

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-SECOND LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Thursday, March 3, 2016

The Senate met at 9:03 a.m.

Hon. Ricardo Lara, of the 33rd 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, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, and Wolk—39.

Quorum present.

(NOTE: Senator Hertzberg will be excused this day on personal business.)



PRAYER

Upon invitation of the President, the following prayer was offered by the Rev. Dr. Pamela Anderson of Trinity Cathedral in Sacramento:

Last Tuesday, Astronaut Scott Kelly came back to earth after 340 days in space. He came back a different man. He actually grew two inches due to the lack of gravity in space. He now stands taller.

Being height challenged myself, I am intrigued by this endeavor. But sometimes in our lives we are called to stand taller for great causes.

Malala, who was shot by the Taliban, once said: "Once I had asked God for one or two more inches in height but instead he made me as tall as the sky, so high that I could not measure myself . . . by giving me this height to reach people, he has also given me great responsibilities."

My dear senators, you have been given a great responsibility within these chambers—to reach the sky and help every Californian to stand taller.

Gracious and loving God, we pray for our California Senators and for the deliberations that will take place today. We pray that the conversations that will be had, the decisions that will be made, and the votes that will be cast help all of us stand taller. This prayer we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator Leyva introduced her husband, Al Leyva.

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 29, 2016

March 1, 2016

March 2, 2016

March 3, 2016

PRIVILEGES OF THE FLOOR**SPECIAL RECOGNITIONS**

Senator Huff presented a member's resolution to Washington Middle School's "The Water Guardians," Vanessa Canchola, Angeline Marie Dequit, Jessica Gallegos, June Kim, Fiona Paredes, and Alma Spicher, and their advisor, Dr. Susan Pritchard, in recognition of winning the Lexus Eco Challenge contest.

SPECIAL INTRODUCTIONS

Senator McGuire introduced students visiting from Olive Elementary School in Novato.



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

Assembly Bill 1200—An act to amend, add, and repeal Sections 82002 and 82039 of, and to add Section 86207 to, the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Allen.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Vidak, Wieckowski, and Wolk.

NOES (1)—Senator Stone.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Vidak, Wieckowski, and Wolk.

NOES (1)—Senator Stone.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution 108—Relative to Women's Military History Week.

Resolution read third time and presented by Senator Vidak.

Roll Call

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

AYES (39)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, and Wolk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



Assembly Bill 558—An act to amend Section 19533.5 of the Business and Professions Code, relating to horse racing, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Hall.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (38)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, and Wolk.

NOES (0)—None.

Roll Call

The roll was called and the bill was passed by the following vote:

AYES (38)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, and Wolk.

NOES (0)—None.

Bill ordered transmitted to the Assembly.

Assembly Concurrent Resolution 122—Relative to American Heart Month and Wear Red Day in California.

Resolution read third time and presented by Senator Hancock.

Roll Call

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

AYES (39)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, and Wolk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



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

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

KAREN L. SMITH, M.D., Public Health Officer, State Department of Public Health.

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

NOES (0)—None.

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator De León introduced the Honorable Brandon Lee, Consul General of Canada in San Francisco, and the Honorable James Villeneuve, Consul General of Canada in Los Angeles, in recognition of Canada Day, and without objection, invited Consul General Lee to address the Senate.

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

Assembly Concurrent Resolution 116—Relative to National Kidney Month.

Resolution read third time and presented by Senator McGuire.

Roll Call

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

AYES (39)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hill, Hueso, Huff, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Nguyen, Nielsen, Pan, Pavley, Roth, Runner, Stone, Vidak, Wieckowski, and Wolk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.



REQUESTS TO BE ADDED TO ROLL CALL

March 3, 2016

Mr. Secretary: Pursuant to the provisions of Senate Rule 44, I request to be recorded as voting on the following measure taken up on this day:

GOV# 40—Aye

JEAN FULLER, Minority Floor Leader

LEAVES OF ABSENCE

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

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

At 9:55 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, March 7, 2016.

Motion carried.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 3, 2016

Mr. President: The Committee on Rules has examined:

SB 806

And reports the same correctly engrossed.

DE LEÓN, Chair

State Capitol, March 2, 2016

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

Agriculture—SB 1270.**Appropriations**—SB 1187.

Business, Professions and Economic Development—SB 1165, SB 1177, SB 1193, SB 1194, SB 1195, SB 1196, SB 1204, SB 1209, SB 1215, SB 1217, SB 1230, SB 1261, SB 1331, SB 1346, SB 1348.

Education—SB 1144, SB 1145, SB 1169, SB 1178, SB 1211, SB 1296, SB 1314, SB 1343, SB 1371, SB 1375.



Elections and Constitutional Amendments—SB 1288, SB 1349.

Energy, Utilities and Communications—SB 1207, SB 1222, SB 1250, SB 1298, SB 1299, SB 1305.

Environmental Quality—SB 1147, SB 1246, SB 1263, SB 1325.

Governance and Finance—SB 1102, SB 1148, SB 1149, SB 1210, SB 1216, SB 1233, SB 1266, SB 1272, SB 1307, SB 1315, SB 1329, SB 1367.

Governmental Organization—SB 1151, SB 1176, SB 1219, SB 1240, SB 1268, SB 1285, SB 1313.

Health—SB 1135, SB 1139, SB 1159, SB 1189, SB 1273, SB 1283, SB 1308, SB 1316, SB 1335, SB 1361, SB 1365.

Human Services—SB 1373.

Insurance—SB 1302.

Judiciary—SB 1142, SB 1158, SB 1163, SB 1171, SB 1179, SB 1255, SB 1256, SB 1257, SB 1265, SB 1271, SB 1281, SB 1284, SB 1289, SB 1306, SB 1342, SB 1351, SB 1366, SB 1372.

Labor and Industrial Relations—SB 1167, SB 1175, SB 1245, SB 1344.

Natural Resources and Water—SB 1133, SB 1136, SB 1172, SB 1188, SB 1191, SB 1287, SB 1333, SB 1340, SB 1347.

Public Employment and Retirement—SB 1203, SB 1234, SB 1297, SB 1352.

Public Safety—SB 1134, SB 1137, SB 1157, SB 1182, SB 1200, SB 1202, SB 1221, SB 1242, SB 1286, SB 1292, SB 1310, SB 1321, SB 1322, SB 1323, SB 1324, SB 1332, SB 1334, SB 1341, SB 1355, SB 1368, SB 1369.

Rules—SB 1143, SB 1146, SB 1152, SB 1156, SB 1160, SB 1161, SB 1162, SB 1164, SB 1168, SB 1181, SB 1183, SB 1184, SB 1185, SB 1186, SB 1199, SB 1205, SB 1206, SB 1208, SB 1212, SB 1218, SB 1224, SB 1225, SB 1231, SB 1235, SB 1236, SB 1237, SB 1241, SB 1243, SB 1244, SB 1254, SB 1269, SB 1274, SB 1275, SB 1276, SB 1293, SB 1295, SB 1300, SB 1304, SB 1309, SB 1319, SB 1326, SB 1327, SB 1328, SB 1330, SB 1336, SB 1345, SB 1353, SB 1354, SB 1356, SB 1357, SB 1358, SB 1359, SB 1360, SB 1363, SB 1364, SB 1370, SB 1374.

Transportation and Housing—SB 1141, SB 1197, SB 1223, SB 1239, SB 1259, SB 1279, SB 1320.



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

Agriculture and Environmental Quality—SB 1247.

Banking and Financial Institutions and Judiciary—SB 1150.

Banking and Financial Institutions and Rules—SB 1290.

Business, Professions and Economic Development and Appropriations—SB 1132.

Business, Professions and Economic Development and Education—SB 1192.

Business, Professions and Economic Development and Judiciary—SB 1190, SB 1228, SB 1253.

Business, Professions and Economic Development and Public Safety—SB 1362.

Business, Professions and Economic Development and Veterans Affairs—SB 1155.

Education and Budget and Fiscal Review—SB 1249.

Education and Human Services—SB 1154.

Education and Judiciary—SB 1198.

Energy, Utilities and Communications and Environmental Quality—SB 1153, SB 1213, SB 1301.

Environmental Quality and Agriculture—SB 1350.

Environmental Quality and Judiciary—SB 1229, SB 1248, SB 1260.

Governance and Finance and Environmental Quality—SB 1170, SB 1318.

Governmental Organization and Elections and Constitutional Amendments—SB 1251.

Governmental Organization and Governance and Finance—SB 1138.

Governmental Organization and Judiciary—SB 1312.

Health and Business, Professions and Economic Development—SB 1252.

Health and Education—SB 1258.

Health and Human Services—SB 1174.

Health and Public Safety—SB 1238.



Health and Rules—SB 1291.

Human Services and Appropriations—SB 1226.

Human Services and Health—SB 1339.

Human Services and Judiciary—SB 1220, SB 1232.

Human Services and Rules—SB 1201.

Judiciary and Rules—SB 1303.

Labor and Industrial Relations and Judiciary—SB 1166.

Natural Resources and Water and Environmental Quality—SB 1264,
SB 1294.

Natural Resources and Water and Governance and Finance—
SB 1262, SB 1317.

Natural Resources and Water and Veterans Affairs—SB 1227.

Public Safety and Appropriations—SB 1337.

Transportation and Housing and Environmental Quality—SB 1277,
SB 1278, SB 1280.

Transportation and Housing and Judiciary—SB 1173.

Transportation and Housing and Public Safety—SB 1311.

Transportation and Housing and Rules—SB 1267.

Veterans Affairs and Education—SB 1180.

Veterans Affairs and Judiciary—SB 1214.

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

Education and Judiciary and Elections and Constitutional Amendments—SCA 12.

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

Governance and Finance—SB 817.

Labor and Industrial Relations—AB 1050.

Public Safety—SB 870, SB 883.

Transportation and Housing—SCR 111.



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

March 3, 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

J. KEITH GILLESS, PH.D., has been reappointed to the California Board of Forestry and Fire Protection, where he has been chair since 2013 and has served since 2011. Gilless has been dean at the University of California, Berkeley College of Natural Resources since 2008, where he has served as a professor of forest economics since 1983. He earned a Doctor of Philosophy degree in forestry and agricultural economics from the University of Wisconsin-Madison. Reappointed 02/16/2016. Effective 02/25/2016.

Member, California Board of Forestry and Fire Protection, vice, self, reappointed. Term ending 01/15/2020.

BENJAMIN T. METCALF, has been appointed director of the California Department of Housing and Community Development. Metcalf has been deputy assistant secretary in the Office of Multifamily Housing Programs at the U.S. Department of Housing and Urban Development since 2013, where he served as senior advisor to the commissioner and assistant secretary of housing from 2011 to 2013, and as senior advisor to the deputy assistant secretary for Multifamily Housing Programs from 2010 to 2012. He was the project manager at BRIDGE Housing Corporation from 2004 to 2010, a research associate at the Center for Court Innovation from 2000 to 2001, and a development associate at Common Ground Community from 1998 to 2000. Metcalf earned a Master of Public Policy degree in public policy and urban planning from Harvard University, Kennedy School of Government. Appointed 10/30/2015. Effective 02/29/2016.

Director, California Department of Housing and Community Development, vice, Claudia Cappio, withdrawn by the Governor, 04/08/2015. Term ending at the pleasure of the Governor.



LORI AJAX, has been appointed chief of the Bureau of Medical Marijuana Regulation at the California Department of Consumer Affairs. Ajax has been chief deputy director at the California Department of Alcoholic Beverage Control since 2014, where she has served in several positions since 1995, including deputy division chief, supervising agent in charge, and supervising agent. She is a member of the National Liquor Law Enforcement Association and the St. Sava Mission Foundation. Appointed 02/01/2016. Effective 02/24/2016.

Chief, California Department of Consumer Affairs, Bureau of Medical Marijuana Regulation, new commission. Term ending at the pleasure of the Governor.

ANTHEA M. HARTIG, PH.D., has been reappointed to the California State Park and Recreation Commission, where she has served since 2015. Hartig has been executive director at the California Historical Society since 2011. She was regional director at the National Trust for Historic Preservation, Western Office from 2005 to 2011 and an assistant professor at La Sierra University from 2000 to 2005. Hartig was chair of the California State Historic Resources Commission from 2001 to 2005. She earned a Doctor of Philosophy degree in history from the University of California, Riverside. Reappointed 02/16/2016. Effective 02/29/2016.

Member, California State Park and Recreation Commission, vice, self, reappointed. Term ending 01/15/2020.

MYRIAN SOLIS CORONEL, has been reappointed to the California State Park and Recreation Commission, where she has served since 2013. Solis Coronel has been manager of marketing and national partnerships at REI since 2011, where she was a community relations administrator from 2008 to 2011. She was a manager at KPBS Public Broadcasting from 2002 to 2008. Reappointed 02/16/2016. Effective 02/26/2016.

Member, California State Park and Recreation Commission, vice, self, reappointed. Term ending 01/15/2020.

Above appointments and reappointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 3, 2016

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

SCR 92

Above resolution ordered enrolled.



Assembly Chamber, March 3, 2016

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

SCR 95

And respectfully requests your honorable body to concur in said amendments.

Above resolution ordered to unfinished business.

Assembly Chamber, March 3, 2016

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

AB 908

Assembly Chamber, March 3, 2016

Mr. President: I am directed to inform your honorable body that the Assembly on this day concurred in Senate amendments to:

ACR 110

E. DOTSON WILSON, Chief Clerk of the Assembly

REQUESTS TO ADJOURN IN MEMORIAM

Senator De León requested that when the Senate adjourns this day it do so in memory of Norma Louise Boucher of Colorado Springs, CO and Anoush Kuyumjian of Tarzana.

Senator Leno requested that when the Senate adjourns this day it do so in memory of Mary Ann Chin of San Francisco.

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Jack Lindquist of Villa Park.

Senator Pan requested that when the Senate adjourns this day it do so in memory of Jiro “Jerry” Enomoto of Sacramento.

Senator Wolk requested that when the Senate adjourns this day it do so in memory of Jane B. Lotter and Carson May of Davis.

Senators Wolk and Leyva requested that when the Senate adjourns this day it do so in memory of Darrel Taylor of Pomona.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators’ requests until 2 p.m., Monday, March 7, 2016.

NEVA MARIE PARKER, Minute Clerk

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