

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 10, 2017

FIFTH SESSION DAY

THIRTY-SEVENTH 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.

(Please direct any inquiries and report any omissions or errors to Minute Clerk: Phone 916-319-2360)

(Corrected 2-16-17)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, January 10, 2017

The Assembly met at 7 a.m.

Hon. Jimmy Gomez, Assembly Member, 51st District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Reading Clerk Kathleen M. Lewis reading.

ROLLCALL

The following were placed upon the morning rollcall—72:

Acosta	Choi	Grayson	Obernolte
Aguiar-Curry	Chu	Harper	O'Donnell
Allen	Cooley	Holden	Patterson
Arambula	Cooper	Irwin	Quirk
Berman	Cunningham	Jones-Sawyer	Quirk-Silva
Bigelow	Dahle	Kalra	Reyes
Bloom	Daly	Kiley	Rodriguez
Bocanegra	Eggman	Lackey	Rubio
Bonta	Flora	Levine	Salas
Brough	Fong	Limón	Santiago
Burke	Frazier	Low	Stone
Caballero	Gallagher	Maienschein	Thurmond
Calderon	Garcia, C.	Mathis	Ting
Cervantes	Gipson	McCarty	Voepel
Chau	Gloria	Medina	Waldron
Chávez	Gomez	Mullin	Weber
Chen	Gonzalez Fletcher	Muratsuchi	Wood
Chiu	Gray	Nazarian	Mr. Speaker

Quorum present.

At 12:37 p.m., Hon. Jim Patterson, 23rd District, presiding

REGULAR BUSINESS DISPENSED WITH

By unanimous consent, the regular order of business of the Assembly was dispensed with for this legislative day.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Members were granted leaves of absence for the day:

On legislative business: Assembly Members Friedman, Melendez, and Steinorth.

On legislative business, per diem waived for the 2017–18 Session (Assembly Journal, page 68): Assembly Member Baker.

On personal business, and waiving per diem: Assembly Members Eduardo Garcia, Mayes, and Ridley-Thomas.

Because of illness: Assembly Member Dababneh.

EXPLANATIONS OF ABSENCE

Pursuant to the Assembly Rules, the following explanations of absence were ordered printed in the Journal:

January 10, 2017

The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: This letter is to respectfully request an excuse from Check-in Session on Tuesday, January 10, 2017. I will be taking legislative meetings in my district. If you have any questions, please call me or my Chief of Staff, Nanette Farag at (916) 319-2016. Thank you for your prompt attention.

Warm regards,

CATHARINE B. BAKER, Assembly Member
Sixteenth District

December 28, 2016

The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on Tuesday, January 10, 2017, due to legislative business in my district. Thank you for your assistance. Please contact Tiffany Morrison at (916) 319-2043 in my office should any questions arise.

Sincerely,

LAURA FRIEDMAN, Assembly Member
Forty-third District

January 4, 2017

The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I am respectfully requesting permission to be excused from Check-in Session on Tuesday, January 10, and Wednesday, January 11, 2017, to conduct legislative business in my district. If you need further information or have any questions, please contact Donda Scholl in my office at (916) 319-2067. Thank you for your attention to this matter.

Sincerely,

MELISSA A. MELENDEZ, Assembly Member
Sixty-seventh District

December 7, 2016

The Honorable Anthony Rendon
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I respectfully request to be excused from Check-in Session on Tuesday, January 10, and Wednesday, January 11, 2017. I plan to be in my district on those days for legislative business. Thank you for your assistance. Please contact my office at (916) 319-2040 should any questions arise.

Sincerely,

MARC STEINORTH, Assembly Member
 Fortieth District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

January 9, 2017

The Honorable Kevin de León
President pro Tempore
California State Senate
State Capitol, Room 205
Sacramento, California

The Honorable Anthony Rendon
Speaker
California State Assembly
State Capitol, Room 219
Sacramento, California

The Honorable Jean Fuller
Minority Leader
California State Senate
State Capitol, Room 3063
Sacramento, California

The Honorable Chad Mayes
Minority Leader
California State Assembly
State Capitol, Room 3104
Sacramento, California

RE: Tentative Agreement/Memorandum of Understanding (MOU)
 for Bargaining Unit 8, CAL FIRE Local 2881

Dear Senators De León and Fuller, and Assembly Members Rendon and Mayes: The Department of Human Resources (CalHR) reached a new Tentative Agreement with CAL FIRE Local 2881, representing Bargaining Unit 8. Upon approval of the Legislature and the Governor, and ratification by the membership, this agreement will be effective January 1, 2017 through July 1, 2021.

This agreement will roll over language from past agreements and make several changes to address the state's retiree health care costs and associated unfunded liabilities. The state and Bargaining Unit 8 have agreed to begin to phase-in the prefunding of retiree health care benefits with the goal of each contributing 50 percent of the actuarially determined normal cost by July 1, 2019. In addition, Bargaining Unit 8 members first hired on or after January 1, 2017, will need to work longer to become eligible for retiree health benefits and once vested will receive a lower employer contribution toward retiree health benefits.

During the term of this agreement, all BU 8 members will receive an increase in compensation. Additional information on these increases can be found in the attached legislative summary.

In accordance with Government Code sections 3517.5, 19829.5, and Senate Rule 29.4, I am forwarding copies of the Tentative Agreement, including legislative and fiscal summaries. The Legislative Analyst will be forwarded a copy for analysis, and the Secretary of the Senate and the Clerk of the Assembly will be forwarded copies to make them noted as available for review in the daily journals. The above mentioned Tentative Agreement and summaries can also be found by going to the following website: <http://www.calhr.ca.gov/state-hr-professionals/Pages/bargaining-contracts.aspx>.

Respectfully,

RICHARD GILLIHAN

Director, California Department of Human Resources

MEMORANDA OF UNDERSTANDING

Tentative Agreement/Memorandum of Understanding (MOU) with Bargaining Unit 8, dated January 9, 2017, was received in the Senate from the California Department of Human Resources (CalHR) and filed pursuant to Senate Rule 29.4, and is hereby noted in the Assembly Journal. (See Senate Journal for January 9, 2017, page 42.)

COMMUNICATIONS

The following communications were presented by the Chief Clerk, and ordered printed in the Journal:

January 10, 2017

E. Dotson Wilson

*Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California*

Dear Mr. Wilson: The Legislative Analyst's Office has posted on our website our office's fiscal analysis of the proposed memorandum of understanding between the Governor and Bargaining Units 1, 3, 4, 11, 12, 13, 14, 15, 17, 18, 19, 20, and 21. This analysis was only released in an online version (<http://lao.ca.gov/Publications/Report/3520>). This analysis is required to be submitted to the Legislature pursuant to Section 19829.5 of the Government Code. In December 2016, the Department of Human Resources transmitted to the Legislature the agreement and the administration's estimate of the agreement's fiscal effects.

Sincerely,

MAC TAYLOR
Legislative Analyst

January 10, 2017

*E. Dotson Wilson
 Chief Clerk of the Assembly
 State Capitol, Room 3196
 Sacramento, California*

Dear Mr. Wilson: Please be advised that the Assembly Special Committee on the Office of the Attorney General met on January 10, 2017, and voted to move to the Assembly Floor with a recommendation to advise and consent to the Governor’s nomination of Congressman Xavier Becerra to the office of Attorney General (6–3). The rollcall is enclosed.

Sincerely,

REGINALD JONES-SAWYER, SR. MARK STONE
 Co-Chair, Co-Chair,
 Special Committee on the Special Committee on the
 Office of the Attorney General Office of the Attorney General

Special Committee on the Office of the Attorney General

Date of Hearing: January 10, 2017

ACTION TAKEN:	Move to Floor with recommendation to advise and consent			
ITEM	Governor's Nomination: Xavier Becerra to the Office of the Attorney General			
	Aye : No	Aye : No	Aye : No	Aye : No
Jones-Sawyer, Co-Chair	X :			
Mark Stone, Co-Chair	X :			
Chiu	X :			
Cunningham	: X			
Eggman	X :			
Gallagher	: X			
Lackey	: X			
Reyes	X :			
Weber	X :			
	:			
	Ayes : 6 Noes : 3	Ayes : Noes :	Ayes : Noes :	Ayes : Noes :

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

ASSEMBLY CONCURRENT RESOLUTION NO. 3—Relative to Korean-American Day.

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

ASSEMBLY CONCURRENT RESOLUTION NO. 5—Relative to Martin Luther King, Jr. Day.

Resolution read; amendments proposed by the Committee on Rules read and adopted; resolution ordered reprinted and to be placed upon the third reading file.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 94—Rodriguez. An act to amend Section 23701 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 95—Jones-Sawyer. An act to add Chapter 8.5 (commencing with Section 66650) to Part 40 of Division 5 of Title 3 of the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 96—Ting. 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. 97—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 98—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 99—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 100—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 101—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 102—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 103—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 104—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 105—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 106—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 107—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 108—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 109—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 110—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 111—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 112—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 113—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 114—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 115—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 116—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 117—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 118—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 119—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 120—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 121—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 122—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 123—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 124—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 125—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 126—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 127—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 128—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 129—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 130—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 131—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 132—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 133—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 134—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 135—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 136—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 137—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 138—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 139—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 140—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 141—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 142—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 143—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 144—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 145—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 146—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 147—Ting. An act relating to the Budget Act of 2017.

ASSEMBLY BILL NO. 148—Mathis. An act to amend Section 128552 of the Health and Safety Code, relating to physicians and surgeons, and making an appropriation therefor.

ASSEMBLY BILL NO. 149—Jones-Sawyer. An act to add Section 858.2 to the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 150—Mathis. An act to amend Section 54.3 of the Civil Code, relating to disabled persons.

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 8—Jones-Sawyer. Relative to post-traumatic “street” disorder.

MESSAGES FROM THE GOVERNOR

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

Governor's Office, Sacramento
January 10, 2017

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

This year's budget will be the most difficult that we have faced since 2012. The surging tide of revenue increases that we enjoyed the past few years appears to have turned. Instead, we now face a budget deficit of \$2 billion. While this amount pales in comparison to the \$27 billion deficit we faced in 2011, it demands our attention. Small deficits can quickly mushroom into large ones if not promptly eliminated.

While rolling back some planned spending increases, my proposed budget protects our most important achievements—more money for education, an earned income tax credit for working families, the rising minimum wage, the extension of health care to millions, and the pay down of our long-term liabilities.

In all likelihood, the coming years will bring even worse financial news—either from the start of the next inevitable recession or from changes at the federal level. This uncertainty about the future makes acting responsibly now even more important.

I look forward to working with you as we solve these challenges together.

With respect,

EDMUND G. BROWN JR.

Receipt of Budget

I acknowledge receipt this 10th day of January, 2017, at 10:55 a.m., of the budget for the 2017–18 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., the Assembly adjourned until 7 a.m., Wednesday, January 11, 2017.

ANTHONY RENDON, Speaker

MARIA LIRANZO, Assistant Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 10, 2017**

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

ACR RN

3 1702634

5 1703395

Daily Total: 2**Cumulative Total: 2**

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