

CALIFORNIA LEGISLATURE  
2015–16 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, January 20, 2016**

**ONE HUNDRED THIRTY-EIGHTH SESSION DAY**

**FOUR HUNDRED SIXTEENTH CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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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  
Wednesday, January 20, 2016

The Assembly met at 7 a.m.

Hon. Scott Wilk, Assembly Member, 38th 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—75:

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

Quorum present.

**At 1:06 p.m., Hon. Cheryl Brown, 47th 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 Member Ting.*

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

*Because of illness: Assembly Members Dababneh and Ridley-Thomas.*

**EXPLANATIONS OF ABSENCE**

Pursuant to the Assembly Rules, the following explanation of absence was ordered printed in the Journal:

January 15, 2016

*The Honorable Toni G. Atkins  
Speaker of the Assembly  
State Capitol, Room 219  
Sacramento, California*

Dear Speaker Atkins: This letter is to request your approval for an excused absence from Check-in Session on Wednesday, January 20, 2016, to attend to legislative business in my district. Thank you in advance for your kind consideration of this request. If you have any questions, please do not hesitate to contact my assistant, Paula Rossetto, at (916) 319-2019.

Sincerely,

PHILIP Y. TING, Assembly Member  
Nineteenth District

**SPECIAL COMMITTEE MEETINGS**

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

Joint Legislative Audit Committee, on Wednesday, March 16, 2016, at 9:30 a.m., in Room 126.

**REPORTS**

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

California State Auditor

2015-112  
January 19, 2016

*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: As requested by the Joint Legislative Audit Committee, the California State Auditor presents this audit report concerning special education mental health services provided to students through individualized education programs (IEPs). Provisions of Assembly Bill 114 (AB 114)—which took effect in July 2011—transferred the responsibility for providing these services from county mental health departments to local educational agencies (LEAs).

This report concludes that in some cases LEAs removed mental health services from student IEPs because of AB 114 and that the California Department of Education (Education) and LEAs have not analyzed whether the mental health services provided since AB 114 took effect have benefited students. Education administers the State's special education program through special education local plan areas (SELPA), which are regional entities comprised of one or more LEAs. We reviewed student records across four SELPAs and found that LEAs removed mental health services from some students IEPs because of AB 114, and for other students we found that LEAs could not explain why services were removed from IEPs. Education has not conducted an

analysis of the educational outcomes of the students who receive mental health services to determine whether the services are assisting students in accessing their education. This type of analysis is critical to determining whether the closer connection between these services and educational outcomes that some expected would occur has actually resulted in improved outcomes for students receiving these mental health services.

Another expectation at the time the Legislature approved AB 114 was that the transfer in responsibility for mental health services would result in a cost savings for providing those services. However, Education has not required LEAs to track their costs to provide the mental health services in student IEPs and, as a result, none of the LEAs we visited could report the total amount they spent to provide these services. We also found that, if county mental health departments use LEAs as contracted providers, the LEAs could access additional funding for mental health services through the California Medical Assistance Program. As a result, we recommend that the Legislature amend state law to require all county mental health departments to contract with LEAs in their county so that the State can maximize the funding for LEAs to provide mental health services.

Respectfully submitted,

ELAINE M. HOWLE, CPA  
State Auditor

Above report referred to the Committee on Education.

#### **ENGROSSMENT AND ENROLLMENT REPORTS**

Assembly Chamber, January 20, 2016

Mme. Speaker: Pursuant to your instructions, the Chief Clerk has examined:  
Assembly Bill No. 1362

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill ordered to third reading file.

#### **INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS**

The following bills were introduced and read the first time:

**ASSEMBLY BILL NO. 1681—Cooper.** An act to add Section 22762 to the Business and Profession Code, relating to smartphones.

**ASSEMBLY BILL NO. 1682—Mark Stone.** An act to amend Section 1002 of the Code of Civil Procedure, relating to civil procedure.

**ASSEMBLY BILL NO. 1683—Eggman.** An act to amend Section 26011.8 of the Public Resources Code, relating to alternative energy.

**ASSEMBLY BILL NO. 1684—Mark Stone.** An act to amend Section 52 of the Civil Code, and to amend Section 12930 of the Government Code, relating to civil actions.

**ASSEMBLY BILL NO. 1685—Gomez.** An act to relating to vehicular air pollution.

**ASSEMBLY BILL NO. 1686—Travis Allen.** An act to amend Section 1002 of the Financial Code, relating to banking.

**ASSEMBLY BILL NO. 1687—Calderon.** An act to add Section 1798.83.5 to the Civil Code, relating to personal data.

The following resolutions were offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 121—Gomez.** Relative to the Deputy Thomas H. Pohlman Memorial Interchange.

**ASSEMBLY CONCURRENT RESOLUTION NO. 122—Burke.** Relative to American Heart Month and Wear Red Day in California.

**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. 67, on request of Assembly Member Gonzalez.

**CONSIDERATION OF DAILY FILE**

**SECOND READING OF ASSEMBLY BILLS**

**ASSEMBLY BILL NO. 350**—An act to add the heading of Article 1 (commencing with Section 14025) and the heading of Article 2 (commencing with Section 14027) to, and to add Article 3 (commencing with Section 14040) to, Chapter 1.5 of Division 14 of the Elections Code, relating to elections.

Bill read second time, and ordered to third reading.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9:30 a.m., Thursday, January 21, 2016.

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TONI G. ATKINS, Speaker

AMY LEACH, Minute Clerk