

CALIFORNIA LEGISLATURE
2021–22 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 13, 2022

ONE HUNDRED TWENTY-NINTH 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.

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

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Thursday, January 13, 2022

The Assembly met at 7 a.m.

Hon. Marc Levine, Assembly Member, 10th District, presiding.

Chief Clerk Sue Parker at the Desk.

Reading Clerk David A. Bowman reading.

ROLLCALL

The following were placed upon the morning rollcall—62:

Aguiar-Curry	Davies	Low	Rubio
Arambula	Flora	Maienschein	Salas
Bauer-Kahan	Fong	Mathis	Seyarto
Bennett	Gabriel	McCarty	Smith
Berman	Gallagher	Medina	Stone
Bloom	Garcia, C.	Muratsuchi	Ting
Boerner Horvath	Garcia, E.	O'Donnell	Valladares
Bonta, M.	Gipson	Patterson	Villapudua
Bryan	Grayson	Petrie-Norris	Voepel
Burke	Irwin	Quirk	Waldron
Carrillo	Jones-Sawyer	Quirk-Silva	Ward
Choi	Kalra	Ramos	Wicks
Cooley	Kiley	Reyes	Wood
Cooper	Lackey	Rivas, L.	Mr. Speaker
Cunningham	Lee	Rivas, R.	
Daly	Levine	Rodriguez	

Quorum present.

At 12:58 p.m., Hon. Mike A. Gipson, 64th 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 Cervantes, Gray, Mullin, Nazarian, Nguyen, and Akilah Weber.

Because of illness: Assembly Member Holden.

Because of illness in their families: Assembly Members Bigelow and Calderon.

On paternity leave: Assembly Member Mayes.

On medical leave: Assembly Members Chen, Megan Dahle, Friedman, and Santiago.

EXPLANATIONS OF ABSENCE

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

January 10, 2022

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

Dear Speaker Rendon: I respectfully request to be excused from Session on Thursday, January 13, 2022, due to meetings in the district. Thank you for your attention and consideration to this request. Should you have any questions or need additional information, please contact my Chief of Staff, Cesar Anda, at (916) 319-2060.

Sincerely,

SABRINA CERVANTES, Assembly Member
Sixtieth District

January 13, 2022

*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 January 13, 2022, for legislative business. Thank you for your consideration of this request, and please contact Miriam Farouk in my Capitol office at (916) 319-2022, should any questions arise.

Sincerely,

KEVIN MULLIN, Assembly Member
Twenty-second District

January 11, 2022

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

Dear Speaker Rendon: I respectfully request permission to be excused from Check-in Session on legislative business on Thursday, January 13, 2022, for an in-person interview in my district. Please contact Judy Gion at (916) 319-2046 with any questions.

Sincerely,

ADRIN NAZARIAN, Assembly Member
Forty-sixth District

January 11, 2022

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

Dear Mr. Speaker: I'm writing to you today to respectfully ask to be excused from Check-in Session on Thursday, January 13, 2022, for legislative purposes. Should you have any questions, please contact my Chief of Staff, Cheri West at (916) 319-2072.

Sincerely,

JANET NGUYEN, Assembly Member
Seventy-second District

(NOTE: For letter explaining the absence of Assembly Member Gray on this day on legislative business, pursuant to the Assembly Rules, see Assembly Journal for January 11, 2022.) for the Regular Session for this day.); for letter explaining the absence of Assembly Member Akilah Weber on this day on legislative business, pursuant to the Assembly Rules, see Assembly Journal for January 12, 2022.) for the Regular Session for this day.)

REPORTS

The following letter of transmittal was presented by the Speaker and ordered printed in the Journal:

California State Auditor

2021-302
January 13, 2022

*The Honorable Speaker of the Assembly
The Honorable Members of the Assembly
of the Legislature of California
State Capitol, Room 3196
Sacramento, California*

Members of the Assembly: This report concludes that over the past decade in which the California State Auditor's Office (State Auditor) has been responsible for regularly auditing the Judicial Council of California (Judicial Council), the Judicial Council has made substantial progress in its procurement and payment policies and practices. The Judicial Council is the policymaking body of the California courts. Under the leadership of the Chief Justice and in accordance with the California Constitution, the Judicial Council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice.

In 2011 the State enacted the California Judicial Branch Contract Law (judicial contract law), which requires Judicial Branch entities to comply with the provisions of the Public Contract Code that apply to state agencies and departments for the procurement of goods and services, subject to certain exceptions. The judicial contract law also requires the State Auditor, subject to legislative appropriation, to conduct a biennial audit of the Judicial Council's compliance with the judicial contract law. We have conducted five biennial audits of the Judicial Council and issued 24 recommendations for the Judicial Council to improve its procurement and payment policies and practices. The text box lists our past four audit reports. In our most recent audits, the Judicial Council has consistently implemented all recommendations. As a result, the Judicial Council has strengthened its procurement and payment policies and practices.

In fall 2021, we contracted with the nationally recognized consulting firm Kearney & Company (consultant), which has in-depth experience auditing procurement processes in the federal court system. Our consultant evaluated the Judicial Council's procurement and payment policies and performed a detailed review of more than 50 procurements and more than 60 payments executed by Judicial Council staff. Our consultant determined that, in all material respects, the Judicial Council is in compliance with the judicial contract law. Specifically, our consultant reached the following conclusions:

- Procurement policies: As required, the Judicial Council's contracting manuals are consistent with requirements in state law and certain state administrative manuals.
- Procurement processes: The Judicial Council has implemented, and its staff are consistently following, appropriate procurement controls and practices.

- Payment processes: The Judicial Council staff are consistently following requirements in its contracting manual and its internal procedures related to vendor payments.
- Annual procurement reports: The Judicial Council is accurately reporting required information on payments and contracts to the Legislature and the State Auditor's Office. It is also reporting this information through the public transparency website of the Financial Information System of California (FI\$Cal).

**The Judicial Council's Contracting Manuals Comply
with Legal and Administrative Requirements**

The Judicial Council maintains a judicial contracting manual for the various Judicial Branch entities, such as the Superior Courts. It also maintains its own procurement manual (local manual). The judicial contract law requires that these manuals be consistent with the Public Contract Code, which governs contracts entered into by public entities, as well as certain state administrative manuals that provide additional procurement guidance. Our prior audits found that the judicial contracting manual and local manual generally complied with these requirements but that the Judicial Council could better ensure that both manuals were routinely updated with relevant changes that had been made in the Public Contract Code or state administrative manuals. The Judicial Council fully implemented these recommendations regarding updates to the manuals. Our consultant found in its review that the judicial contracting manual remains consistent with the requirements in the Public Contract Code and state administrative manuals. In addition, our consultant determined that the local manual conforms to the judicial contracting manual.

The Judicial Council Has Sufficient Controls Over Its Procurement Process

Although the Judicial Council had problems with its procurement process in the past, it has improved its process in response to our reports. In December 2013 our first audit of the Judicial Council's procurements identified weaknesses in the Judicial Council's process, such as not always using competitive bidding for procurements exceeding the State's dollar threshold. Subsequent audits also identified some problems in the Judicial Council's procurement process, including not obtaining proper management approval on sole-source contracts. Over the last eight years, the Judicial Council has made improvements to its procurement process by implementing our audit recommendations. For this audit, our contractor reviewed more than 50 procurements, testing for compliance with the judicial contracting manual and the Judicial Council's internal procedures. Our contractor looked specifically at requirements related to competitive bidding and sole-source contracting. Based on this review, our contractor did not identify any issues related to the Judicial Council's procurement process.

The Judicial Council Has Improved Its Payment Processes

In general, our audits have found that the Judicial Council staff follow its payment processes and that these processes are sufficient. However, our 2017 audit found that, out of the 60 payments we tested, three did not comply with the judicial contracting manual. Two did not have proof that the Judicial Council received the goods and services. In a third payment, the Judicial Council paid an invoice dated a year before the corresponding purchase order was created. To resolve these issues, we recommended that the Judicial Council develop a document with clear invoice-processing procedures for its accounting staff, and the Judicial Council resolved this recommendation through its transition to FISCAL. In our 2019 audit, we did not identify any subsequent concerns with payments. In this audit, our consultant selected more than 60 payments for review and determined that all the payments complied with the requirements of the judicial contracting manual and the Judicial Council's procedures.

The Judicial Council Provides Transparency on Its Financial Information

The Judicial Council is reporting timely and reliable information on its procurements and payments. Previously, state law required the Judicial Council to submit semiannual reports to the Legislature and our office on certain financial activities, such as payments to contractors or vendors. Although some of our past audits had identified issues with these semiannual reports, in August 2020, the Legislature passed a bill that changed the Judicial Council's reporting responsibilities. Effective January 2021, the Judicial Council must submit only an annual report to the Legislature and our office, but it must also make its contract and payment information available to the public via FISCAL's public transparency website. Consequently, our consultant performed procedures to assess the reliability of the Judicial Council's financial information in both FISCAL and its reports to the Legislature for July 1, 2019, through June 30, 2021. Our consultant determined that the information was reliable.

Our consultant conducted this audit under the authority vested in the California State Auditor by Government Code section 8546 and according to generally accepted government auditing standards. Those standards require that the consultant plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives specified in the Scope and Methodology section of the report. Based on our review of the consultant's work product, we believe that the evidence obtained provides a reasonable basis for the findings and conclusions contained in this audit report.

Respectfully submitted,

MICHAEL S. TILDEN, CPA
Acting California State Auditor

Above report referred to the Committee on Judiciary.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committee was permitted to meet:

Local Government, on Wednesday, January 19, 2022, at 1:30 p.m., in Room 437.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 13, 2022

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

Assembly Bill No. 93

Assembly Bill No. 820

Assembly Bill No. 243

Assembly Bill No. 943

Assembly Bill No. 365

Assembly Bill No. 1067

Assembly Bill No. 522

Assembly Bill No. 1154

Assembly Bill No. 704

Assembly Bill No. 1369

And reports the same correctly engrossed.

SUE PARKER, Chief Clerk

Above bills re-referred to committee.

Assembly Chamber, January 13, 2022

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

Assembly Concurrent Resolution No. 109

And reports the same correctly engrossed.

SUE PARKER, Chief Clerk

Above resolution re-referred to committee.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 1646—Chen. An act to amend Section 26120 of the Business and Professions Code, relating to cannabis.

ASSEMBLY BILL NO. 1647—Salas. An act to amend Section 7953 of the Labor Code, relating to occupational safety.

ASSEMBLY BILL NO. 1648—Maienschein. An act to add Section 8608.1 to the Government Code, relating to disaster preparedness.

ASSEMBLY BILL NO. 1649—Quirk-Silva. An act to amend Sections 10225.5 and 10227.5 of the Welfare and Institutions Code, relating to childcare.

ASSEMBLY BILL NO. 1650—Cooper. An act relating to sexually violent predators.

ASSEMBLY BILL NO. 1651—Kalra. An act to amend Section 156 of the Labor Code, relating to employment.

The following resolution was offered:

HOUSE RESOLUTION NO. 80—Kalra (Coauthors: Chen, Choi, Fong, Lee, Low, Muratsuchi, Nazarian, Nguyen, and Ting). Relative to Lunar New Year.

AUTHOR’S AMENDMENTS
Committee on Appropriations

January 13, 2022

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 328

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

HOLDEN, Chair

ASSEMBLY BILL NO. 328—An act to add Chapter 2.9 (commencing with Section 50492) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

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.

January 13, 2022

Mr. Speaker: The Chair of your Committee on Appropriations reports:

Assembly Bill No. 1355

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

HOLDEN, Chair

ASSEMBLY BILL NO. 1355—An act to amend Sections 10951 and 10959 of, and to add Article 3.1 (commencing with Section 14124.17) to Chapter 7 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to Medi-Cal.

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 Health

Date of Hearing: January 11, 2022

Mr. Speaker: Your Committee on Health reports:

Assembly Bill No. 933

With the recommendation: Amend, and do pass as amended, and be re-referred to the Committee on Appropriations.

WOOD, Chair

Above bill ordered to second reading.

Committee on Judiciary

Date of Hearing: January 13, 2022

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 676

Assembly Bill No. 1410

With the recommendation: Amend, and do pass as amended, and be re-referred to the Committee on Appropriations.

STONE, Chair

Above bills ordered to second reading.

Date of Hearing: January 13, 2022

Mr. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 1093

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations.

STONE, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 2022

Mr. Speaker: Your Committee on Judiciary reports:

Senate Bill No. 218

With the recommendation: Do pass, and be re-referred to the Committee on Appropriations with the recommendation: To Consent Calendar.

STONE, Chair

Above bill re-referred to the Committee on Appropriations.

Date of Hearing: January 13, 2022

Mr. Speaker: Your Committee on Judiciary reports:

House Resolution No. 78

With the recommendation: Be adopted.

STONE, Chair

Above resolution ordered to third reading.

Date of Hearing: January 13, 2022

Mr. Speaker: Your Committee on Judiciary reports:

Senate Joint Resolution No. 7

With the recommendation: Be adopted.

STONE, Chair

Above resolution ordered to third reading.

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

ASSEMBLY BILL NO. 732—An act to amend Section 25163 of the Health and Safety Code, relating to hazardous waste.

Bill read second time, and ordered to Consent Calendar.

ASSEMBLY BILL NO. 895—An act to add Section 1422.65 to the Health and Safety Code, relating to long-term health care facilities.

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

ASSEMBLY BILL NO. 738—An act to amend Section 5604 of the Welfare and Institutions Code, relating to mental health.

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

ASSEMBLY BILL NO. 681—An act to amend Section 5328 of, and to add Section 5406 to, the Welfare and Institutions Code, relating to mental health.

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

ASSEMBLY BILL NO. 1502—An act to add Section 1253.2 to the Health and Safety Code, relating to health facilities.

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

ASSEMBLY BILL NO. 972—An act to amend Section 35 of the Code of Civil Procedure, and to amend Section 20010 of the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 227—An act to add Article 9 (commencing with Section 12094) to Chapter 1 of Part 2 of Division 3 of Title 2 of the Government Code, relating to the Governor.

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

ASSEMBLY BILL NO. 854—An act to add Section 7060.8 to the Government Code, relating to residential real property.

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

ASSEMBLY BILL NO. 672—An act to add Chapter 14.7 (commencing with Section 50871) to Part 2 of Division 31 of the Health and Safety Code, relating to housing.

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

ASSEMBLY BILL NO. 682—An act to amend Section 65915 of the Government Code, relating to housing.

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

ASSEMBLY BILL NO. 1307—An act to add Chapter 6.4 (commencing with Section 21540) to Division 21 of the Elections Code, relating to elections.

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

ASSEMBLY BILL NO. 1551—An act to add Section 65915.7 to the Government Code, relating to housing.

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

ASSEMBLY BILL NO. 58—An act to amend Section 215 of the Education Code, relating to pupil health.

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

ASSEMBLY BILL NO. 902—An act to add and repeal Chapter 2.6 (commencing with Section 17250.60) to Part 10.5 of Division 1 of Title 1 of the Education Code, relating to school facilities.

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

ASSEMBLY BILL NO. 740—An act to amend Sections 48432.5, 48853.5, 48911, 48911.1, 48915.5, and 48918.1 of the Education Code, relating to foster youth.

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 13, 2022

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

Assembly Bill No. 972

And reports the same correctly engrossed.

SUE PARKER, Chief Clerk

Above bill ordered to third reading file.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Friday, January 14, 2022.

ANTHONY RENDON, Speaker

TAMMY WEIS, Assistant Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JANUARY 13, 2022**

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

AB	RN
58	2202761
227	2203251
328	2203477
672	2202499
681	2203008
682	2202424
738	2203010
740	2202396
854	2200142
895	2202912
902	2202725
1307	2202522
1355	2202773
1502	2202667
1551	2202408

Daily Total: 15

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