

CALIFORNIA LEGISLATURE
2015–16 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 7, 2016

ONE HUNDRED THIRTY-FIRST SESSION DAY

FOUR HUNDRED THIRD CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of rollcall votes. All amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. All Senate amendments to Assembly measures considered by the Assembly on this day are on file with the Secretary of the Senate and available on request. A list of all measures amended and on which amendments were offered in the Assembly is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 7, 2016

The Assembly met at 9 a.m.
Hon. Kevin Mullin, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Reading Clerk Kathleen M. Lewis reading.

ROLLCALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Holden moved a quorum call of the Assembly.
Motion carried. Time, 9 a.m.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 9:07 a.m., Speaker pro Tempore Mullin declared a quorum of the
Assembly present.

The rollcall was completed, and the following answered to their
names—78:

Achadjian	Dahle	Irwin	Patterson
Alejo	Daly	Jones	Quirk
Allen	Dodd	Jones-Sawyer	Rendon
Baker	Eggman	Kim	Ridley-Thomas
Bigelow	Frazier	Lackey	Rodriguez
Bloom	Gaines	Levine	Salas
Bonilla	Gallagher	Linder	Santiago
Bonta	Garcia, C.	Lopez	Steinorth
Brough	Garcia, E.	Low	Stone
Brown	Gatto	Maienschein	Thurmond
Burke	Gipson	Mathis	Ting
Calderon	Gomez	Mayes	Wagner
Campos	Gonzalez	McCarty	Waldron
Chang	Gordon	Medina	Weber
Chávez	Gray	Melendez	Wilk
Chiu	Grove	Mullin	Williams
Chu	Hadley	Nazarian	Wood
Cooley	Harper	Obernolte	Mme. Speaker
Cooper	Hernández	O'Donnell	
Dababneh	Holden	Olsen	

**ASSEMBLY RULE 56 SUSPENDED
BY UNANIMOUS CONSENT**

Assembly Member Holden was granted unanimous consent that Assembly Rule 56 be suspended to permit the following committees to notice hearing of the following bills, pending re-referral to the committee as noted:

Committee on Health, to notice hearing of Assembly Bill No. 796 on Tuesday, January 12, 2016;

Committee on Local Government, to notice hearing of Assembly Bills Nos. 729 and 1298 on Wednesday, January 13, 2016, at 1:30 p.m.;

Committee on Privacy and Consumer Protection, to notice hearing of Assembly Bill No. 886 on Tuesday, January 12, 2016, at 1:30 p.m.

**BILLS WITHDRAWN FROM COMMITTEE AND PLACED ON FILE
ASSEMBLY RULE 96 SUSPENDED**

Assembly Member Holden was granted unanimous consent that Assembly Rule 96 be suspended to permit Assembly Bill No. 708 to be withdrawn from the Committee on Business and Professions and placed on the second reading file.

RECESS

By unanimous consent, at 9:14 a.m., Speaker pro Tempore Mullin declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Alejo introduced his wife, Hon. Karina Cervantes Alejo, Central Coast Regional Water Control Board Member and Mayor pro Tempore of Watsonville.

* * *

Assembly Member Cristina Garcia introduced Ms. Nina Davuluri, Miss America 2014.

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Assembly Member Gipson introduced participants in the Young Visionaries Program, accompanied by co-founder, Pastor Michael Fisher; President Ashton Truby-McKay; Executive Vice President Fredrick Gordon, and Alpha Phi Zion Christian Fraternity President Danny Harrison.

* * *

Assembly Member McCarty introduced students from Ms. Louie's seventh-grade history class at Sutter Middle School in Sacramento.

* * *

Assembly Member Steinorth introduced Hon. Janice Rutherford, San Bernardino County Board of Supervisors, Second District.

RECONVENED

At 9:22 a.m., the Assembly reconvened.

Speaker pro Tempore of the Assembly, Kevin Mullin, 22nd District, presiding.

**ASSEMBLY RULE 56 SUSPENDED
BY UNANIMOUS CONSENT**

Assembly Member Holden was granted unanimous consent that Assembly Rule 56 be suspended to permit the following committees to notice hearing of the following bills, pending re-referral to the committee as noted:

Committee on Judiciary, to notice hearing of Assembly Bill No. 1386 on Friday, January 15, 2016;

Committee on Judiciary, to notice hearing of Assembly Bill No. 350 on Tuesday, January 19, 2016.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

ASSEMBLY BILL NO. 326—An act to amend Section 1742.1 of the Labor Code, relating to public works.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 488—An act to amend Section 12926 of the Government Code, relating to employment discrimination.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1311—An act to amend Section 201.3 of the Labor Code, relating to employment.

Bill read second time; amendments proposed by the Committee on Labor and Employment read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 7, 2016

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:

Assembly Concurrent Resolution No. 98

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered to the Consent Calendar.

(NOTE: Later this day, Assembly Concurrent Resolution No. 98 was re-referred to the Committee on Appropriations pursuant to Joint Rule 10.5.)

ADJOURN IN MEMORY

Assembly Members Ting and Chiu were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Patricia Siegel of San Francisco.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Bonta and Thurmond were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary King of Oakland.

(Assembly Rule 45.5 suspended.)

At 9:35 a.m., Assistant Speaker pro Tempore of the Assembly, David Chiu, 17th District, presiding

ADJOURN IN MEMORY

Assembly Member Gordon was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Mary Mason of Los Altos.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Lackey was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. Larry Chimbole, former Mayor of Palmdale and former Member of the Assembly, resident of Palmdale.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Steinorth and Brown, joined by Assembly Members Mayes, Holden, Medina, Santiago, Daly, and Obernolte, were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of the victims of the tragic events in San Bernardino on December 2, 2015:

Robert Adams of Yucaipa
 Isaac Amanios of Fontana
 Bennetta Bet-Bedal of Rialto
 Harry Bowman of Upland
 Sierra Clayborn of Moreno Valley
 Juan Espinoza of Highland
 Aurora Godoy of San Jacinto
 Shannon Johnson of Los Angeles
 Larry Kaufman of Rialto
 Damian Meins of Riverside
 Tin Nguyen of Santa Ana
 Nicholas Thalasinis of Colton
 Yvette Velasco of Fontana
 Michael Wetzel of Lake Arrowhead

(Assembly Rule 45.5 suspended.)

Assembly Rule 112 Suspended

Assembly Member Brown was granted unanimous consent that Assembly Rule 112 be suspended to permit her to read a paper on the Floor of the Assembly, whereupon she read an excerpt from the poem, *We Remember Them*, by Rabbi Sylvan Kamen, and without objection, the poem was printed in the Journal:

We Remember Them

At the rising sun and at its going down;

We Remember Them.

In the beginning of the year and when it ends;

We Remember Them.

When we are weary and in need of strength;

We Remember Them.

When we have joys and special celebrations we yearn to share;

We Remember Them.

So long as we live, they too shall live, for they are a part of us;

We Remember Them.

MOMENT OF SILENCE OBSERVED

Assistant Speaker pro Tempore Chiu was joined by the Members of the Assembly in observing a moment of silence to honor the victims of the tragic events in San Bernardino.

ANNOUNCEMENTS

Assistant Speaker pro Tempore Chiu announced the following session schedule:

Friday, January 8, 2016, No session;

Monday, January 11, 2016, Floor Session, 12 noon.

ADJOURN IN MEMORY

Speaker Atkins was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Zenaida Lozano Temporal of San Diego.

Assembly Member McCarty was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Associated Press Correspondent Doug Willis of Sacramento.

Assembly Member Mullin was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard "Rick" Ochsenhirt of South San Francisco.

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bill No. 533 and Senate Bill No. 7 were continued until the next legislative day.

MOTION TO ADJOURN

At 9:45 a.m., Assembly Member Cristina Garcia moved that the Assembly do now adjourn.

Assembly Member Waldron seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:45 a.m., Assistant Speaker pro Tempore Chiu declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1596—Mathis. An act to amend Section 699.5 of the Military and Veterans Code, relating to veterans, and making an appropriation therefor.

ASSEMBLY BILL NO. 1597—Mark Stone. An act to amend Section 4019.4 of the Penal Code, relating to county jails.

ASSEMBLY BILL NO. 1598—Weber. An act making appropriations for the support of the government of the State of California and for several public purposes in accordance with the provisions of Section 12 of Article IV of the Constitution of the State of California, relating to the state budget, to take effect immediately, budget bill.

ASSEMBLY BILL NO. 1599—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1600—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1629—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1630—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1631—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1632—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1633—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1634—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1635—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1636—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1637—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1638—Committee on Budget (Assembly Members Weber (Chair), Bloom, Bonta, Campos, Chiu, Cooper, Gordon, Jones-Sawyer, McCarty, Mullin, Nazarian, O'Donnell, Rodriguez, Thurmond, Ting, and Williams). An act relating to the Budget Act of 2016.

ASSEMBLY BILL NO. 1639—Maienschein. An act to add Article 14 (commencing with Section 33480) to Chapter 3 of Part 20 of Division 2 of Title 2 of the Education Code, relating to pupil safety.

ASSEMBLY BILL NO. 1640—Mark Stone. An act to amend Section 7522.02 of the Government Code, relating to retirement.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 112—Hadley. Relative to the State Air Resources Board.

HOUSE RESOLUTION NO. 33—Atkins and Mark Stone. Relative to the California Earned Income Tax Credit.

AUTHOR'S AMENDMENTS
Committee on Health

January 7, 2016

Mme. Speaker: The Chair of your Committee on Health reports:
Assembly Bill No. 1546

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

BONTA, Chair

ASSEMBLY BILL NO. 1546—An act to amend Section 103526.5 of, and to add Section 103526.6 to, the Health and Safety Code, relating to vital records, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

Committee on Appropriations

January 7, 2016

Mme. Speaker: The Chair of your Committee on Appropriations reports:
Assembly Bill No. 700

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

GOMEZ, Chair

ASSEMBLY BILL NO. 700—An act to amend Section 84511 of the Government Code, relating to the Political Reform Act of 1974, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

REPORTS OF STANDING COMMITTEES
Committee on Rules

Date of Hearing: January 7, 2016

Mme. Speaker: Your Committee on Rules reports:
Assembly Concurrent Resolution No. 9
Assembly Concurrent Resolution No. 109
Assembly Concurrent Resolution No. 110

With the recommendation: Be adopted.

GORDON, Chair

Above resolutions ordered to third reading.

Committee on Governmental Organization

Date of Hearing: January 6, 2016

Mme. Speaker: Your Committee on Governmental Organization reports:
Assembly Bill No. 1355

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

GRAY, Chair

Above bill ordered to second reading.

Committee on Transportation

Date: January 7, 2016

Mme. Speaker: Your Committee on Transportation reports the following bill pursuant to the provisions of Joint Rule 62(a):

Assembly Bill No. 550

FRAZIER, Chair

Above bill ordered filed with the Chief Clerk.

RE-REFERENCE OF BILLS PURSUANT TO THE RULES

On advice of the Legislative Counsel, and pursuant to the provisions of Joint Rule 10.5, the following bill was ordered re-referred to the Committee on Appropriations:

Assembly Concurrent Resolution No. 98.

MESSAGES FROM THE GOVERNOR

The following budget message from the Governor was received and ordered printed in the Journal:

Governor's Office, Sacramento
January 7, 2016

To the members of the Senate and the Assembly of the California Legislature:

Relative to years past, the state budget is in good shape. Education funding is at its highest level ever, fifteen million Californians are covered by Medi-Cal or Covered California, the minimum wage has risen to \$10 an hour, and for the first time, the state will provide almost \$400 million to low-wage working families through an earned income tax credit.

Our Rainy Day Fund is growing and the proposed budget for next year will have a healthy surplus even after spending several billion on long overdue infrastructure investments.

It must never be forgotten, however, that 69.5 percent of our General Fund revenues come from the volatile personal income tax which, as history shows us, drops precipitously in time of recession—an event not too far off given the historic pattern of the ten recessions that have occurred since 1945. During a moderate recession, revenue losses to the General Fund will easily total \$55 billion over three years.

That is the nature of our California economy and our state tax system. It's the reason why the Legislature unanimously placed Proposition 2 on the ballot and why the people approved it by nearly 70 percent.

Given the wide disparities that exist in our state and the millions who struggle in one form or another, understandably there will be proposals to fund a variety of worthwhile programs. But it would be short-sighted in the extreme to now embark upon a host of new spending only to see massive cuts when the next recession hits. In view of the \$27 billion deficit of just five years ago and the much larger one in 2009, it is clear that fiscal restraint must be the order of the day. It also goes without saying that we should be chipping away at the \$72 billion unfunded liability that weighs down our retiree health system.

I look forward to working with you to enact a timely and prudent budget.

With respect,

EDMUND G. BROWN JR.

Receipt

I acknowledge receipt this 7th day of January, 2016, at 10:45 a.m., of the budget for the 2016–17 fiscal year, together with an explanatory message delivered to me personally by Michael Mullaney.

SUE PARKER

Assistant Chief Clerk of the Assembly

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Cristina Garcia, the Assembly adjourned until 12 noon, Monday, January 11, 2016, out of respect to the memory of Patricia Siegel on motion of Assembly Members Ting and Chiu; out of respect to the memory of Mary King on motion of Assembly Members Bonta and Thurmond; out of respect to the memory of Mary Mason on motion of Assembly Member Gordon; out of respect to the memory of Hon. Larry Chimbole on motion of Assembly Member Lackey; out of respect to the memory of Robert Adams, Isaac Amanios, Bennetta Bet-Bedal, Harry Bowman, Sierra Clayborn, Juan Espinoza, Aurora Godoy, Shannon Johnson, Larry Kaufman, Damian Meins, Tin Nguyen, Nicholas Thalasinios, Yvette Velasco, and Michael Wetzel on motion of Assembly Members Steinorth and Brown and Assembly Members Mayes, Holden, Medina, Santiago, Daly, and Obernolte; out of respect to the memory of Zenaida Lozano Temporal on motion of Speaker Atkins; out of respect to the memory of Doug Willis on motion of Assembly Member McCarty; and out of respect to the memory of Richard “Rick” Ochsenhirt on motion of Assembly Member Mullin.

TONI G. ATKINS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 7, 2016**

The following measures were amended in the Assembly on this day:

AB	RN	
700	1600869	
1311	1600874	
1546	1601585	
Daily Total:		3
Cumulative Total:		2623

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