

## CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-SECOND LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Tuesday, February 16, 2016

The Senate met at 1:03 p.m.

Hon. Holly J. Mitchell, of the 30th District, presiding.

Secretary Daniel Alvarez at the Desk.

Assistant Secretary Jamie Taylor 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, Berryhill, Block, Cannella, De León, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Roth, Stone, Vidak, Wieckowski, and Wolk—37.

Quorum present.

*(NOTE: Senator Fuller will be excused this day on personal business. Senator Pavley will be excused this day on legislative business. Senator Runner will be excused this day due to illness.)*



**PRAYER**

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

On October 19, 1796 in his farewell address, George Washington said the following: It will be worthy of a free, enlightened, and . . . great Nation, to give to mankind the magnanimous . . . example of a People always guided by an exalted justice and benevolence.

*Gracious and loving God*, we pray today in thanksgiving for the leadership of our first president, George Washington. In a time of great upheaval, he laid a foundation of liberty and democracy for the benefit of future generations.

Today we are still leaning into the meaning of liberty and justice for all, as the legislators of our time strive to be guided by the ideal of exalted justice.

Be with the legislators in this chamber as they pursue the dream of peace and harmony amid the details and decisions of the moment. May their constituents also embrace the responsibilities of democracy so that together we can build a just and productive society, fulfilling the desires set forth by the founders of our country. We ask this in Your name.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**PRIVILEGES OF THE FLOOR****SPECIAL INTRODUCTIONS**

Senator Monning introduced his daughter, Laura Kent-Monning and granddaughter, Shaye Smith.

**MESSAGES FROM THE ASSEMBLY**

Assembly Chamber, February 12, 2016

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

ACR 118

ACR 127

E. DOTSON WILSON, Chief Clerk of the Assembly

**FIRST READING OF ASSEMBLY MEASURES**

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

**Assembly Concurrent Resolution 118**—Relative to Black History Month.

**Assembly Concurrent Resolution 127**—Relative to Abraham Lincoln's birthday.



**MESSAGES FROM THE ASSEMBLY**

February 16, 2016

*Mr. Daniel Alvarez*  
*Secretary of the Senate*

Dear Daniel: Pursuant to the instructions of the Assembly, I am herewith returning Assembly Bill No. 908 to the Senate for further action.

Sincerely,

E. DOTSON WILSON, Chief Clerk of the Assembly

Above bill ordered held at Desk.

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

Senate Chamber, February 16, 2016

Madam President: The Committee on Rules has examined:

SB 812

And reports the same correctly engrossed.

DE LEÓN, Chair

**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 1050:** By Senator De León—An act relating to elementary and secondary education.

**Senate Bill 1051:** By Senator Hancock—An act to amend Sections 40240 and 40241 of the Vehicle Code, relating to vehicles.

**Senate Bill 1052:** By Senators Lara and Mitchell—An act relating to juveniles.

**Senate Bill 1053:** By Senator Leno—An act to amend Section 12955 of the Government Code, relating to housing discrimination.

**Senate Bill 1054:** By Senator Pavley—An act to amend Section 2085.5 of the Penal Code, and to amend Section 19280 of the Revenue and Taxation Code, relating to restitution orders.

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

**Senate Bill 1056:** By Senator Liu—An act to amend Sections 361.5, 366.1, 366.21, 366.215, 366.22, 366.25, 16500.1, 16500.5, and 16517 of the Welfare and Institutions Code, relating to juveniles.



**Senate Bill 1057:** By Senator Anderson—An act to add Section 52.8 to the Civil Code, relating to terrorism.

**Senate Bill 1058:** By Senator Pan—An act to amend Section 19849.18 of the Government Code, relating to state employees.

**Senate Bill 1059:** By Senator Monning—An act to amend Sections 67100 and 67102 of the Education Code, relating to postsecondary education.

**Senate Bill 1060:** By Senator Leno—An act to amend Sections 366.29 and 727.3 of the Welfare and Institutions Code, relating to adoption.

**Senate Bill 1061:** By Senator Hueso—An act to amend Section 14350 of the Public Resources Code, relating to the California Conservation Corps.

**Senate Bill 1062:** By Senator Lara—An act to add Section 2128 to the Fish and Game Code, relating to elephants.

**Senate Bill 1063:** By Senator Hall—An act to amend Sections 1197.5 and 1199.5 of the Labor Code, relating to employment.

#### **CONSIDERATION OF DAILY FILE**

##### **UNFINISHED BUSINESS**

##### **Consideration of Governor's Appointments**

Senator De León placed the following Governor's appointment before the Senate:

KATRINA S. HAGEN, Deputy Director, Department of Human Resources.

The President put the question: "Will the Senate advise and consent to the appointment by the Governor?"

##### **Roll Call**

The roll was called and the appointment was confirmed by the following vote:

AYES (34)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, De León, Galgiani, Glazer, Hall, Hernandez, Hertzberg, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Roth, Stone, Vidak, Wieckowski, and Wolk.

NOES (0)—None.



**MOTIONS, RESOLUTIONS AND NOTICES**  
**MOTION TO SUSPEND JOINT RULE 62(a)**

Senator Leno moved that Joint Rule 62(a) be suspended for the purpose of allowing the Committee on Budget and Fiscal Review to meet and hear **AB 133** and **AB 135** without four days' notice in the Daily File.

**Roll Call**

The roll was called and the motion carried by the following vote:

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

NOES (6)—Senators Anderson, Cannella, Gaines, Morrell, Stone, and Vidak.

**LEAVES OF ABSENCE**

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

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

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

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

At 1:25 p.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, February 17, 2016.

Motion carried.



**MESSAGES FROM THE GOVERNOR**

Governor's Office, State Capitol

February 16, 2016

*To the Senate of the State of California:*

I hereby respectfully withdraw from consideration, effective close of business February 16, 2016, the nomination of the following appointee heretofore submitted and now before your honorable body for confirmation.

Destie L. Overpeck

Administrative Director, Department of  
Industrial Relations, Division of  
Workers' Compensation

Sincerely,

EDMUND G. BROWN JR., Governor

Above withdrawal transmitted to the Committee on Rules.

**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 1064:** By Senator Hancock—An act to amend Sections 18259 and 18259.3 of, to amend the heading of Chapter 4.3 (commencing with Section 18259) of Part 6 of Division 9 of, and to repeal Sections 18259.1 and 18259.5 of, the Welfare and Institutions Code, relating to sexually exploited minors.

**Senate Bill 1065:** By Senator Monning—An act to amend Section 1286.2 of the Code of Civil Procedure, relating to arbitration.

**Senate Bill 1066:** By Senator Beall—An act to add Section 164.2 to the Streets and Highways Code, relating to transportation.

**Senate Bill 1067:** By Senator Huff—An act to amend Sections 113795, 113814, 113818, 113823, 113873, 114004, 114021, 114057.1, 114299, and 114419 of, and to repeal and add Section 114093 of, the Health and Safety Code, relating to food safety.

**Senate Bill 1068:** By Senator Leyva—An act to amend Section 48852.5 of the Education Code, relating to homeless children and youths.

**Senate Bill 1069:** By Senator Wieckowski—An act to amend Section 65852.150 of the Government Code, relating to land use.

**Senate Bill 1070:** By Senator Hancock—An act to amend Sections 3051 and 4801 of the Penal Code, relating to parole.

**Senate Bill 1071:** By Senator Allen—An act to amend Section 56441 of, and to add Section 56440.1 to, the Education Code, relating to special education.



**Senate Bill 1072:** By Senator Mendoza (Coauthor: Assembly Member Calderon)—An act to amend Sections 39831.3, 39860, and 40085 of, and to add Section 39843 to, the Education Code, and to amend Section 13370 of, and to add Article 18 (commencing with Section 28160) to Chapter 5 of Division 12 of, the Vehicle Code, relating to schoolbus safety.

**Senate Bill 1073:** By Senator Monning—An act relating to building standards.

**Senate Bill 1074:** By Senator Hueso—An act to amend Section 11340.2 of the Government Code, relating to state government.

**Senate Bill 1075:** By Senator Runner—An act to add Section 13012.7 to the Penal Code, relating to crime statistics.

**Senate Bill 1076:** By Senator Hernandez—An act to amend Section 128740 of, and to add Section 1253.7 to, the Health and Safety Code, relating to health care.

**Senate Bill 1077:** By Senators Runner and Huff (Coauthors: Senators Anderson, Bates, Berryhill, Fuller, Gaines, Galgiani, Moorlach, Nguyen, Nielsen, Stone, and Vidak)—An act to add Section 7283 to the Government Code, relating to law enforcement, and declaring the urgency thereof, to take effect immediately.

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

**Senate Concurrent Resolution 110:** By Senator Mendoza (Principal coauthor: Assembly Member Cooley)—Relative to Brain Injury Awareness, Treatment, and Prevention Month.

#### REQUESTS TO ADJOURN IN MEMORIAM

Senator McGuire requested that when the Senate adjourns this day it do so in memory of Marv Soiland of Santa Rosa.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Stacy Margolin of Garden Grove.

Senator Morrell requested that when the Senate adjourns this day it do so in memory of Antonin Scalia, Associate Justice, Supreme Court of the United States.

Senator Nguyen requested that when the Senate adjourns this day it do so in memory of Daniel Nguyen of Garden Grove.

Senators Wolk and Hancock requested that when the Senate adjourns this day it do so in memory of Augustine Vegas of Vallejo.



**ADJOURNMENT**

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Wednesday, February 17, 2016.

NEVA MARIE PARKER, Minute Clerk

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