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SENATE DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Monday, February 13, 2017

The Senate met at 2:09 p.m.
Hon. Ted Gaines, of the 1st 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, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—38.

Quorum present.

*(NOTE: Senator Berryhill will be excused this day on personal business.
Senator Nielsen will be excused this day on legislative business.)*



PRAYER

Upon invitation of the President, the following prayer was offered by Rev. Bob Oshita:

As we remember the people, families, and communities whose lives were uprooted by Executive Order 9066, I'd like to share a gift I was given almost five decades ago. Please join me in a moment of quiet reflection:

In the late 1960s, I volunteered to help every Wednesday at the Hamilton Senior Citizens Program in San Francisco. Back then, this Senior Program was comprised entirely of our Issei, first generation Japanese and Japanese-Americans, mostly women.

During our afternoons together, I would try to ask them about the Camps. It was a subject our second generation, Nisei, never, ever talked about.

When my persistence wore them down, to my dismay, they talked lightly about the experience. "Oh there were baseball games and sumo; and we learned to knit and sew . . ."

I wanted them to share their suffering and resentment for the injustices they had endured. I wanted to become their advocate and become angry and indignant for them, because they would not.

One afternoon, when again I persisted with my questions, a wonderful grandmotherly woman, Mrs. Kiyo Hirano, pulled me aside and quietly said, "Sono Camp no hanashii wa mo yamenasa." ("Stop talking about the Camp.") "Mochiron, Tsurakatta." ("Of course it was hard.")

Then she told me not to pick up pain and hardship that was not mine.

She said that the Camp was her hardship, and the anger stops with her.

She said that if she lived with hate, she would never have been able to live her life.

Then she warned me—if I pick up this pain and anger, it would poison my life. She used the word "poison."

We, who are a part of the generations that have followed, have been given a wonderful gift; a gift from all those who endured the humiliation and injustice that was euphemistically referred to as "Camp." From them we received the gift of No Anger.

On this Day of Remembrance, to those who have endured and sacrificed so much, please know that we, the generations that have followed, are forever grateful for this gift that has been too easily overlooked and taken for granted.

Namo Amida Butsu—Let us try to live with Kindness and Gratitude beyond words.



PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator Monning introduced Sharon Armstrong and Jeffrey Armstrong, President of California Polytechnic State University, San Luis Obispo, and 20 student leaders, in honor of their visit to the California State Senate.

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

Senate Concurrent Resolution 11—Relative to a Day of Remembrance.

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 (38)—Senators Allen, Anderson, Atkins, Bates, Beall, Bradford, Cannella, De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, 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 INTRODUCTIONS**

Senator Pan introduced Jim Namba, John Sakamoto, Kiyo Sato, and guests, in honor of a Day of Remembrance for the anniversary of the signing of Executive Order 9066.



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 13, 2017

To the Senate of the State of California:

I have the honor to transmit to you herewith the following reappointment heretofore made by me to offices which by law are to be filled by the Governor. This reappointment is subject to Senate confirmation and consent. I hereby nominate this reappointee to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

LISA THONG, has been reappointed to the California Board of Barbering and Cosmetology, where she has served since 2016. Thong has been account supervisor of public relations at IW Group Inc. since 2014. She was senior special assistant in the California State Controller's Office from 2012 to 2014 and an editorial assistant at HarperCollins Publishers from 2010 to 2011. Thong was an administrative director at the Center for Asian Americans United for Self Empowerment from 2008 to 2009 and a field representative in the Office of California State Senator Jack Scott from 2006 to 2008. She was a development assistant at East West Players from 2004 to 2005. Thong is a member of the OCA-Asian Pacific American Advocates, Greater Los Angeles Chapter. Appointed 02/03/2017. Effective 02/12/2017.

Member, California Board of Barbering and Cosmetology, vice, self, reappointed. Term ending 01/01/2021.

Above reappointment referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 9, 2017

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

ACR 16

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 16—Relative to Abraham Lincoln's birthday.



REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, February 13, 2017

Mr. President: The Committee on Rules has examined:

SCR 5

And reports the same has been correctly enrolled and presented to the Secretary of State on the 13th day of February, 2017, at 10 a.m.

DE LEÓN, Chair

Committee on Transportation and Housing

Senate Chamber, February 13, 2017

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

SB 136

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 Bill 136—An act to amend Sections 50781, 50782 50784.5, and 50784.7 of, to amend the heading of Chapter 11 (commencing with Section 50780) of Part 2 of Division 31 of, and to add Section 50787 to, the Health and Safety Code, relating to mobilehome parks, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

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

Committee on Natural Resources and Water

Date of Hearing, February 9, 2017

Mr. President: The Committee on Natural Resources and Water, to which was referred:

SB 57

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

HERTZBERG, Chair

Above bill ordered to second reading.



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 296: By Senator Nguyen—An act to amend Section 7401 of the Business and Professions Code, relating to barbering and cosmetology.

Senate Bill 297: By Senator Dodd (Principal coauthor: Assembly Member Dababneh)—An act to amend Sections 22152, 22157, 22161, 22168, 22169, 22700, 22701, 22704, 22705, 22707, 22707.5, 22710, 22711, 22712, 22714, and 22757 of, and to add Sections 22009.5, 22010.5, 22010.6, 22113, 22114, 22173, 22174, 22175, and 22176 to, the Financial Code, relating to financial regulations.

Senate Bill 298: By Senator Wieckowski—An act to amend Section 405.5 of the Code of Civil Procedure, relating to civil actions.

Senate Bill 299: By Senator Mendoza—An act to amend Sections 16960, 16990, 17060, 26600, 27050, 27600, 27875, 27920, 31700, and 31705 of, and to add Section 27882 to, the Penal Code, relating to firearms.

Senate Bill 300: By Senator Monning (Principal coauthor: Senator Wiener) (Coauthors: Senators Allen, Mitchell, Newman, Pan, and Stern) (Coauthors: Assembly Members Chiu, McCarty, and Wood)—An act to add Article 15 (commencing with Section 111224) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.

Senate Bill 301: By Senator Berryhill—An act to amend Section 1652 of the Insurance Code, relating to insurance.

Senate Bill 302: By Senator Mendoza—An act to amend Section 6503.1 of the Government Code, relating to joint powers.

Senate Bill 303: By Senator Morrell—An act to amend Section 266i of the Penal Code, relating to criminal law.

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

Senate Bill 28—An act to amend Sections 19829.9845, 19829.9846, 22871.3, 22874.3, 22879, 22944.5, and 22958.1 of, and to add Sections 19829.9847 and 19829.9848 to, the Government Code, relating to state public employment, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill read second time and ordered to third reading.

Senate Bill 47—An act to amend the Budget Act of 2016 (Chapter 23 of the Statutes of 2016) by amending Items 9800-001-0001, 9800-001-0494, and 9800-001-0988 of Section 2.00 of, and amending Section 39.00 of, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

Bill read second time and ordered to third reading.



Senate Bill 48—An act to amend Sections 22871.3, 22874.3, 22879, and 22958.1 of the Government Code, relating to state public employee benefits, and making an appropriation therefor, to take effect immediately, bill related to the budget.

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:

BENJAMIN T. METCALF, Director, Department of Housing and Community Development.

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

NOES (0)—None.

Consideration of Assembly Amendments

Senate Concurrent Resolution 7—Relative to Korean-American Day.

Resolution presented by Senator Moorlach.

The question being: "Shall the Senate concur in the Assembly amendments to SCR 7?"

Roll Call

The roll was called and the Senate concurred in Assembly amendments 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, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Above resolution ordered enrolled.



THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution 16—Relative to Teen Dating Violence Awareness and Prevention 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, Lara, Leyva, McGuire, Mendoza, Mitchell, Monning, Moorlach, Morrell, Newman, Nguyen, Pan, Portantino, Roth, Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

Resolution ordered transmitted to the Assembly.

At 2:41 p.m., Hon. Connie M. Leyva, of the 20th District, Presiding

LEAVES OF ABSENCE

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

The following Senator was granted leave of absence for the day on legislative business: Senator Nielsen.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 2:50 p.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 Tuesday, February 14, 2017.

Motion carried.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 13, 2017

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

AB 28

E. DOTSON WILSON, Chief Clerk of the Assembly



FIRST READING OF ASSEMBLY MEASURES

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

Assembly Bill 28—An act to add Section 820.1 to the Streets and Highways Code, relating to transportation, and declaring the urgency thereof, to take effect immediately.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES
(RESUMED)**

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

Senate Bill 304: By Senator Portantino—An act to amend Section 48647 of the Education Code, relating to juvenile court school pupils.

Senate Bill 305: By Senator Skinner—An act relating to local government.

Senate Bill 306: By Senator Hertzberg—An act to amend Section 98.6 of the Labor Code, relating to employment.

Senate Bill 307: By Senator Nguyen—An act relating to postsecondary education.

Senate Bill 308: By Senator Wieckowski—An act to amend Section 3005 of the Public Resources Code, relating to oil and gas.

Senate Bill 309: By Senator Jackson (Coauthors: Senators Atkins and Beall)—An act to add Section 5156.9 to the Vehicle Code, relating to license plates.

Senate Bill 310: By Senator Atkins—An act to amend Section 1279.5 of the Code of Civil Procedure, relating to name and gender changes.

Senate Bill 311: By Senator Pan—An act to amend Section 19326 of the Business and Professions Code, relating to cannabis and marijuana.

Senate Bill 312: By Senator Skinner—An act to amend Section 786 of the Welfare and Institutions Code, relating to juveniles.

Senate Bill 313: By Senator Hertzberg—An act to amend Section 17602 of the Business and Professions Code, relating to advertising.

Senate Bill 314: By Senator Nguyen—An act to amend Section 7403 of the Business and Professions Code, relating to barbering and cosmetology.

Senate Bill 315: By Senator Nguyen—An act to amend Section 4050 of the Business and Professions Code, relating to pharmacy.

Senate Bill 316: By Senator Wieckowski—An act to amend Section 6072 of the Business and Professions Code, relating to attorneys.



Senate Bill 317: By Senator Roth—An act to amend Section 66000 of the Education Code, relating to postsecondary education.

Senate Bill 318: By Senator Portantino—An act to add Section 89036.5 to the Education Code, relating to postsecondary education.

Senate Bill 319: By Senator Nguyen—An act to add Section 66027.7 to the Education Code, relating to postsecondary education.

Senate Bill 320: By Senator Leyva—An act to amend Section 137 of the Health and Safety Code, relating to public health.

Senate Bill 321: By Senator Monning (Principal coauthor: Senator Anderson)—An act to amend Section 13901 of the Government Code, and to amend Sections 1485.5, 4902, 4903, and 4904 of the Penal Code, relating to wrongful convictions.

Senate Bill 322: By Senator Wilk—An act relating to the aerospace industry.

Senate Bill 323: By Senator Mitchell—An act to amend Section 14132.100 of the Welfare and Institutions Code, relating to Medi-Cal.

Senate Bill 324: By Senator Roth—An act to amend Section 831 of the Penal Code, relating to custodial officers.

Senate Bill 325: By Senator Mendoza—An act to amend Sections 926.2 and 12939.1 of the Insurance Code, and to amend Sections 12209, 17053.57, and 23657 of the Revenue and Taxation Code, relating to insurance.

Senate Bill 326: By Senator Nguyen—An act to amend Section 66201 of the Education Code, relating to postsecondary education.

Senate Bill 327: By Senator Jackson—An act to amend Section 1798.84 of the Civil Code, relating to information privacy.

Senate Bill 328: By Senator Portantino—An act to add Section 46148 to the Education Code, relating to pupil attendance.

Senate Bill 329: By Senator Leyva—An act to add Section 65852.35 to the Government Code, relating to housing.

Senate Bill 330: By Senator Berryhill—An act to amend Section 18931.6 of the Health and Safety Code, relating to housing.

Senate Bill 331: By Senator Jackson—An act to amend Section 1037.1 of the Evidence Code, relating to evidence.

Senate Bill 332: By Senator Stern—An act relating to elections.

Senate Bill 333: By Senator Anderson—An act to amend Sections 15403 and 15404 of the Probate Code, relating to trusts.



Senate Bill 334: By Senator Dodd—An act to amend Section 19871.2 of the Government Code, relating to disability leave.

Senate Bill 335: By Senator Cannella—An act to add Section 53333 to the Food and Agricultural Code, relating to nurseries.

Senate Bill 336: By Senator Anderson—An act to amend section 3007.05 of the Penal Code, relating to inmates.

Senate Bill 337: By Senators Bates and Nguyen—An act to add and repeal Section 16342 of, and to add and repeal Chapter 4.6 (commencing with Section 14560) of Part 5.3 of Division 3 of Title 2 of, the Government Code, relating to transportation, and making an appropriation therefor.

Senate Constitutional Amendment 6: By Senator Wiener—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 4 of Article XIII A thereof, and by amending Section 2 of Article XIII C thereof, relating to transportation.

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

Senate Concurrent Resolution 20: By Senator Morrell—Relative to National Speech and Debate Education Day.

REQUESTS TO ADJOURN IN MEMORIAM

Senator Bates requested that when the Senate adjourns this day it do so in memory of Paul Glaab of Palm Desert.

Senators Leyva and Morrell requested that when the Senate adjourns this day it do so in memory of Dawson Ray Hartwig of Rancho Cucamonga.

Senator Nielsen requested that when the Senate adjourns this day it do so in memory of Brett Silva of Chico.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senators' requests until 9 a.m., Tuesday, February 14, 2017.

NEVA MARIE PARKER, Minute Clerk

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