

CALIFORNIA LEGISLATURE

2015–16 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTY-SIXTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento

Thursday, March 10, 2016

The Senate met at 9:24 a.m.

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

Secretary Daniel Alvarez at the Desk.

Assistant Secretary Zachary L. Twilla reading.

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, Hertzberg, Hill, Hueso, 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 Huff will be excused this day on legislative business, waiving per diem.)



PRAYER

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

Disturb us, Lord, when we are too well pleased with ourselves,
When our dreams have come true because we have dreamed too little,
When we arrived safely because we sailed too close to the shore.

Disturb us, Lord, when with the abundance of things we possess,
We have lost our thirst for the waters of life,

And having fallen [too much] in love with life, we have ceased to dream
of eternity . . .

Disturb us, Lord, to dare more boldly, to venture on wider seas where
storms will show Your mastery;

Where losing sight of land, we shall find the stars.

We ask You to push back the horizons of our hopes,

And to push us into the future in strength, courage, hope, and
love.—AMEN.

(Attributed to Sir Francis Drake.)

PLEDGE OF ALLEGIANCE TO THE FLAG

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

RECESS TO CONVENE SECOND EXTRAORDINARY SESSION

At 9:27 a.m., on motion of Senator Mitchell, the Senate recessed in order
to convene the Second Extraordinary Session.

RECONVENED

At 10:22 a.m., the Senate reconvened.

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 10, 2016

Madam President: The Committee on Rules has examined:

SB 900

SB 940

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:

March 7, 2016

March 8, 2016

March 9, 2016

March 10, 2016

CONSIDERATION OF DAILY FILE
UNFINISHED BUSINESS

Consideration of Governor's Appointments

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

VALERIE L. SHAW, Member, California Community Colleges Board of Governors.

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, Hertzberg, Hill, Hueso, 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.

MOTIONS, RESOLUTIONS AND NOTICES
UNANIMOUS CONSENT TO TAKE UP
WITHOUT REFERENCE TO COMMITTEE OR FILE

Senator De León asked for, and was granted, unanimous consent to take up **SR 67** at this time, without reference to committee or file.

Consideration of Senate Resolution 67

Senate Resolution 67—Relative to the Standing Rules of the Senate for the 2015–16 Regular Session.

Resolution read third time and presented by Senator De León.

Roll Call

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

AYES (26)—Senators Allen, Beall, Block, De León, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leno, Leyva, Liu, McGuire, Mendoza, Mitchell, Monning, Pan, Pavley, Roth, Wieckowski, and Wolk.

NOES (7)—Senators Anderson, Bates, Berryhill, Moorlach, Morrell, Stone, and Vidak.



CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS (RESUMED)****Consideration of Assembly Amendments**

Senate Concurrent Resolution 99—Relative to the 28th Annual State Scientist Day.

Resolution presented by Senator McGuire.

The question being: Shall the Senate concur in the Assembly amendments to SCR 99?

Roll Call

The roll was called and the Senate concurred in Assembly amendments by the following vote:

AYES (39)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, 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.

Above resolution ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution 119—Relative to Physician Anesthesiologist Week.

Resolution read third time and presented by Senator Pan.

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, Hertzberg, Hill, Hueso, 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 847—An act to add Section 14021.2 to the Welfare and Institutions Code, relating to mental health, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time and presented by Senator Beall.

Urgency Clause

Urgency clause read and adopted by the following vote:

AYES (39)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, 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.



Roll Call

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

AYES (39)—Senators Allen, Anderson, Bates, Beall, Berryhill, Block, Cannella, De León, Fuller, Gaines, Galgiani, Glazer, Hall, Hancock, Hernandez, Hertzberg, Hill, Hueso, 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.

Bill ordered transmitted to the Assembly.

LEAVES OF ABSENCE

The following Senator was granted leave of absence for the day on legislative business, waiving per diem: Senator Huff.

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

At 10:45 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 14, 2016.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, March 10, 2016

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

ACR 108

Assembly Chamber, March 10, 2016

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

ACR 95

E. DOTSON WILSON, Chief Clerk of the Assembly

FIRST READING OF ASSEMBLY MEASURES

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

Assembly Concurrent Resolution 95—Relative to the American Flag.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, March 10, 2016

Madam President: The Committee on Rules has examined:

SCR 92

SCR 95

And reports the same have been correctly enrolled and presented to the Secretary of State on the 10th day of March, 2016, at 11:45 a.m.

DE LEÓN, Chair

State Capitol, March 9, 2016

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

Business, Professions and Economic Development—SB 1400.**Education**—SB 1411, SB 1412, SB 1413, SB 1417, SB 1432, SB 1435, SB 1450, SB 1457, SB 1460.**Elections and Constitutional Amendments**—SB 1467.**Energy, Utilities and Communications**—SB 1393, SB 1414.**Environmental Quality**—SB 1383, SB 1386, SB 1402, SB 1415, SB 1456, SB 1464.**Governance and Finance**—SB 1338, SB 1381, SB 1436, SB 1437, SB 1445, SB 1449.**Governmental Organization**—SB 1426, SB 1465.**Health**—SB 1377, SB 1401, SB 1471.**Insurance**—SB 1451.**Judiciary**—SB 1406, SB 1428, SB 1431, SB 1444, SB 1452.**Labor and Industrial Relations**—SB 1379.**Natural Resources and Water**—SB 1396, SB 1473.**Public Safety**—SB 1389, SB 1395, SB 1407, SB 1446, SB 1462, SB 1474.**Rules**—SB 1131, SB 1376, SB 1378, SB 1380, SB 1382, SB 1385, SB 1388, SB 1390, SB 1391, SB 1392, SB 1394, SB 1398, SB 1403, SB 1405, SB 1408, SB 1410, SB 1416, SB 1418, SB 1420, SB 1421, SB 1422, SB 1423, SB 1424, SB 1425, SB 1427, SB 1429, SB 1430, SB 1433, SB 1438, SB 1439, SB 1443, SB 1447, SB 1448, SB 1454, SB 1455, SB 1459, SB 1461, SB 1468, SB 1469, SB 1472.**Transportation and Housing**—SB 1397, SB 1399.

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

Budget and Fiscal Review and Elections and Constitutional Amendments—SCA 10.

Business, Professions and Economic Development and Appropriations—SB 1470.

Education and Agriculture—SB 1384.

Energy, Utilities and Communications and Environmental Quality—SB 1441, SB 1453.

Energy, Utilities and Communications and Natural Resources and Water—SB 1463.

Environmental Quality and Judiciary—SB 1440.

Governmental Organization and Judiciary—SB 1442.

Governmental Organization and Rules—SB 1140.

Health and Human Services—SB 1466.

Health and Public Safety—SB 1404, SB 1419.

Labor and Industrial Relations and Judiciary—SB 1409.

Veterans Affairs and Governance and Finance—SB 1458.

Committee on Transportation and Housing

Senate Chamber, March 10, 2016

Madam President: The Chair of the Committee on Transportation and Housing, to which was referred:

SCR 111

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

BEALL, Chair

Second Reading of Bills—Author's Amendments

Senate Concurrent Resolution 111—Relative to the Downey Police Officer Ricardo Galvez Memorial Highway.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed, engrossed, and re-referred to the committee.



Committee on Education

Senate Chamber, March 10, 2016

Madam President: The Chair of the Committee on Education, to which was referred:

SCA 1

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

LIU, Chair

Second Reading of Bills—Author's Amendments

Senate Constitutional Amendment 1—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending, repealing, and adding Section 9 of Article IX thereof, relating to the University of California.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed, engrossed, and re-referred to the committee.

MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol

March 10, 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

PAMELA HAYNES, has been appointed to the California Community Colleges Board of Governors. Haynes has been a member of the Community College League of California Board since 2014 and the Los Rios Community College District Board of Trustees since 1999. She was a senior consultant for the California State Assembly Speaker's Office of Member Services from 2005 to 2010, assistant director at the California Employment Training Panel from 2002 to 2004, and a legislative advocate at the California Labor Federation from 2001 to 2002. Haynes was program director at the Sacramento START program from 1998 to 2001, a principal consultant at Pamela M. Haynes Consulting from 1993 to 1997, associate governmental program analyst at the California Department of Health Care Services from 1995 to 1996, and staff auditor at the California Bureau of State Audits from 1989 to 1992. Haynes earned a Master of Public Administration degree from the Harvard University, Kennedy School of Government. Appointed 02/24/2016. Effective 03/02/2016.

Member, California Community Colleges Board of Governors, vice, Natalie Berg, resigned 12/01/2014. Term ending 01/15/2022.

JANE W. CARNEY, has been appointed to the California State University Board of Trustees. Carney was a partner at Roth, Carney and Knudsen LLP from 2008 to 2010 and at Carney and Delany LLP from 1994 to 2007. She was an associate and a partner at Reid and Hellyer APC from 1981 to 1994 and at Butterwick, Bright, Pettis and Cunnison from 1977 to 1981. Carney earned a Juris Doctor degree from the University of California, Davis School of Law. Appointed 03/03/2016. Effective 03/08/2016.

Member, California State University Board of Trustees, vice, Louis Monville, resigned, 05/22/2014. Term ending 03/01/2022.

JEAN PICKER FIRSTENBERG, has been appointed to the California State University Board of Trustees. Firstenberg was president and chief executive officer at the American Film Institute from 1980 to 2007. Appointed 03/03/2016. Effective 03/04/2016.

Member, California State University Board of Trustees, vice, Hsing Kung, not confirmed. Term ending 03/01/2018.



LILLIAN KIMBELL, has been reappointed to the California State University Board of Trustees, where she has served since 2014. Kimbell has been legal counsel and manager of Spanish language authors and publisher relations at Gardels and Associates since 2011. She was legal counsel and business manager at the Center for the Study of Democratic Institutions from 1997 to 2011 and a law clerk for the Honorable Harry Pregerson at the U.S. Court of Appeals, Ninth Circuit in 1985. Kimbell earned a Juris Doctor degree from the University of California, Los Angeles School of Law. Reappointed 03/03/2016. Effective 03/08/2016.

Member, California State University Board of Trustees, vice, self, reappointed. Term ending 03/01/2024.

THELMA E. MELENDEZ, PH.D., has been appointed to the California State University Board of Trustees. Melendez has been chief executive officer of educational services at the Los Angeles Unified School District since 2014. She served as chief advisor on education and workforce development in the Los Angeles Mayor's Office from 2013 to 2014, superintendent at the Santa Ana Unified School District from 2011 to 2013, assistant secretary for elementary and secondary education at the U.S. Department of Education from 2009 to 2011, and superintendent at the Pomona Unified School District from 1999 to 2009. Melendez was program manager at the Stupski Educational Foundation from 2005 to 2006, deputy superintendent and chief academic officer for instructional services at the Pomona Unified School District from 1999 to 2005, and director of school and family initiatives at the Los Angeles Annenberg Metropolitan Project from 1997 to 1999. She earned a Doctor of Philosophy degree in education from the University of Southern California. Appointed 03/03/2016. Effective 03/03/2016.

Member, California State University Board of Trustees, vice, William Hauck, deceased. Term ending 03/01/2017.

LATEEFAH SIMON, has been appointed to the California State University Board of Trustees. Simon has been director of programs at the Rosenberg Foundation since 2009. She was executive director at the Lawyers' Committee for Civil Rights of the San Francisco Bay Area from 2008 to 2011, director of the Re-Entry Division at the San Francisco District Attorney's Office from 2005 to 2009, and a consultant and grants advisor at the Annenberg Foundation in 2004. Simon was executive director at the Center for Young Women's Development from 1997 to 2005 and director of its Girls Detention Advocacy Project from 1994 to 1997. Appointed 03/03/2016. Effective 03/08/2016.

Member, California State University Board of Trustees, vice, Steve Glazer, resigned 05/28/2015. Term ending 03/01/2019.



CARLA J. THORNTON, has been appointed to the California Veterans Board. Thornton has served as associate director of development at the University of California, Riverside since 2014, a victim advocate for the U.S. Air Force Reserve since 2007, and logistics manager for the U.S. Air Force since 1997. She was fund development coordinator at Human Options from 2012 to 2014 and combined federal campaign fund manager for the U.S. Air Force Reserve from 2009 to 2011. Thornton serves in the U.S. Air Force Reserve and served active duty from 1997 to 2008. She earned a Master of Social Work degree from the University of Southern California, School of Social Work and a Master of Arts degree in management from the University of Redlands. Appointed 02/09/2016. Effective 03/03/2016.

Member, California Veterans Board, vice, Sean Sargeant, resigned, 12/29/2015. Term ending 01/15/2019.

Above appointments and reappointments referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Insurance

Senate Chamber, March 10, 2016

Madam President: The Chair of the Committee on Insurance, to which was referred:

AB 565

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

ROTH, Chair

Second Reading of Bills—Author's Amendments

Assembly Bill 565—An act to amend Section 10270.6 of the Insurance Code, relating to insurance.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

Committee on Education

Date of Hearing, March 9, 2016

Madam President: The Committee on Education, to which was referred:

SB 915

Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

LIU, Chair

Above bill ordered to second reading.



Committee on Governance and Finance

Senate Chamber, March 10, 2016

Madam President: The Chair of the Committee on Governance and Finance, to which was referred:

SB 975

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chair

Second Reading of Bills—Author's Amendments

Senate Bill 975—An act to add Article 18.5 (commencing with Section 53993) to Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

Bill read second time.

The amendments were read and adopted and the measure ordered printed, engrossed, and re-referred to the committee.

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 1478: By the Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)—An act to amend Sections 1632, 1634.1, 2467, 4980.36, 4980.37, 4980.43, 4980.78, 4980.79, 4992.05, 4996.18, 4996.23, 4999.12, 4999.40, 4999.47, 4999.52, 4999.60, 4999.61, and 4999.120 of, to add Sections 4980.09 and 4999.12.5 to, to repeal Sections 852, 2029, 4980.40.5, and 4999.54 of, and to repeal Article 16 (commencing with Section 2380) of Chapter 5 of Division 2 of, the Business and Professions Code, relating to healing arts.

Senate Bill 1479: By the Committee on Business, Professions and Economic Development (Senators Hill (Chair), Bates, Berryhill, Block, Galgiani, Hernandez, Jackson, Mendoza, and Wieckowski)—An act to amend Sections 5092, 5094.3, 5550.2, 7074, 7844, and 7887 of the Business and Professions Code, and to amend Section 13995.1 of the Government Code, relating to business and professions.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Moorlach requested that when the Senate adjourns this day it do so in memory of Jim de Boom of Newport Beach.

Senator Nielsen requested that when the Senate adjourns this day it do so in memory of Carolyn Jeanette Campbell of Carmichael.

Senator Pan requested that when the Senate adjourns this day it do so in memory of Peter D. Givas of Sacramento.

Senators Runner and Jackson requested that when the Senate adjourns this day it do so in memory of Shawna Lynn Jones of Lancaster.



ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 3 p.m., Monday, March 14, 2016.

NEVA MARIE PARKER, Minute Clerk

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