CALIFORNIA LEGISLATURE 2015–16 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, January 19, 2016 ONE HUNDRED THIRTY-SEVENTH SESSION DAY FOUR HUNDRED FIFTEENTH 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 Tuesday, January 19, 2016

The Assembly met at 12 noon.

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 Cristina Garcia moved a quorum call of the Assembly.

Motion carried. Time, 12 noon.

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

Quorum Present

At 12:05 p.m., Speaker pro Tempore Mullin declared a quorum of the Assembly present.

The rollcall was completed, and the following answered to their names—77:

PRAYER

Upon invitation of Speaker pro Tempore Mullin, the following prayer was offered by Assembly Member Cheryl R. Brown, of the 47th Assembly District:

Lord, We invoke Your blessing upon the legislators gathered here. Direct them to act justly, to love tenderly, and walk humbly with our God, as they represent the aspirations of the people of California. In Your name we pray.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Mullin, Assembly Member Steinorth 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 Holden, seconded by Assembly Member Waldron.

LEAVES OF ABSENCE FOR THE DAY

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

On personal business, and waiving per diem: Assembly Member Olsen.

Because of illness: Assembly Member Dababneh.

SPECIAL COMMITTEE MEETINGS

By unanimous consent, the following committees were permitted to meet:

Water, Parks, and Wildlife, to convene jointly with Budget Subcommittee No. 3 on Resources and Transportation, on Tuesday, February 2, 2016, at 9:30 a.m.;

Select Committee on Boys and Men of Color in California, on Wednesday, February 3, 2016, at 9:30 a.m., in Room 126;

Accountability and Administrative Review, to convene jointly with the Committee on Natural Resources, on Wednesday, February 10, 2016, at 10 a.m., in Room 437.

REFERRAL OF BILLS TO COMMITTEE

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

Senate Concurrent
Resolution No.
Committee
91 -----Rls.

BILLS RETURNED TO THIRD READING FILE

In compliance with a motion given on a previous day pursuant to Assembly Rule 78, the following bill was withdrawn from the inactive file, and placed upon the third reading file:

Assembly Bill No. 710, on request of Assembly Member Brown.

REQUEST FOR PHOTOGRAPHER

3436

Speaker Atkins and Assembly Members Campos, Gordon, Lackey, and Mathis were granted unanimous consent that photographers be permitted on the Floor of the Assembly.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Speaker Atkins and Assembly Members Campos, Gordon, and Mathis were granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting guests in the Assembly Chamber and on the Assembly Floor.

ASSEMBLY RULES 63 AND 78 SUSPENDED BY UNANIMOUS CONSENT

Assembly Member Holden was granted unanimous consent that Assembly Rules 63 and 78 be suspended to permit Senate Bill No. 435 to be withdrawn from the inactive file, and placed upon the third reading file for the purpose of consideration of proposed amendments without reference to file.

NOTICE OF INTENTION TO REMOVE BILLS FROM INACTIVE FILE

Pursuant to Assembly Rule 78, Assembly Member Gonzalez announced her intention to request that Assembly Bill No. 67 be removed from the inactive file.

GOVERNOR'S VETOES STRICKEN FROM FILE

Assembly Member Holden was granted unanimous consent that the Governor's vetoes of Assembly Bills Nos. 825, 895, and 1023 be stricken from file.

RECESS

By unanimous consent, at 12:10 p.m., Assistant Speaker pro Tempore Mullin declared the Assembly recessed to permit the introduction of a special guest.

Speaker pro Tempore Mullin, on behalf of Speaker Atkins, introduced the Honorable Fiona Patten, Member of Parliament of Australia in Victoria.

* * *

Assembly Member Gordon introduced his husband Denny McShane, accompanied by their friend Spencer Mey.

SPECIAL RECOGNITION

Assembly Member Gordon, Chair of the Assembly Rules Committee, was joined by the Members of the Assembly in recognizing Shera Holmes for her nearly thirty years of outstanding and dedicated service to the State of California and the California State Assembly, as an Assembly Sergeant at Arms, and as Floor Manager, Television Specialist, and Office Manager for the Assembly Television Project. Assembly Member Gordon conveyed sincerest thanks and appreciation for her distinguished record of service and extended best wishes to Shera Holmes upon the occasion of her retirement, whereupon he presented a Members' Resolution.

RECONVENED

At 12:17 p.m., the Assembly reconvened.

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

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Lackey was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber, whereupon he introduced his son Justin, accompanied by his friend Tyler Nolind in the rear of the Chamber.

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 1272—An act to amend Section 1048.1 of the Penal Code, relating to crimes.

Bill read second time, and ordered to third reading.

ASSEMBLY BILL NO. 1500—An act to add Section 65583.5 to the Government Code, relating to land use.

Bill read second time, and ordered to third reading.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, January 19, 2016

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

Assembly Concurrent Resolution No. 108

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

RECESS

By unanimous consent, at 12:20 p.m., Speaker pro Tempore Mullin declared the Assembly recessed to permit the introduction of a special

Assembly Member Campos introduced Daniel Ryan Cormier, Ultimate Fighting Champion (UFC) Light Heavyweight Champion and former United States Olympic wrestler, whereupon a Members' Resolution was presented.

RECONVENED

At 12:23 p.m., the Assembly reconvened.

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

CONSIDERATION OF SENATE BILL NO. 435 BY UNANIMOUS CONSENT

Pursuant to the motion by Assembly Member Holden and unanimous consent granted earlier this day, Assembly Member Wood was permitted to take up Senate Bill No. 435, without reference to file, for purpose of consideration of proposed amendments.

SENATE BILL NO. 435 (Pan)—An act to add Chapter 3.5 (commencing with Section 24300) to Division 20 of the Health and Safety Code, relating to health care.

Bill read third time.

Motion to Amend

Assembly Member Wood moved the adoption of amendments. Amendments read and adopted; bill ordered reprinted.

Re-reference of Bills to Committee Pursuant to Assembly Rule 77.2

Pursuant to Assembly Rule 77.2, Speaker pro Tempore Mullin re-referred the following bill to committee as noted:

Senate Bill No. 435, to the Committee on Health.

JOINT RULE 62(a) SUSPENDED BY UNANIMOUS CONSENT

Assembly Member Holden was granted unanimous consent that Joint Rule 62(a) be suspended to permit the Committee on Health to hear Senate Bill No. 435 on Wednesday, January 20, 2016.

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

ASSEMBLY BILL NO. 1276 (Santiago)—An act to add Section 1347.1 to the Penal Code, relating to criminal procedure.

Bill read third time, and passed by the following vote:

AYES-77

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

NOES—None

Bill ordered transmitted to the Senate.

ASSEMBLY BILL NO. 1362 (Gordon)—An act to amend Section 2021 of the Health and Safety Code, relating to pest abatement.

Bill read third time.

Motion to Amend

Assembly Member Gordon moved the adoption of amendments.

Amendments read and adopted; bill ordered reprinted, and to be returned to the third reading file.

ASSEMBLY CONCURRENT RESOLUTION NO. 108 (Mathis)—Relative to Women's Military History Week.

Resolution read.

Members Made Coauthors of Assembly Concurrent Resolution No. 108

Assembly Member Mathis was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 108.

Additional Coauthors

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

Achadjian, Alejo, Travis Allen, Atkins, Baker, Bigelow, Bloom, Bonta, Brough, Brown, Burke, Calderon, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dahle, Daly, Dodd, Eggman, Frazier, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Grove, Hadley, Harper, Roger Hernández, Holden, Irwin, Jones, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Quirk, Rendon, Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Williams, and Wood.

Request for Unanimous Consent

Assembly Member Mathis was granted unanimous consent to take up Assembly Concurrent Resolution No. 108, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 108, as Amended ASSEMBLY CONCURRENT RESOLUTION NO. 108—Relative to Women's Military History Week.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

RECESS

By unanimous consent, at 12:35 p.m., Speaker pro Tempore Mullin declared the Assembly recessed to permit the introduction of special guests.

Assembly Member Mathis, in conjunction with Assembly Concurrent Resolution No. 108—Women's Military History Week in California, introduced exceptional female military leaders:

Colonel Laura Yeager has served as a Medical Platoon Leader, Aeromedical Platoon Leader, Executive Officer, and Chief of Operations. Colonel Yeager's most recent assignment was as the Deputy Commanding Officer for the 40th Combat Aviation Brigade in support of Operation New Dawn, and has been awarded the Bronze Star Medal. Colonel Yeager serves as the Chief of Staff, Joint Staff, for the California Military Department.

California Army National Guard Staff Sergeant Rebecca Love enlisted into the California Army National Guard in 2003 as a Combat Medic. In 2009 she deployed as the lead medic in the Kunar Province of Afghanistan, with the 40th Infantry Division Agribusiness Development Team. She is assigned to the Joint Force Headquarters in Sacramento.

Technical Sergeant Angela Cobra is a Logistics Manager assigned to the 131st Pararescue Squadron within the 129th Rescue Wing, California Air National Guard, and has deployed twice in support of Operation Enduring Freedom.

Chaplain Dana Durham was the first female chaplain deployed to a war zone in the history of the California Guard when she was deployed to Southern Iraq.

Assembly Member Mathis was joined by the Members of the Assembly in extending thanks and appreciation to these exceptional women, and for their continued service to our great Country.

RECONVENED

At 12:39 p.m., the Assembly reconvened.

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

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

HOUSE RESOLUTION NO. 33 (Atkins)—Relative to the California Earned Income Tax Credit.

Resolution read.

Members Made Coauthors of House Resolution No. 33

Assembly Member Atkins was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of House Resolution No. 33.

Additional Coauthors

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

Achadjian, Alejo, Baker, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Calderon, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Dahle, Daly, Dodd, Eggman, Frazier, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Hadley, Roger Hernández, Holden, Irwin, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, O'Donnell, Quirk, Rendon, Ridley-Thomas, Rodriguez, Salas, Santiago, Thurmond, Ting, Wagner, Waldron, Weber, Wilk, Williams, and Wood.

Request for Unanimous Consent

Assembly Member Atkins was granted unanimous consent to take up House Resolution No. 33, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of House Resolution No. 33, as Amended

HOUSE RESOLUTION NO. 33—Relative to the California Earned Income Tax Credit.

Resolution read, as amended, and adopted.

HOUSE RESOLUTION NO. 32 (Atkins)—Relative to Women's Reproductive Health.

Resolution read.

Point of Order

Assembly Member Holden arose to the following point of order:

That Assembly Member Grove confine her comments to the resolution before the Body.

Ruling by Speaker pro Tempore Mullin

The Speaker pro Tempore ruled the point of order well-taken.

Cooper

The question being on the adoption of the resolution.

Resolution adopted by the following vote:

AYES-53

Alejo Baker Bloom Bonilla Bonta Brown Burke Calderon Campos Chang Chau	Cooper Daly Dodd Eggman Frazier Garcia, C. Garcia, E. Gatto Gipson Gomez Gonzalez	Holden Irwin Jones-Sawyer Levine Lopez Low Maienschein McCarty Medina Mullin Nazarian	Ridley-Thomas Rodriguez Salas Santiago Stone Thurmond Ting Weber Williams Wood Mme. Speaker	
Chau Chiu	Gonzalez Gordon	Nazarian O'Donnell	Mme. Speaker	
Chu	Gray	Quirk		
Cooley	Hernández	Rendon		
NOES—22				

Achadjian	Gallagher	Linder	Steinorth
Bigelow	Grove	Mathis	Wagner
Brough	Harper	Mayes	Waldron
Chávez	Jones	Melendez	Wilk
Dahle	Kim	Obernolte	
Gaines	Lackey	Patterson	

CONSIDERATION OF CONSENT CALENDAR

The Speaker pro Tempore announced that the next rollcall would be on the Consent Calendar.

Consent Calendar—Assembly Bills

ASSEMBLY BILL NO. 1033 (Eduardo Garcia)—An act to amend Section 11346.3 of the Government Code, relating to state agency regulations.

Bill read third time, passed, and ordered transmitted to the Senate.

(For the vote on the above bill, see this day's Consent Calendar rollcall.)

Consent Calendar Rollcall

The roll was called, and the preceding bill on the Consent Calendar passed by the following vote:

AYES-77

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

NOES-None

Patterson

Holden

ADJOURN IN MEMORY

Assembly Member Alejo was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Rich Smith of Soledad.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Cooper was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Tracy Thomas Appel of Elk Grove.

(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 Natalie Maria Cole of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Ting, Levine, and Chiu were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Hon. John Busterud, former Member of the Assembly, former Minority Leader of the Assembly, Bronze Star Recipient, resident of San Rafael.

(Assembly Rule 45.5 suspended.)

INTRODUCTION OF GUESTS

Assembly Member Ting, of the 19th Assembly District, and Assembly Member Levine, of the 10th Assembly District, introduced John Busterud, son of the late Hon. John Busterud, present in the rear of the Chamber.

ANNOUNCEMENTS

Speaker pro Tempore Mullin announced the following session schedule:

Wednesday, January 20, 2016, Check-in Session, 7 a.m.-3 p.m.;

Thursday, January 21, 2016, Floor Session, 9:30 a.m.;

Friday, January 22, 2016, No session.

Deadline Announcements

Friday, January 22, 2016, is the last day for any committee to hear and report to the Floor, bills introduced in their House in 2015.

Friday, January 22, 2016, is the last day to submit bill requests to the Office of Legislative Counsel.

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 Thursday, January 21, 2016.

ADJOURN IN MEMORY

Assembly Members Gordon and Mullin were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Chester Douglas Yee of Redwood City.

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 Brad Burlingame of West Hollywood and Connolly Oyler of Santa Monica.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following items (shown in sequential order):

Assembly Bill No. 1276: Travis Allen, Baker, Bonilla, Beth Gaines, Roger Hernández, Melendez, and Nazarian—Aye.

House Resolution No. 32: Gray and Salas—Aye; Obernolte—No.

Consent Calendar: Travis Allen, Gray, and Salas—Aye.

MOTION TO ADJOURN

At 1:28 p.m., Assembly Member Holden moved that the Assembly do now adjourn.

Assembly Member Waldron seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 1:28 p.m., Speaker pro Tempore Mullin 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. 1673—Gipson. An act to amend Section 16520 of the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 1674—Santiago. An act to amend Sections 26835, 27535, 27540, and 27590 of the Penal Code, relating to firearms.

ASSEMBLY BILL NO. 1675—Mark Stone. An act to amend Section 602 of the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 1676—Campos (Principal coauthor: Senator Jackson) (Coauthors: Bonilla, Chiu, Cristina Garcia, Eduardo Garcia, and Gonzalez) (Coauthor: Senator Liu). An act to add Section 432.3 to the Labor Code, relating to employers.

ASSEMBLY BILL NO. 1677—Ting (Principal coauthor: Chiu) (Principal coauthor: Senator Hill). An act to add Section 34505.2 to the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1678—Santiago. An act to amend Section 6228 of the Family Code, relating to domestic violence.

ASSEMBLY BILL NO. 1679—Weber. An act to add Section 8236.2 to the Education Code, relating to child care.

ASSEMBLY BILL NO. 1680—Rodriguez. An act to amend Section 402 of the Penal Code, relating to crimes.

The following resolution was offered:

ASSEMBLY CONCURRENT RESOLUTION NO. 120—Mark Stone. Relative to information sharing agreements.

REPORTS OF STANDING COMMITTEES Committee on Judiciary

Date of Hearing: January 19, 2016

Mme. Speaker: Your Committee on Judiciary reports:

Assembly Bill No. 350

With the recommendation: Do pass.

MARK STONE, Chair

Above bill ordered to second reading.

MESSAGES FROM THE SENATE

Senate Chamber, January 19, 2016

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

Senate Bill No. 616

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

FIRST READING OF SENATE BILLS

The following bill was read the first time:

SENATE BILL NO. 616—An act to add Section 37222.19 to the Education Code, relating to public schools.

ADJOURNMENT

At 1:28 p.m., pursuant to the motion by Assembly Member Holden, the Assembly adjourned until 7 a.m., Wednesday, January 20, 2016, out of respect to the memory of Rich Smith on motion of Assembly Member Alejo; out of respect to the memory of Tracy Thomas Appel on motion of Assembly Member Cooper; out of respect to the memory of Natalie Maria Cole on motion of Assembly Member Ridley-Thomas; out of respect to the memory of Hon. John Busterud on motion of Assembly Members Ting, Levine, and Chiu; out of respect to the memory of Chester Douglas Yee on motion of Assembly Members Gordon and Mullin; and out of respect to the memory of Brad Burlingame and Connolly Oyler on motion of Assembly Member Bloom.

TONI G. ATKINS, Speaker

AMY LEACH, Minute Clerk

AMENDMENTS CONSIDERED BY THE ASSEMBLY ON JANUARY 19, 2016

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

AB RN

1362 1602149

SB RN

435 1603437

Daily Total:

Cumulative Total: 2653