the extreme to now embark upon a host of new spending only to see massive



cuts when the next recession hits. In view of the \$27 billion deficit of just five years ago and the much larger one in 2009, it is clear that fiscal restraint must be the order of the day. It also goes without saying that we should be chipping away at the \$72 billion unfunded liability that weighs down our retiree health system.

I look forward to working with you to enact a timely and prudent budget.

With respect,

EDMUND G. BROWN JR., Governor

#### **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 824:** By Senator Beall—An act to amend Section 75230 of, and to add Section 75231 to, the Public Resources Code, relating to transportation.

The following measure was introduced, read the first time and referred to the Committee on Budget and Fiscal Review:

**Senate Bill 825:** By Senator Leno—An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.

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

**Senate Bill 826:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 827:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 828:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 829:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 830:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 831:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 832:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 833:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.



**Senate Bill 834:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 835:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 836:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 837:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 838:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 839:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 840:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 841:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 842:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 843:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 844:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 845:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 846:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 847:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 848:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 849:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 850:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 851:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.



**Senate Bill 852:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 853:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 854:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 855:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 856:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 857:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 858:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 859:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 860:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 861:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 862:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 863:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 864:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

**Senate Bill 865:** By the Committee on Budget and Fiscal Review—An act relating to the Budget Act of 2016.

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

**Senate Concurrent Resolution 92:** By Senator Pan—Relative to Korean-American Day.

**Senate Concurrent Resolution 93:** By Senator Pan—Relative to Asian and Pacific Islander American Heritage Month.

**Senate Concurrent Resolution 94:** By Senator Pan—Relative to Day of Inclusion.



**Senate Concurrent Resolution 95:** By Senator Pan—Relative to the Lunar New Year Celebration.

**Senate Concurrent Resolution 96:** By Senator Pan—Relative to a Day of Remembrance.

#### **REQUESTS TO ADJOURN IN MEMORIAM**

Senator Cannella requested that when the Senate adjourns this day it do so in memory of Todd D. Bailey, Jr. of Los Olivos.

Senator Galgiani requested that when the Senate adjourns this day it do so in memory of Cedric Purify and Tim Egkan of Stockton, and John Phillips of San Diego.

Senator Hueso requested that when the Senate adjourns this day it do so in memory of Miguel Miranda of Brawley.

Senators Leno, Mitchell, and Jackson requested that when the Senate adjourns this day it do so in memory of Patricia Siegel of San Francisco.

Senators Leyva, Morrell, Stone, Nguyen, Liu, and Roth requested that when the Senate adjourns this day it do so in memory of Bennetta Betbadal and Larry Daniel Kaufman of Rialto, Nicholas Thalasinis of Colton, Isaac Amanios and Yvette Velasco of Fontana, Robert Adams of Yucaipa, Harry Bowman of Upland, Sierra Clayborn of Moreno Valley, Juan Espinoza of Highland, Aurora Godoy of San Jacinto, Shannon Johnson of Los Angeles, Damian Meins of Riverside, Tin Nguyen of Santa Ana, and Michael Raymond Wetzels of Lake Arrowhead.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Ruby Cavanaugh of Tustin.

Senator Stone requested that when the Senate adjourns this day it do so in memory of George Zander of Palm Springs.

#### **ADJOURNMENT**

At 3:30 p.m., on motion of Senator Monning, the Senate adjourned pursuant to the Senators' requests until 2 p.m., Monday, January 11, 2016.

NEVA MARIE PARKER, Minute Clerk

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