

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTY-FOURTH LEGISLATIVE DAY

IN SENATE

Senate Chamber, Sacramento
Tuesday, February 20, 2018

The Senate met at 1:06 p.m.
Hon. Hannah-Beth Jackson, of the 19th District, presiding.
Secretary Daniel Alvarez at the Desk.
Assistant Secretary Zachary L. Twilla 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, 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, Wieckowski, Wiener, and Wilk—37.

Quorum present.

(NOTE: Senators Mendoza, Stone, and Vidak will be excused this day on personal business.)



PRAYER

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

Let us consider the blessings of our humanness as we ponder Rumi's poem, "The Guest House."

This being human is a guest house.
Every morning a new arrival.
A joy, a depression, a meanness,
some momentary awareness comes as an unexpected visitor.

Welcome and entertain them all!
Even if they are a crowd of sorrows
who violently sweep your house empty of its furniture,
still, treat each guest honorably.
[They] may be clearing you out for some new delight.

The [negative] thought, the shame, the malice—
meet them at the door laughing, and invite them in.
Be grateful for whatever comes
because each has been sent as a guide from beyond.

(Adapted from the translation by Coleman Barks in *The Essential Rumi*.)

Loving God, help us to be alert for those unexpected visitors of negativity. May their appearance not cause us to lose our composure and our gracious desire to bring peace and love to our world.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

PRIVILEGES OF THE FLOOR**SPECIAL INTRODUCTIONS**

Senator Wieckowski introduced leadership from the California Council on Science and Technology, in honor of their 30th Anniversary.



MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol
February 20, 2018

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 reappointees to you and request your confirmation and consent.

Sincerely,

EDMUND G. BROWN JR., Governor

SUSAN J. HUSARI, has been reappointed to the California State Board of Forestry and Fire Protection, where she has served since 2014. Husari served as a pacific west regional fire management officer for the U.S. National Park Service from 2002 to 2012, and served in several positions at the U.S. Forest Service from 1991 to 2002, including deputy director of fire and aviation management and assistant director of fire and aviation management. Husari served in several positions at the Everglades National Park from 1987 to 1991, including fire management officer and assistant fire management officer, and was a forestry technician at Pinnacles National Park from 1981 to 1983. She was a firefighter and engine operator at Lassen National Forest from 1976 to 1981 and a seasonal firefighter at Klamath National Forest in 1975. Reappointed 02/09/2018. Effective 02/14/2018.

Member, State Board of Forestry and Fire Protection, vice, self, reappointed. Term ending 01/15/2022.

RICHARD L. MAULLIN, PH.D., has been reappointed to the California Independent System Operator Board of Governors, where he has served since 2011. Maullin was a partner at Fairbank, Maslin, Maullin, Metz and Associates from 1981 to 2017. Maullin earned Doctor of Philosophy and Master of Science degrees in political science from the University of California, Los Angeles. Reappointed 01/29/2018. Effective 02/06/2018.

Member, California Independent System Operator Board of Governors, vice, self, reappointed. Term ending 12/31/2020.



CHARLES T. NIES, PH.D., has been appointed to the California Student Aid Commission. Nies has served as vice chancellor of student affairs at the University of California, Merced since 2016, where he has held several positions since 2006, including interim vice chancellor, associate vice chancellor, dean of students, and assistant vice chancellor. He held several positions at Miami University from 2000 to 2006, including assistant dean of the School of Interdisciplinary Studies, director of student life, adjunct faculty, and leadership and organizational theory teacher. Nies is a member of the American Leadership Forum. He earned a Doctor of Philosophy degree in education administration and leadership and a Master of Education degree in counseling psychology from Washington State University. Appointed 02/05/2018. Effective 02/13/2018.

Member, Student Aid Commission, vice, Harry Le Grande, term expired. Term ending 10/30/2021.

JOY O. HIGA, has been reappointed to the California State Teachers' Retirement Board, where she has served since 2014. Higa has been vice president of regulatory affairs at the UnitedHealth Group since 2010, where she has held several positions since 2006, including vice president of government affairs, and vice president of regulatory and external affairs. She was deputy chief of staff for policy at the California State Controller's Office from 2005 to 2006, where she was policy director from 2004 to 2005. Higa served as chief deputy secretary for cabinet affairs in the Office of Governor Gray Davis in 2003, deputy director for plan and provider relations at the California Department of Managed Health Care from 2000 to 2003, and director of health sciences governmental relations at the University of California, Los Angeles from 1998 to 2000. She was manager of government relations at PacifiCare Health Systems from 1996 to 1998. Reappointed 01/17/2018. Effective 01/22/2018.

Member, California State Teachers' Retirement Board, vice, self, reappointed. Term ending 12/31/2021.

Above appointments and reappointments referred to the Committee on Rules.

MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 16, 2018

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

ACR 171

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 171—Relative to National Caregivers Day.



REPORTS OF STANDING COMMITTEES

Committee on Rules

Senate Chamber, February 20, 2018

Madam President: The Committee on Rules has examined:

SB 825

And reports the same correctly engrossed.

DE LEÓN, Chair

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

Consideration of Governor’s Appointments

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

KAREN J. VALDES, ED.D., Member, State Board of Education.

The President put the question: “Will the Senate advise and consent to the appointment by the Governor?”

Roll Call

The roll was called.

CALL OF THE SENATE

Pending the announcement of the vote, Senator De León moved a call of the Senate.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

Consideration of Governor’s Appointments

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

DOUGLAS M. FAIGIN, PH.D., Member, Trustees of the California State University.

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 (37)—Senators 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, Wieckowski, Wiener, and Wilk.

NOES (0)—None.



Consideration of Governor's Appointments

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

THELMA E. MELENDEZ, PH.D., Member, Trustees of the California State University.

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 (29)—Senators Allen, Atkins, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Newman, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, Wiener, and Wilk.

NOES (8)—Senators Anderson, Bates, Fuller, Gaines, Moorlach, Morrell, Nguyen, and Nielsen.

**FURTHER PROCEEDINGS UNDER CALL OF THE SENATE
DISPENSED WITH (GOVERNOR'S APPOINTMENTS)**

On motion of Senator De León, further proceedings under the call of the Senate were dispensed with.

Roll Call

The names of the absentees were called and the appointment of Karen J. Valdes was confirmed by the following vote:

AYES (31)—Senators Allen, Atkins, Beall, Berryhill, Bradford, Cannella, De León, Dodd, Fuller, Galgiani, Glazer, Hernandez, Hertzberg, Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning, Newman, Nguyen, Pan, Portantino, Roth, Skinner, Stern, Wieckowski, Wiener, and Wilk.

NOES (6)—Senators Anderson, Bates, Gaines, Moorlach, Morrell, and Nielsen.

**PRIVILEGES OF THE FLOOR
SPECIAL RECOGNITIONS**

Senator Portantino presented a member's resolution to Barry C. Barish and Kip S. Thorne, winners of the 2017 Nobel Prize in Physics.



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

Senate Resolution 70—Relative to Black History Month.
Resolution read third time and presented by Senator Bradford.

Roll Call

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

AYES (37)—Senators 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, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

MOTIONS, RESOLUTIONS AND NOTICES

MOTION TO REFER MEASURES TO INACTIVE FILE

Senator Morrell moved that **SR 75** be ordered to the inactive file.
Motion carried.

**CONSIDERATION OF DAILY FILE (RESUMED)
SPECIAL CONSENT CALENDAR**

Assembly Concurrent Resolution 140—Relative to Human Trafficking Awareness Month.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 147—Relative to India Republic Day.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 156—Relative to Chronic Traumatic Encephalopathy.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 146—Relative to American Heart Month and Wear Red Day.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)



Assembly Concurrent Resolution 157—Relative to the 2018 Olympic Winter Games and Paralympic Winter Games.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 159—Relative to Fred Korematsu Day of Civil Liberties and the Constitution.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Assembly Concurrent Resolution 160—Relative to Physician Anesthesiologist Week.

Resolution read third time, adopted, and ordered transmitted to the Assembly.

(NOTE: See Special Consent Calendar Roll Call)

Special Consent Calendar Roll Call

The roll was called and the above measures on the special consent calendar passed by the following vote:

AYES (37)—Senators 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, Wieckowski, Wiener, and Wilk.

NOES (0)—None.

MOTIONS, RESOLUTIONS AND NOTICES

MOTION TO REFER MEASURES TO INACTIVE FILE

Senator Wilk moved that **SJR 19** be ordered to the inactive file.

Motion carried.

LEAVES OF ABSENCE

The following Senators were granted leaves of absence for the day on personal business: Senators Mendoza, Stone, and Vidak.

FURTHER PROCEEDINGS UNDER QUORUM CALL OF THE SENATE DISPENSED WITH

At 1:56 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 Wednesday, February 21, 2018.

Motion carried.



MESSAGES FROM THE ASSEMBLY

Assembly Chamber, February 20, 2018

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

AB 1407

Assembly Chamber, February 20, 2018

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

AB 1736

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 1736—An act to amend Section 1294 of the Evidence Code, relating to evidence.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

Senate Chamber, February 20, 2018

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

SB 912

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 912—An act to amend Section 4597.3 of the Public Resources Code, relating to forest resources.

Bill read second time.

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

**MOTIONS, RESOLUTIONS AND NOTICES
UNANIMOUS CONSENT TO TAKE MEASURES
FROM INACTIVE FILE**

Without objection, the following measures were taken from the inactive file and re-referred to the Committee on Budget and Fiscal Review:

AB 101

AB 128



REQUESTS TO ADJOURN IN MEMORIAM

Senator Dodd requested that when the Senate adjourns this day it do so in memory of Mo Sadiq.

ADJOURNMENT

At 3:30 p.m., on motion of Senator De León, the Senate adjourned pursuant to the Senator's request until 9 a.m., Wednesday, February 21, 2018.

NEVA MARIE PARKER, Minute Clerk

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