

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

THIRTY-FIRST LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 27, 2017

The Senate met at 2:13 p.m.
Hon. Hannah-Beth Jackson, of the 19th 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, Atkins, Bates, Beall, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—38.

Quorum present.

(NOTE: Senator Berryhill will be excused this day due to illness. Senator Lara will be excused this day on legislative business, waiving per diem.)



PRAYER

Prayer was offered by the Chaplain, Sister Michelle Gorman, RSM:
Let us center ourselves in God's presence by praying from Psalm 139.

*O God, You examine me and know me.
You know if I am standing or sitting.
You understand my thoughts from afar.
My journeys and my rest You know.
With all my ways You are familiar. . . .*

It was You who created my inmost self
And knit me together in my mother's womb.
For all these mysteries I thank You:
For the wonder of myself; for the wonder of Your works. . . .

*O God, how hard it is to grasp Your thoughts.
How impossible to count them.
I could no more count them than I could the sand.
And suppose I could, You would still be with me. . . .*

*O God, examine me and know my heart.
Probe me and know my thoughts.
Lead me on a safe path,
And guide me in the way that is everlasting.—AMEN.*

PLEDGE OF ALLEGIANCE TO THE FLAG

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

DEMOCRATIC CAUCUS

At 2:16 p.m., Senator Monning announced a Democratic Caucus.

REPUBLICAN CAUCUS

At 2:18 p.m., Senator Fuller announced a Republican Caucus.

REASSEMBLED

At 3:21 p.m., the Senate reassembled.
Hon. Hannah-Beth Jackson, of the 19th District, presiding.

MOTIONS, RESOLUTIONS AND NOTICES**MOTION TO PRINT IN JOURNAL**

Senator Fuller moved that the following letter be printed in the Journal.

Roll Call

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

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



COMMUNICATIONS AND PETITIONS

The following letter was ordered printed in the Journal:

February 27, 2017

Mr. Daniel Alvarez
Secretary of the Senate

Dear Secretary Alvarez: On behalf of my colleague Senator Janet Nguyen, I am submitting this letter to the Journal. I call on my Senate colleagues to demand a formal apology for the abridgement of a Senator's free speech by the majority party of the California State Senate. I am seeking a public admission of the gross mismanagement that unfolded last Thursday. Their offensive actions and tactics toward one of our own Senators should be fully investigated in a transparent and public committee hearing by an unbiased committee.

Thursday, the Presiding Officer ordered the Senate Sergeants to physically remove Senator Nguyen from the Senate Chamber for speaking on behalf of her constituents. As the first Vietnamese American to be elected to the State Senate, Senator Nguyen spoke from the heart about the Senate honoring a figure that triggers outrage in the Vietnamese community.

The brutality of the Vietnamese Communist Party continues to haunt the collective memory of the Vietnamese American community, and Senator Nguyen, personally. Families were separated, tortured and many were inhumanely murdered. The memories and emotions are still raw.

When expressing her views, she was silenced. Her microphone was cut off and the sergeants physically removed her from the Senate Floor.

This is unprecedented, unacceptable and representative of the one party system mindset. This institution is better than this.

We ask you and President pro Tempore De León to investigate the abridgement of a Senator's right to free speech in the Senate. Senator Nguyen is owed an apology for the way she was removed from the Senate Floor for simply representing her heritage and her constituents.

Sincerely,
JEAN FULLER
Senator, 16th District

Parliamentary Inquiry

Senator Morrell arose to the following parliamentary inquiry:

Can the Majority Floor Leader please read aloud the code section he was referring to during session on Thursday, February 23, 2017?

Response of the Presiding Officer

The Presiding Officer responded that the information requested will be shared with the Senate at the appropriate time.



**PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS**

Senator Pan presented a memorial resolution to the family of Mary Lewis, editor at the Citizen.

SPECIAL INTRODUCTIONS

Senator Stern introduced Stephanie Levenhagen and the fifth grade class from Franklin Park Private School in honor of their visit to the California State Senate.

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

Senate Concurrent Resolution 20—Relative to National Speech and Debate Education Day.

Resolution read third time and presented by Senator Morrell.

Roll Call

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

AYES (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

**PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS**

Senator Morrell presented a member's resolution to Benjamin Unanaowo, assistant speech and debate coach at James Logan High School, and Dr. Tommie Lindsey, Jr., Board Member of the National Speech and Debate Association, in honor of National Speech and Debate Education Day.

SPECIAL INTRODUCTIONS

Senator Stone introduced Lt. Craig Herron, in honor of his visit to the California State Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 27, 2017

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

SB 187

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

DE LEÓN, Chair



Second Reading of Bills—Author’s Amendments

Senate Bill 187—An act to amend Section 7149.05 of the Fish and Game Code, relating to fishing.

Bill read second time.

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

Senate Chamber, February 24, 2017

Madam President: The Committee on Rules has examined:

SCR 13

And reports the same has been correctly enrolled and presented to the Secretary of State on the 24th day of February, 2017, at 11 a.m.

DE LEÓN, Chair

Senate Chamber, February 24, 2017

Madam President: The Committee on Rules has examined:

SB 5

And reports the same correctly engrossed.

DE LEÓN, Chair

Committee on Appropriations

Senate Chamber, February 27, 2017

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

SB 31

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

LARA, Chair

Second Reading of Bills—Author’s Amendments

Senate Bill 31—An act to add Section 8310.3 to the Government Code, relating to state government.

Bill read second time.

Request to Add Urgency Section

To the Committee on Rules: I request permission to add an urgency section to SB 31 pursuant to Joint Rule 58.

SENATOR LARA

Permission of Rules Committee

Senate Chamber, February 27, 2017

The Committee on Rules grants permission to offer amendments which would add an urgency section to SB 31.

DE LEÓN, Chair

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



Committee on Rules

Senate Chamber, February 27, 2017

Madam President: The Committee on Rules has examined:

SB 31

SB 187

And reports the same correctly engrossed.

DE LEÓN, Chair

MOTIONS, RESOLUTIONS AND NOTICES**MOTION TO REFER MEASURES TO INACTIVE FILE**Senator Hueso moved that **SCR 22** be ordered to the inactive file.

Motion carried.

CONSIDERATION OF THE DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS****Assembly Concurrent Resolution 11**—Relative to Cervical Cancer Screening and Awareness Month.

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 (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

INTRODUCTION AND FIRST READING OF SENATE MEASURES

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

Senate Resolution 21: By Senator Skinner—Relative to World Day of the Fight Against Sexual Exploitation.**LEAVES OF ABSENCE**

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

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



REQUESTS TO ADJOURN IN MEMORIAM

Senators Gaines and Pan requested that when the Senate adjourns this day it do so in memory of Lucas F. Chellew of Granite Bay.

Senator Glazer requested that when the Senate adjourns this day it do so in memory of Michael Foley of Concord.

Senator Mendoza requested that when the Senate adjourns this day it do so in memory of Keith W. Boyer of Whittier.

Senator Pan requested that when the Senate adjourns this day it do so in memory of Mary Hull Lewis of Elk Grove.

Senator Stone requested that when the Senate adjourns this day it do so in memory of Doug Ashby of Murrieta.

Senator Wiener requested that when the Senate adjourns this day it do so in memory of Billy Worthen of San Francisco.

ADJOURNMENT

At 4:14 p.m., the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 28, 2017.

NEVA MARIE PARKER, Minute Clerk

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