

CALIFORNIA LEGISLATURE
2017–18 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 13, 2017

EIGHTH SESSION DAY

FORTIETH 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 1-30-17)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 13, 2017

The Assembly met at 9 a.m.

Hon. Autumn R. Burke, Assistant 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 Cooper moved a quorum call of the Assembly. Motion carried. Time, 9:06 a.m.

The Assistant Speaker pro Tempore directed the Sergeant at Arms to close the doors, and to bring in the absent Members.

Quorum Present

At 9:10 a.m., Assistant Speaker pro Tempore Burke declared a quorum of the Assembly present.

The rollcall was completed, and the following answered to their names—79:

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

PRAYER

Upon invitation of Assistant Speaker pro Tempore Burke, the following prayer was offered by Guest Chaplain Reverend Gloria Clemons-White, of the Kyles Temple, African Methodist Episcopal Zion Church of Sacramento:

God of our weary years, God of our silent tears, Thou who has brought us safe thus far; Thou who has by Thy might led us into this marvelous light. A light that shines in the midst of darkness, that brings hope and opportunity to the lives of all people. A light that cast the darkness of injustice, inequality, hatred, and bigotry into the abyss of a bottomless pit.

We pray, God, for the peace and health of our country, our state, and our cities. We ask that You will use this legislative body to make a difference in the lives of the people that they serve. Use them to ignite a torch of hope that will shine through for freedom, justice, and equality. And as they pass the torch forward to others, let them also light a light of love that will pierce the hearts of all people, so that acceptance and tolerance will rain down as a mighty flowing stream that cleans the hearts and minds of people everywhere.

I pray, dear Lord, as we honor the legacy and memory of the Reverend Dr. Martin Luther King, Jr., and his quest for liberty and economic freedom, help us to make his dream a reality by living up to the creed that states: “We hold these truths to be self-evident; that all men and all women are created equal,” and that, “We will live in a nation where all children will not be judged by the color of their skin, but by the content of their character.” I pray, heavenly Father, that this legislative body will help to make this dream not only a reality, but rather that his dream of hope and his dream of peace will become a way of life for all Your people.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Assistant Speaker pro Tempore Burke, Assembly Member Jones-Sawyer then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Calderon, seconded by Assembly Member Mayes.

LEAVES OF ABSENCE FOR THE DAY

By unanimous consent, the following Assembly Member was granted leave of absence for the day:

Because of illness: Assembly Member Bigelow.

COMMUNICATIONS

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

January 11, 2017

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

Dear Speaker Rendon: The Senate Rules Committee appointed Senators Atkins, Bates, Berryhill, Cannella, De León, Fuller, Hill, Lara, Leyva, McGuire, Mitchell, Monning, Skinner, and Wiener as members of the Joint Rules Committee to fill all appointments.

Sincerely,

DANIEL ALVAREZ
Secretary of the Senate

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

January 13, 2017

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

*Daniel Alvarez
Secretary of the Senate
State Capitol, Room 400
Sacramento, California*

Dear Mr. Wilson and Mr. Alvarez: Please be advised that the Assembly and Senate contingents of the Joint Committee on Rules have approved the following actions:

- Appointment of Debra Gravert as the Chief Administrative Officer of the Joint Committee on Rules (25–0)
- Selection of Assemblymember Ken Cooley as Chair of the Joint Committee on Rules (25–0)
- Press Credentials for the 2017–18 Legislative Session (25–0)

Sincerely,

KEN COOLEY, Chair
Assembly Rules Committee

REFERRAL OF BILLS TO COMMITTEE

Pursuant to the Assembly Rules, the following bills were referred to committee:

Assembly Concurrent

Resolution No.

Committee

6----- Rls.

ASSEMBLY RULE 118(a) SUSPENDED—PRIVILEGES OF THE FLOOR

Speaker Rendon was granted unanimous consent that Assembly Rule 118(a) be suspended granting the privileges of the Floor and permitting a guest to sit at his desk.

ASSEMBLY RULE 118(a) SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Gallagher was granted unanimous consent that Assembly Rule 118(a) be suspended granting the privileges of the Floor and permitting a guest to sit at his desk, whereupon he introduced his daughter Maggie.

ASSEMBLY RULE 118(a) SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Medina was granted unanimous consent that Assembly Rule 118(a) be suspended granting the privileges of the Floor and permitting guests in the Assembly Chamber and on the Assembly Floor.

RECESS

By unanimous consent, at 9:18 a.m., Assistant Speaker pro Tempore Burke declared the Assembly recessed to permit the introduction of a special guest.

Assembly Member Medina introduced Jen Bricker, accomplished, dynamic, renowned, and inspirational gymnast and acrobat, who was born without legs, but was taught not to use the word “can’t.”

RECONVENED

At 9:20 a.m., the Assembly reconvened.

Assistant Speaker pro Tempore of the Assembly, Autumn R. Burke, 62nd District, presiding.

**At 9:22 a.m., Speaker of the Assembly, Anthony Rendon,
63rd District, presiding**

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****GOVERNOR’S APPOINTMENTS****MOTION TO CONFIRM GOVERNOR’S APPOINTMENT**

Assembly Member Calderon moved that the Assembly advise and consent to the appointment by the Governor of the Honorable Xavier Becerra to the Office of Attorney General.

Assembly Member Bonta seconded the motion.

The question being: Will the Assembly advise and consent to the nomination by the Governor of the Honorable Xavier Becerra to the Office of Attorney General?

Assembly Rule 112 Suspended

Assembly Member Low was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

Point of Order

Assembly Member Calderon arose to the following point of order:

The question before the Body is whether to confirm the nominee based on his qualifications for the office, not about any other political issue; Assembly Member Travis Allen should confine his remarks to that specific subject.

Ruling by Speaker Rendon

The Speaker ruled the point of order well-taken.

Point of Order

Assembly Member Calderon arose to the following point of order:

That the comments by Assembly Member Travis Allen have nothing to do with the question before the Body; these are political positions not positions relative to the qualifications of the nominee. Assembly Member Travis Allen should confine his remarks to the question before the Body.

Ruling by Speaker Rendon

The Speaker ruled the point of order well-taken.

At 9:52 a.m., Speaker pro Tempore of the Assembly, Kevin Mullin, 22nd District, presiding

At 10:01 a.m., Speaker of the Assembly, Anthony Rendon, 63rd District, presiding

The question being: Will the Assembly advise and consent to the appointment by the Governor of the Honorable Xavier Becerra to the Office of Attorney General?

The roll was opened, and the Governor's appointment confirmed by the following vote:

AYES—56

Aguiar-Curry	Cooley	Grayson	Quirk
Arambula	Cooper	Holden	Quirk-Silva
Berman	Dababneh	Irwin	Reyes
Bloom	Daly	Jones-Sawyer	Ridley-Thomas
Bocanegra	Eggman	Kalra	Rodriguez
Bonta	Frazier	Levine	Rubio
Burke	Friedman	Limón	Salas
Caballero	Garcia, C.	Low	Santiago
Calderon	Garcia, E.	McCarty	Stone
Cervantes	Gipson	Medina	Thurmond
Chau	Gloria	Mullin	Ting
Chávez	Gomez	Muratsuchi	Weber
Chiu	Gonzalez Fletcher	Nazarian	Wood
Chu	Gray	O'Donnell	Mr. Speaker

NOES—23

Acosta	Cunningham	Kiley	Obernolte
Allen	Dahle	Lackey	Patterson
Baker	Flora	Maienschein	Steinorth
Brough	Fong	Mathis	Voepel
Chen	Gallagher	Mayes	Waldron
Choi	Harper	Melendez	

**At 10:08 a.m., Assistant Speaker pro Tempore of the Assembly,
Autumn R. Burke, 62nd District, presiding**

ASSEMBLY RULE 118(a) SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Choi was granted unanimous consent that Assembly Rule 118(a) be suspended granting the privileges of the Floor and permitting guests in the Assembly Chamber and on the Assembly Floor in recognition of Korean-American Day.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

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

Resolution read.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 3**

Upon request of Assembly Member Choi, the following Members were permitted to be listed as additional coauthors of Assembly Concurrent Resolution No. 3.

Additional Coauthors

The following Assembly Members requested to be listed as additional coauthors:

Acosta, Aguiar-Curry, Travis Allen, Arambula, Baker, Berman, Bloom, Bocanegra, Bonta, Brough, Burke, Caballero, Calderon, Cervantes, Chau, Chávez, Chen, Chiu, Chu, Cooley, Cooper, Cunningham, Dababneh, Dahle, Daly, Eggman, Flora, Fong, Frazier, Friedman, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gomez, Gonzalez Fletcher, Gray, Grayson, Harper, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Obernolte, Patterson, Quirk, Quirk-Silva, Rendon, Reyes, Ridley-Thomas, Rodriguez, Rubio, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Voepel, Waldron, Weber, and Wood.

Request for Unanimous Consent

Assembly Member Choi was granted unanimous consent to take up Assembly Concurrent Resolution No. 3, as revised, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 3, as Revised

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

Resolution read, as revised, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

RECESS

By unanimous consent, at 10:23 a.m., Assistant Speaker pro Tempore Burke declared the Assembly recessed to permit the introduction of special guests.

In conjunction with Assembly Concurrent Resolution No. 3 relative to Korean-American Day, Assembly Member Choi welcomed distinguished guests from the Korean-American community and recognized their outstanding contributions to the community: Sung Woong Kim, President of Korean American Foundation in USA; Paul Cho, President of Korean American Foundation in Sacramento; Laura Jeon, President of Korean American Federation of Los Angeles; and Seokhyo Kang, President of Korean American Federation of Sacramento.

RECONVENED

At 10:30 a.m., the Assembly reconvened.

Assistant Speaker pro Tempore of the Assembly, Autumn R. Burke, 62nd District, presiding.

ASSEMBLY RULE 118(a) SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Holden, Chair of the California Legislative Black Caucus, was granted unanimous consent that Assembly Rule 118(a) be suspended granting the privileges of the Floor and permitting guests in the Assembly Chamber, on the Assembly Floor, and at the Rostrum for the ceremony today, in observance of Martin Luther King, Jr. Day.

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

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

Resolution read.

Assembly Rule 112 Suspended

Assembly Member Bocanegra was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

Members Made Coauthors of**Assembly Concurrent Resolution No. 5**

Upon request of Assembly Member Holden, the following Members were permitted to be listed as additional coauthors of Assembly Concurrent Resolution No. 5.

Additional Coauthors

The following Assembly Members requested to be listed as additional coauthors:

Acosta, Aguiar-Curry, Travis Allen, Arambula, Baker, Berman, Bloom, Bocanegra, Bonta, Brough, Caballero, Calderon, Cervantes, Chau, Chávez, Chen, Chiu, Choi, Chu, Cooley, Cunningham, Dababneh, Dahle, Daly, Eggman, Flora, Fong, Frazier, Friedman, Gallagher, Cristina Garcia, Eduardo Garcia, Gloria, Gomez, Gonzalez Fletcher, Gray, Grayson, Harper, Irwin, Kalra, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, Medina, Melendez, Mullin, Muratsuchi, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Quirk-Silva, Rendon, Reyes, Rodriguez, Rubio, Salas, Santiago, Steinorth, Mark Stone, Ting, Voepel, Waldron, and Wood.

Request for Unanimous Consent

Assembly Member Holden was granted unanimous consent to take up Assembly Concurrent Resolution No. 5, as revised, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 5, as Revised

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

Resolution read, as revised, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

ANNOUNCEMENTS

Assembly Member Holden, Chair of the California Legislative Black Caucus, announced that on Thursday, January 12, 2017, at the Dr. Martin Luther King, Jr. Leadership Breakfast titled *The Legacy Continues: Committed to Excellence in Community Service*, the life and legacy of Dr. King was honored, as the caucus marked its 50th anniversary. Assembly Member Holden noted that the keynote speech offered by journalist Roland S. Martin, host and managing editor of TV One's *NewsOne Now*, 2013 National Association of Black Journalists' Journalist of the Year, and recipient of the 2009 Peabody Award, was recorded and will be delivered to Members' offices.

The California Legislative Black Caucus recognized the following individuals, who have demonstrated a commitment to work for the betterment of African Americans and others throughout California; and presented honorees with awards:

Diversity in Government

Curtis Earnest

Chief of Staff to Los Angeles City Councilman Curren Price

Civil Rights Leadership

John Burris

Civil Rights Attorney, Founder of the National Police Accountability Project, and author of *Blue vs. Black*

Community Activist

Rory Kaufman

Senior Consultant to Assembly Member Shirley Weber

Distinguished Government Service

Mark Terry

Deputy, Office of Legislative Counsel

Distinguished Government Service

Myra Turner

Principal Consultant to Speaker Anthony Rendon

ANNOUNCEMENTS

Assistant Speaker pro Tempore Burke announced that Assembly Member Low is the new Chair of the California Legislative Lesbian, Gay, Bisexual, and Transgender Caucus; and expressed appreciation to the outgoing Chair, Assembly Member Eggman.

The Members of the Assembly joined Assistant Speaker pro Tempore Burke in extending congratulations to Assembly Member Low in his new position as Chair of the California Legislative Lesbian, Gay, Bisexual, and Transgender Caucus.

SPECIAL RECOGNITION

The Members of the Assembly joined Assistant Speaker pro Tempore Burke in extending best wishes to Assembly Members Cooper, McCarty, Jones-Sawyer, and Choi upon the occasion of their birthdays in the month of January.

ANNOUNCEMENTS

Assistant Speaker pro Tempore Burke announced the following session schedule:

Monday, January 16, 2017, Holiday in observance of Martin Luther King, Jr. Day;

Tuesday, January 17, 2017, Floor Session, 1 p.m.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 11:10 a.m., without objection, Assistant Speaker pro Tempore Burke declared the quorum call of the Assembly dispensed with.

ADJOURN IN MEMORY

Assembly Member Gloria was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Major Jack David Griffiths, United States Army, who died as a prisoner of war in the Korean War, resident of San Diego.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Gomez was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Cresenciano Torres of Montebello.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Ridley-Thomas was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tae Soo Sohn and Harriet Mack of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Gallagher was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Harlan Van Dyke of Pleasant Grove, Jack Gilbert of Rio Oso, and Carol Lundberg of Richvale.

Assembly Member Bloom was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Louise Gabriel of Santa Monica.

MOTION TO ADJOURN

At 11:20 a.m., Assembly Member Cooley moved that the Assembly do now adjourn.

Assembly Member Harper seconded the motion.

Motion carried.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 161—Levine. An act to add Section 13314 to the Government Code, relating to state government, and making an appropriation therefor.

ASSEMBLY BILL NO. 162—Cervantes. An act relating to taxation.

ASSEMBLY BILL NO. 163—Weber. An act to add Sections 38006 and 38007 to the Education Code, relating to school safety.

ASSEMBLY BILL NO. 164—Arambula. An act to add Chapter 10.05 (commencing with Section 18929) to Part 6 of Division 9 of the Welfare and Institutions Code, relating to food assistance.

ASSEMBLY BILL NO. 165—Cooper. An act to add Section 49052 to the Education Code, relating to privacy.

ASSEMBLY BILL NO. 166—Salas. An act to amend Section 116275 of the Health and Safety Code, relating to drinking water.

The following resolutions were offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 9—Gonzalez Fletcher (Principal coauthor: Senator Hueso). Relative to Officer Jonathan M. De Guzman Memorial Bridge.

ASSEMBLY CONCURRENT RESOLUTION NO. 10—Muratsuchi (Principal coauthor: Bonta). Relative to Fred Korematsu Day of Civil Liberties and the Constitution.

**REPORTS OF STANDING COMMITTEES
Committee on Rules**

Date of Hearing: January 13, 2017

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 5

With the recommendation: Be adopted.

COOLEY, Chair

Above resolution ordered to third reading.

MESSAGES FROM THE SENATE

Senate Chamber, January 13, 2017

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

Senate Concurrent Resolution No. 7

DANIEL ALVAREZ, Secretary of the Senate
By Bernadette McNulty, Assistant Secretary

COMMUNICATIONS

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

January 13, 2017

*The Honorable Edmund G. Brown Jr.
Governor, State of California
State Capitol, First Floor
Sacramento, California*

Dear Governor Brown: The Assembly on this day did advise and consent to the confirmation of the Governor's appointment of Xavier Becerra to the Office of Attorney General of the State of California by a vote of 56–23.

Sincerely,

E. DOTSON WILSON
Chief Clerk

Receipt

On this date, January 13, 2017, at this time, 2:40 p.m., a letter regarding the Assembly vote on the confirmation of Xavier Becerra to the Office of Attorney General was received by:

MICHAEL MULLANEY
Assistant Legislative Secretary

INTRODUCTION OF GUESTS

Assistant Speaker pro Tempore Burke, of the 62nd Assembly District, introduced former Members of the Assembly, Hon. Shannon Grove and Hon. Brian Jones.

Assembly Member Patterson, of the 23rd Assembly District, introduced constituent Deanna Allen and Exchange Students from the World Heritage Program from France, Germany, Italy, and Indonesia.

Assembly Member McCarty, of the 7th Assembly District, introduced fourth-grade students from Phoebe Hearst Elementary School, accompanied by their teacher Leah Lewandowski.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Cooley, the Assembly adjourned until 1 p.m., Tuesday, January 17, 2017, out of respect to the memory of Major Jack David Griffiths, United States Army on motion of Assembly Member Gloria; out of respect to the memory of Cresenciano Torres on motion of Assembly Member Gomez; out of respect to the memory of Tae Soo Sohn and Harriet Mack on motion of Assembly Member Ridley-Thomas; out of respect to the memory of Harlan Van Dyke, Jack Gilbert, and Carol Lundberg on motion of Assembly Member Gallagher; and out of respect to the memory of Louise Gabriel on motion of Assembly Member Bloom.

ANTHONY RENDON, Speaker

AMY LEACH, Minute Clerk

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