

CALIFORNIA LEGISLATURE  
2017–18 REGULAR SESSION

---

---

# SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-SIXTH LEGISLATIVE DAY

---

**IN SENATE**

---

Senate Chamber, Sacramento  
Thursday, February 22, 2018

The Senate met at 9:02 a.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, Berryhill, Bradford, Cannella,  
De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg,  
Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning,  
Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth,  
Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—39.  
Quorum present.



**PRAYER**

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

At the beginning of Lorraine Hansberry's play, *A Raisin in the Sun*, she uses Langston Hughes' poem "Harlem" as an epigraph:

What happens to a dream deferred?

Does it dry up  
like a raisin in the sun?

Or fester like a sore—

And then run?

Does it stink like rotten meat?

Or crust and sugar over—

like a syrupy sweet?

Maybe it just sags

like a heavy load.

Or does it explode?

*God of Mercy and compassion*, in the midst of broken and deferred dreams, we ask for the grace and courage to face the injustices of our time with strength and integrity for the sake of the common good and the future of our children. We ask this in Your name.—AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

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

**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 Rules to meet Thursday, February 22, 2018 without four days' notice in the Daily File.

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

Senator Atkins introduced Hon. Lawrence MacAulay, Minister of Agriculture and Agri-Food, Hon. Rana Sarkar, Consul General of Canada in San Francisco, and Hon. James Villeneuve, Consul General of Canada in Los Angeles, in honor of Canada Day.



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

**Senate Resolution 77**—Relative to Engineers Week.  
Resolution read third time and presented by Senator Cannella.

**Roll Call**

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

AYES (36)—Senators Allen, Anderson, Atkins, Bates, Beall, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Leyva, McGuire, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

**PRIVILEGES OF THE FLOOR  
SPECIAL INTRODUCTIONS**

Senator Cannella introduced Gary Antonucci, Vice President of the American Council of Engineering Companies, Miranda Patton, Board Member of the American Council of Engineering Companies, Sutida Berquist, President of the Professional Engineers in California Government, Kwame Agyare, Director of Region 9 of the American Society of Civil Engineers, Bob Lokteff, President of the California Geotechnical Engineering Association, Todd Kemen, President of the Structural Engineers Association of Central California, and Ali Sumer, Vice President of the Structural Engineers Association of Central California, in honor of Engineers Week.

**REPUBLICAN CAUCUS**

At 9:19 a.m., Senator Bates announced a Republican Caucus.

**DEMOCRATIC CAUCUS**

At 9:19 a.m., Senator Monning announced a Democratic Caucus.

**RECESS**

At 10:41 a.m., the Senate recessed.

**RECONVENED**

At 10:48 a.m., the Senate reconvened.

Hon. Hannah-Beth Jackson, of the 19th District, presiding.

**DEMOCRATIC CAUCUS**

At 10:48 a.m., Senator Monning announced a Democratic Caucus.

**REPUBLICAN CAUCUS**

At 11:13 a.m., Senator Bates announced a Republican Caucus.

**REASSEMBLED**

At 11:48 a.m., the Senate reassembled.

Hon. Hannah-Beth Jackson, of the 19th District, presiding.



**COMMUNICATIONS AND PETITIONS**

The following letter was ordered printed in the Journal:

February 22, 2018

*Dear Members of the State Senate and Senator pro Tempore:*

I refuse to participate any further in the farcical “investigation” against me that ignores the Senate’s own rules, invents processes, criteria and standards as needed, ignores due process and constitutional rights to self-defense all for the purpose of playing to election year politicking.

I shall resign my position as Senator with immediate effect as it is clear that Senate President pro Tem Kevin de León will not rest until he has my head on a platter to convince the MeToo movement of his “sincerity” in supporting the MeToo cause.

De León ordered up a secret investigation in my case, without any due process or providing me with any specific charges, access to witnesses or evidence, or any opportunity to defend myself. The results were reported using the lowest standard of proof—“more likely than not”—but asking for the highest penalty, expulsion.

Since November 2017, the Senate Rules Committee required me to stay silent under Senate rules and also required me, disparately, to give up leadership positions, go on leave, and essentially “disappear” from Sacramento.

Now, with over a quarter of Democratic Senators either running for statewide office or under investigation, I cannot expect any fairness or justice. This is particularly true as a large number of my mostly male colleagues from either party are concerned at the prospect of being accused of “protecting” me.

Since the first opportunity arose in November 2017, I have stated my unconditional apology to any person who felt uncomfortable by my interactions with any of them. Though the summarized findings of the secret Senate investigation do not comport with my recollection or perception of the events described, I am immensely sorry if my words or actions ever made anyone feel uncomfortable. It was always my intention to be personable with my staff, show an interest in their lives outside of the office, and assist them as best I could with their career development.

I want to thank the voters in the district who elected me for their continued and strong support. I intend to canvass my district to determine my candidacy for the Senate this year. I also intend to pursue my lawsuit against the Senate for violating the constitutional rights of my district’s voters and mine, dealing with me disparately compared to others charged with more serious allegations and leaving the 32nd District without representation.

Sincerely,  
TONY MENDOZA  
Senator, 32nd District



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

Senate Chamber, February 22, 2018

Madam President: The Committee on Rules has examined:

SCR 96

And reports the same correctly engrossed.

DE LEÓN, Chair

State Capitol, February 21, 2018

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

**Agriculture**—SB 1039.**Business, Professions and Economic Development**—SB 1042, SB 1098, SB 1159, SB 1161, SB 1170.**Education**—SB 1036, SB 1104.**Elections and Constitutional Amendments**—SB 1153, SB 1171.**Energy, Utilities and Communications**—SB 1028, SB 1110, SB 1131, SB 1135, SB 1169.**Environmental Quality**—SB 1054.**Governance and Finance**—SB 1044, SB 1049, SB 1056, SB 1082, SB 1091, SB 1115, SB 1145, SB 1176, SB 1182.**Governmental Organization**—SB 1051, SB 1164, SB 1175, SB 1181.**Health**—SB 1034, SB 1041, SB 1108, SB 1113, SB 1125, SB 1148, SB 1152, SB 1154, SB 1156.**Human Services**—SB 1040, SB 1083, SB 1107.**Insurance, Banking and Financial Institutions**—SB 1046, SB 1055, SB 1087.**Judiciary**—SB 1053, SB 1075, SB 1077, SB 1129, SB 1155, SB 1167.**Natural Resources and Water**—SB 1126, SB 1147.**Public Employment and Retirement**—SB 1031, SB 1032, SB 1033, SB 1149, SB 1165.**Public Safety**—SB 1089, SB 1093, SB 1094, SB 1095, SB 1103, SB 1105, SB 1106, SB 1160.

**Rules**—SB 1029, SB 1037, SB 1045, SB 1047, SB 1048, SB 1050, SB 1052, SB 1071, SB 1073, SB 1076, SB 1079, SB 1084, SB 1085, SB 1088, SB 1090, SB 1096, SB 1097, SB 1099, SB 1101, SB 1102, SB 1111, SB 1112, SB 1114, SB 1116, SB 1117, SB 1118, SB 1120, SB 1122, SB 1123, SB 1124, SB 1128, SB 1130, SB 1133, SB 1134, SB 1136, SB 1138, SB 1140, SB 1141, SB 1142, SB 1143, SB 1146, SB 1151, SB 1157, SB 1162, SB 1163, SB 1166, SB 1168, SB 1177.

**Transportation and Housing**—SB 1030, SB 1078, SB 1132, SB 1172.

**Veterans Affairs**—SB 1043.

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

**Business, Professions and Economic Development and Health**—SB 1109.

**Education and Judiciary**—SB 1127.

**Environmental Quality and Judiciary**—SB 1144.

**Environmental Quality and Natural Resources and Water**—SB 1072.

**Governance and Finance and Environmental Quality**—SB 1035.

**Governmental Organization and Judiciary**—SB 1150.

**Governmental Organization and Veterans Affairs**—SB 1179, SB 1180.

**Human Services and Health**—SB 1158.

**Insurance, Banking and Financial Institutions and Judiciary**—SB 1139, SB 1174.

**Judiciary and Appropriations**—SB 1038, SB 1121.

**Labor and Industrial Relations and Appropriations**—SB 1086.

**Public Safety and Natural Resources and Water**—SB 1092.

**Transportation and Housing and Energy, Utilities and Communications**—SB 1080.

**Transportation and Housing and Environmental Quality**—SB 1119.

**Transportation and Housing and Judiciary**—SB 1173.

**Veterans Affairs and Business, Professions and Economic Development**—SB 1137.

**Veterans Affairs and Governmental Organization**—SB 1178.



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

**Energy, Utilities and Communications and Environmental Quality and Judiciary—SB 998.**

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

**Environmental Quality—SCR 100.**

State Capitol, February 21, 2018

Madam President: The Committee on Rules has created the Select Committee on 2020 United States Census, composed of 4 members, appointed Senator Pan as Chair and Senators Hueso, Nguyen, and Stern as members to fill all vacancies.

DE LEÓN, Chair

State Capitol, February 21, 2018

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

Sanjay M. Ranchod, Member, San Francisco Bay Conservation and Development Commission (5–0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

State Capitol, February 21, 2018

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

Jerry E. Powers, Director, Division of Adult Parole Operations, Department of Corrections and Rehabilitation (5–0)

DE LEÓN, Chair

Above appointment ordered to unfinished business.

#### **Committee on Public Safety**

Senate Chamber, February 22, 2018

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

AB 1262

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

SKINNER, Chair



**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1262**—An act to amend Section 13825.2 of the Penal Code, relating to crimes.

Bill read second time.

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

**Committee on Rules**

Date of Hearing, February 22, 2018

Madam President: The Committee on Rules to which was referred:

SR 85

Reports the same back with the recommendation: Be adopted.

DE LEÓN, Chair

Above resolution ordered to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)****SECOND READING OF SENATE BILLS**

**Senate Concurrent Resolution 96**—Relative to Eating Disorders Awareness Week.

Resolution read second time and ordered to third reading.

**SECOND READING OF ASSEMBLY BILLS**

**Assembly Bill 238**—An act to add Section 1714.27 to the Civil Code, and to add Chapter 4 (commencing with Section 19305) to Part 3 of Division 13 of the Health and Safety Code, relating to emergency response.

Bill read second time and ordered to third reading.

**REQUESTS TO BE ADDED TO ROLL CALL**

February 22, 2018

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:

SR 77—Aye

KEVIN DE LEÓN, President pro Tempore

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

At 11:52 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 26, 2018.

Motion carried.



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

Senate Chamber, February 22, 2018

Madam President: The Committee on Rules has examined:

SCR 93

And reports the same has been correctly enrolled and presented to the Secretary of State on the 22nd day of February, 2018, at 2:30 p.m.

DE LEÓN, Chair

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time, and transmitted to the Committee on Rules for assignment:

**Senate Bill 1494:** By the Committee on Public Safety (Senators Skinner (Chair), Anderson, Bradford, Jackson, Mitchell, Stone, and Wiener)—An act to amend Sections 4982, 4989.54, 4990.32, 4992.3, and 4999.90 of the Business and Professions Code, to amend Section 1946.7 of the Civil Code, to amend Sections 128, 340.1, and 1219 of the Code of Civil Procedure, to amend Sections 44010, 44424, 44435, 48900, 67362, 67380, 76038, and 87010 of the Education Code, to amend Sections 352.1, 782, 1036.2, 1103, 1108, and 1228 of the Evidence Code, to amend Sections 6228 and 6928 of the Family Code, to amend Sections 6205.5, 6254, 7282.5, 13955, 13956, and 68152 of the Government Code, to amend Sections 1265.5, 1564, 1736.5, 11350.5, 11377.5, and 121055 of the Health and Safety Code, to amend Sections 230, 230.1, and 230.5 of the Labor Code, to amend Sections 136.7, 189, 190.2, 261.6, 261.7, 264.2, 269, 288.3, 289.6, 290, 290.005, 290.008, 290.019, 290.46, 290.5, 292, 294, 645, 647.6, 667, 667.5, 667.51, 667.6, 667.61, 667.71, 667.8, 667.9, 674, 675, 679.02, 680, 784.7, 799, 801.1, 803, 868.5, 868.8, 939.21, 9991, 1048, 1170.12, 1170.9, 1192.5, 1202.05, 1202.1, 1203, 1203.06, 1203.065, 1203.066, 1203.067, 1203.075, 1203.4, 1346, 1347.5, 1463.009, 1524.1, 2603, 2639, 2933.5, 3000, 3003, 3053.8, 3057, 4852.01, 5054.2, 11160, 11165.1, 12022.3, 12022.53, 12022.75, 12022.8, 12022.85, 13701, 13750, and 13837 of, and to amend and renumber Section 288a of, the Penal Code, and to amend Sections 653.1, 1732, 6500, 6600, and 15610.63 of the Welfare and Institutions Code, relating to public safety.

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

**Senate Concurrent Resolution 106:** By Senator McGuire—Relative to Lynch Syndrome Hereditary Cancer Awareness Day.

**Senate Resolution 86:** By Senator Hill—Relative to Progressive Multiple Sclerosis (MS) Awareness Day.



**SENATE COMMITTEE ROLL CALLS**  
**Committee on Rules**

**SR 85**—Be adopted

AYES (3)—Senators Atkins, De León, and Leyva.

NOES (0)—None.

Date of Hearing: 2/22/2018

De León, Chair

**ADJOURNMENT**

At 3:30 p.m., on motion of Senator De León, the Senate adjourned until 2 p.m., Monday, February 26, 2018.

NEVA MARIE PARKER, Minute Clerk

O

