

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-EIGHTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, February 25, 2016

The Senate met at 9:06 a.m.

Hon. Hannah-Beth Jackson, of the 19th 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, Berryhill, Block, Cannella, De León, Fuller, Gaines, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Stone, Vidak, Wieckowski, and Wolk—37.

Quorum present.

(NOTE: Senators Galgiani and Huff will be excused this day on personal business. Senator Runner will be excused this day due to illness.)



PRAYER

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

Gracious and loving Creator, in these days when trees and flowers are blooming in profusion, give us renewed hope in our ability to mend the brokenness of our world, because in the words of Denise Levertov's poem, "Beginners":

... we have only begun to love the earth.

We have only begun to imagine the fullness of life.

How could we tire of hope?—so much is in bud.

How can desire fail?—we have only begun to imagine justice and mercy,

only begun to envision how it might be to live as siblings with beast and flower, not as oppressors.

Surely our river cannot already be hastening into the sea of nonbeing?

Surely it cannot drag, in the silt, all that is innocent?

Not yet, not yet—there is too much broken that must be mended, too much hurt we have done to each other that cannot yet be forgiven.

We have only begun to know the power that is in us

if we would join our solitudes in the communion of struggle.

So much is unfolding that must complete its gesture,
so much is in bud.—AMEN.

(Adapted from Denise Levertov, "Beginners," in *Candles in Babylon*.)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, February 25, 2016

Madam President: The Committee on Rules has examined:

SCR 108

SCR 109

SCR 110

And reports the same correctly engrossed.

DE LEÓN, Chair

MOTIONS, RESOLUTIONS AND NOTICES**UNANIMOUS CONSENT TO APPROVE SENATE JOURNALS**

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

February 22, 2016

February 23, 2016

February 24, 2016

February 25, 2016

**PRIVILEGES OF THE FLOOR
SPECIAL INTRODUCTIONS**

Senator Mendoza introduced Little Lake City School District Board of Directors, Janet Rock, President, Richard Martinez, Vice President, and board members Dora Sandoval and Hilda Zamora; Dr. Mary Sieu, Superintendent of the ABC Unified School District; Chris Apodaca, Vice President of the ABC Unified School District Board of Directors; Ricardo Brown, Principal of Ross Academy; and Erica Aguirre, Luisa Nunes, William Mead, and James Keating, teachers at Ross Middle School.

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

Assembly Bill 908—An act to amend Section 2655 of, to amend, repeal, and add Section 3303 of, and to add and repeal Section 2655.1 of, the Unemployment Insurance Code, relating to disability compensation, and making an appropriation therefor.

Bill read second time and ordered to third reading.

**UNFINISHED BUSINESS
Consideration of Governor's Appointments**

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

JUSTIN R. PADDOCK, Chief, Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation.

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 (35)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Glazer, Hall, Hernandez, Hill, Hueso, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Stone, Vidak, Wieckowski, and Wolk.

NOES (0)—None.



Consideration of Governor's Appointments

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

SILAS H. ABREGO, ED.D., Member, Trustees of the California State University.

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

NOES (0)—None.

Consideration of Governor's Appointments

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

ADAM DAY, Member, Trustees of the California State University.

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

NOES (0)—None.



THIRD READING OF SENATE BILLS

Senate Concurrent Resolution 103—Relative to teen dating and violence prevention.

Resolution read third time and presented by Senator Leyva.

Roll Call

The roll was called and the resolution was adopted by the following vote:

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Senate Concurrent Resolution 109—Relative to California Pharmacists Outreach Week.

Resolution read third time and presented by Senator Stone.

Roll Call

The roll was called and the resolution was adopted by the following vote:

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 117—Relative to Ronald Reagan Day.

Resolution read third time and presented by Senator Bates.

Roll Call

The roll was called and the resolution was adopted by the following vote:

AYES (25)—Senators Anderson, Bates, Beall, Berryhill, Cannella, De León, Fuller, Gaines, Glazer, Hernandez, Hertzberg, Hill, McGuire, Mendoza, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Stone, Vidak, Wieckowski, and Wolk.

NOES (6)—Senators Hancock, Lara, Leno, Leyva, Mitchell, and Monning.

Resolution ordered transmitted to the Assembly.



Assembly Concurrent Resolution 110—Relative to Korean American Day.

Resolution read third time and presented by Senator Nguyen.

Roll Call

The roll was called and the resolution was adopted by the following vote:

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

Assembly Concurrent Resolution 118—Relative to Black History Month.

Resolution read third time and presented by Senator Hall.

Roll Call

The roll was called and the resolution was adopted by the following vote:

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

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

MOTIONS, RESOLUTIONS AND NOTICES

UNANIMOUS CONSENT TO SUSPEND JOINT RULE 62(a)

Without objection, Joint Rule 62(a) was suspended for the purpose of allowing the Committee on Budget and Fiscal Review to meet Monday, February 29, 2016 without four days' notice in the Daily File.

LEAVES OF ABSENCE

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

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 10:13 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 Monday, February 29, 2016.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

State Capitol, February 24, 2016

The Committee on Rules has referred the following measures to committee:

Business, Professions and Economic Development—SB 1033, SB 1039, SB 1085.

Education—SB 1014, SB 1038, SB 1042, SB 1068, SB 1071, SB 1123.

Elections and Constitutional Amendments—SB 1094.

Energy, Utilities and Communications—SB 1028, SB 1035, SB 1049, SB 1055, SB 1112.

Environmental Quality—SB 1008.

Governance and Finance—SB 1009, SB 1011, SB 1027, SB 1029, SB 1103, SB 1104, SB 1116, SB 1126.

Governmental Organization—SB 1012, SB 1032, SB 1105, SB 1119, SB 1120.

Health—SB 1010, SB 1034, SB 1076, SB 1090, SB 1095, SB 1101.

Human Services—SB 1024.

Insurance—SB 1091.

Judiciary—SB 1023, SB 1040, SB 1053, SB 1057, SB 1060, SB 1092, SB 1115, SB 1117, SB 1130.

Labor and Industrial Relations—SB 1015, SB 1063.

Natural Resources and Water—SB 1026, SB 1062, SB 1081, SB 1089, SB 1111.

Public Employment and Retirement—SB 1058.

Public Safety—SB 1016, SB 1031, SB 1036, SB 1037, SB 1046, SB 1054, SB 1075, SB 1077, SB 1079, SB 1080, SB 1084, SB 1088, SB 1109, SB 1110, SB 1129.



Rules—SB 1013, SB 1019, SB 1020, SB 1022, SB 1025, SB 1041, SB 1044, SB 1045, SB 1047, SB 1048, SB 1050, SB 1052, SB 1061, SB 1065, SB 1069, SB 1073, SB 1074, SB 1078, SB 1082, SB 1086, SB 1093, SB 1096, SB 1097, SB 1098, SB 1099, SB 1107, SB 1113, SB 1118, SB 1121, SB 1122, SB 1124, SB 1125, SB 1127.

Transportation and Housing—SB 1066, SB 1128.

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

Business, Professions and Economic Development and Rules—SB 1059.

Elections and Constitutional Amendments and Governance and Finance—SB 1108.

Energy, Utilities and Communications and Environmental Quality—SB 1043.

Energy, Utilities and Communications and Judiciary—SB 1017.

Health and Judiciary—SB 1067.

Human Services and Judiciary—SB 1056.

Labor and Industrial Relations and Health—SB 1100.

Natural Resources and Water and Environmental Quality—SB 1083, SB 1114.

Public Safety and Appropriations—SB 1021, SB 1064, SB 1070.

Public Safety and Judiciary—SB 1087.

Transportation and Housing and Education—SB 1072.

Transportation and Housing and Environmental Quality—SB 1018, SB 1030.

Transportation and Housing and Judiciary—SB 1051, SB 1106.

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

Judiciary—SR 59.

State Capitol, February 24, 2016

Madam President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

Karen L. Smith, M.D., Public Health Officer, State Department of Public Health (4–0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.



State Capitol, February 24, 2016

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation of confirmation:

Genoveva Islas, Member, California Health Benefit Exchange Board (4–0)

Martin W. Morgenstern, Member, California Health Benefit Exchange Board (4–0)

DE LEÓN, Chair

Above appointments ordered to unfinished business.

State Capitol, February 24, 2016

Madam President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation of confirmation:

Van G. Sauter, Member, State Athletic Commission (4–0)

Vernon B. Williams, M.D., Member, State Athletic Commission (4–0)

DE LEÓN, Chair

Above appointments ordered to unfinished business.

State Capitol, February 24, 2016

Madam President: The Committee on Rules has made the following appointments:

Reappointed Donna Burke as a member of the State Board of Optometry for a term ending June 1, 2019.

Appointed Lee Heller, J.D., as a member of the Veterinary Medical Board for a term ending June 1, 2016.

DE LEÓN, Chair



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

February 25, 2016

To the Senate of the State of California:

I have the honor to transmit to you herewith the following appointments and reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments and reappointments are subject to Senate confirmation and consent. I hereby nominate these appointees and re-appointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

ALEXANDER C. SHERRIFFS JR., M.D., has been reappointed to the San Joaquin Valley Unified Air Pollution Control District Governing Board, where he has served since 2011. Sherriffs has been a physician at the Central California Faculty Medical Group since 1985 and a physician in private practice and a professor at the University of California, San Francisco, Fresno Center for Medical Education and Research since 1983. Sherriffs earned a Doctor of Medicine degree from the University of California, Davis School of Medicine. Reappointed 01/21/2016. Effective 02/08/2016.

Member, San Joaquin Valley Unified Air Pollution Control District Governing Board, vice, self, reappointed. Term ending 01/01/2020.

RIMA BARKETT, has been reappointed to the California Exposition and State Fair Board of Directors, where she has served since 2012. Barkett has been president and founder at A Tavola Together since 2007. She was an international relations officer at the World Summit of Nobel Peace Laureates from 2006 to 2007, owner at Café Luna Spaghetteria from 2002 to 2006, and an Italian language instructor at the University of the Pacific from 1996 to 2002. Barkett is founder and president of the Architects of Peace Foundation and a member of the Child Abuse Prevention Council of San Joaquin County. Reappointed 01/21/2016. Effective 02/19/2016.

Member, California Exposition and State Fair Board of Directors, vice, self, reappointed. Term ending 01/01/2020.

JOSE "TONY" ORTIZ, has been appointed to the California Exposition and State Fair Board of Directors. Ortiz has been operations manager at Joseph and Sons since 2008. He served as a senior airman in the U.S. Air Force from 2002 to 2007. Ortiz is a member of the California Cut Flower Commission Governmental Relations Committee. Appointed 01/21/2016. Effective 02/17/2016.

Member, California Exposition and State Fair Board of Directors, vice, Kathleen Nakase, term expired. Term ending 01/01/2020.



CLYDE W. MACDONALD, has been reappointed to the Central Valley Flood Protection Board, where he has served since 2012. Macdonald was chief consultant in the Office of California State Assembly Member John Laird from 2002 to 2008, in the Office of California State Assembly Speaker pro Tempore Fred Keeley from 2000 to 2002, and for the California State Assembly Local Government Committee from 1997 to 2000. Macdonald was a minority consultant for the California State Assembly Natural Resources Committee from 1982 to 1996, and chief consultant for the California State Assembly Office of Research from 1982 to 1996 and for the California State Assembly Water, Parks and Wildlife Committee from 1976 to 1982. He was a consultant for the California State Assembly Water Committee from 1975 to 1976 and a program analyst in the California Legislative Analyst's Office from 1971 to 1975. Macdonald earned a Master of Business Administration degree from the University of California, Berkeley Haas School of Business. Reappointed 01/27/2016. Effective 02/24/2016.

Member, Central Valley Flood Protection Board, vice, self, reappointed. Term ending 01/01/2020.

EMMA SUAREZ PAWLICKI, has been reappointed to the Central Valley Flood Protection Board, where she has served since 2007 and served from 2005 to 2006. Suarez has been an attorney in private practice on natural resource issues since 2007. She was associate solicitor in the U.S. Department of the Interior's Division of Land and Water in 2006. Suarez was a staff attorney at the California Farm Bureau Federation from 2004 to 2006 and at the Pacific Legal Foundation from 2003 to 2004. She was an associate at Matheny, Sears, Linkert and Long LLP from 2002 to 2003. Suarez earned a Juris Doctor degree from the University of the Pacific, McGeorge School of Law. Reappointed 01/27/2016. Effective 02/15/2016.

Member, Central Valley Flood Protection Board, vice, self, reappointed. Term ending 01/01/2020.

TIMOTHY "TIM" M. RAMIREZ, has been reappointed to the Central Valley Flood Protection Board, where he has served since 2012. Ramirez has been manager of the Natural Resources and Lands Management Division at the San Francisco Public Utilities Commission since 2005. He was a senior advisor at the California Bay-Delta Authority from 2003 to 2005 and assistant secretary for water policy and science at the California Resources Agency from 2002 to 2003, where he was water policy and science advisor from 1999 to 2002. Ramirez was resource science director and acting executive director at the Tuolumne River Preservation Trust from 1996 to 1999. He earned a Master of Science degree in civil and environmental engineering and a Master of Arts degree in urban planning from the University of California, Los Angeles. Reappointed 01/27/2016. Effective 02/12/2016.

Member, Central Valley Flood Protection Board, vice, self, reappointed. Term ending 01/01/2020.



STEVEN M. MOORE, has been reappointed to the State Water Resources Control Board, where he has served since 2012. Moore was a civil and sanitary engineer at Nute Engineering from 2006 to 2012. He served as chief of planning at the San Francisco Bay Regional Water Quality Control Board from 2002 to 2006, where he was planning staff from 1999 to 2002 and a water resources control engineer from 1992 to 1996. Moore was a senior engineer at Montgomery Watson Consulting Engineers from 1997 to 1998 and an environmental analyst and biologist at Earth Metrics Inc. from 1989 to 1991. He earned a Master of Science degree in civil engineering from Stanford University. Reappointed 01/27/2016. Effective 02/12/2016.

Member, State Water Resources Control Board, vice, self, reappointed. Term ending 01/15/2020.

CHARLENE M. TAYLOR, has been reappointed to the California Veterans Board, where she has served since 2012. Taylor has held several positions at the Kaiser Foundation Hospitals and Health Plan since 1997, including chief nursing officer and chief operating officer of the Kaiser Permanente Sacramento Medical Center. She served as chief nurse and flight nurse for the U.S. Air Force Reserve from 1993 to 2009 and was an assistant hospital administrator at Sutter Amador Hospital from 1988 to 1997. She is a member of the Veterans of Foreign Wars, Reserve Officers Association, and the Society of Air Force Nurses. Taylor earned a Master of Science degree in nursing administration from the University of California, San Francisco. Reappointed 01/16/2016. Effective 02/10/2016.

Member, California Veterans Board, vice, self, reappointed. Term ending 01/15/2020.

Above appointments and reappointments referred to the Committee on Rules.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Resolution 64: By Senator Jackson—Relative to Women's History Month.



REQUESTS TO ADJOURN IN MEMORIAM

Senator Anderson requested that when the Senate adjourns this day it do so in memory of Kiera Larsen of Lakeside.

Senator Gaines requested that when the Senate adjourns this day it do so in memory of Reverend Morrice Lynn Cunningham of Bartlesville, OK.

Senator Hall requested that when the Senate adjourns this day it do so in memory of Blondell Filer of Compton.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Sidney Ellis and Marilyn Kinney of San Francisco.

Senator Vidak requested that when the Senate adjourns this day it do so in memory of Stanley "Mule" Olson of Selma.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 12 p.m., Monday, February 29, 2016.

NEVA MARIE PARKER, Minute Clerk

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