CALIFORNIA LEGISLATURE 2021–22 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, January 28, 2021 TWELFTH SESSION DAY FIFTY-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)

IN ASSEMBLY

Assembly Chamber, Sacramento Thursday, January 28, 2021

The Assembly met at 9 a.m.

Hon. Kevin Mullin, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Sue Parker at the Desk.

Reading Clerk David A. Bowman reading.

ROLLCALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Cooley moved a quorum call of the Assembly. Motion carried. Time, 9:11 a.m.

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

Quorum Present

At 9:18 a.m., Speaker pro Tempore Mullin declared a quorum of the Assembly present.

The rollcall was completed, and the following answered to their names—76:

Aguiar-Curry	Daly	Lee	Rivas, L.
Arambula	Davies	Levine	Rivas, R.
Bauer-Kahan	Flora	Low	Rodriguez
Bennett	Fong	Maienschein	Rubio
Berman	Friedman	Mathis	Salas
Bigelow	Gabriel	Mayes	Santiago
Bloom	Gallagher	McCarty	Seyarto
Boerner Horvath	Garcia, E.	Medina	Smith
Bonta	Gipson	Mullin	Stone
Burke	Gonzalez	Muratsuchi	Ting
Calderon	Gray	Nazarian	Valladares
Carrillo	Grayson	Nguyen	Villapudua
Cervantes	Holden	O'Donnell	Voepel
Chau	Irwin	Patterson	Waldron
Chen	Jones-Sawyer	Petrie-Norris	Ward
Chiu	Kalra	Quirk	Weber
Choi	Kamlager	Quirk-Silva	Wicks
Cooley	Kiley	Ramos	Wood
Cunningham	Lackey	Reyes	Mr. Speaker

PRAYER

Upon invitation of Speaker pro Tempore Mullin, the following prayer was offered by Chaplain Imam Mohammad Yasir Khan:

In the name of God, the most gracious, the most merciful.

O God, Your grace sustains us throughout every difficulty and supplies our needy hearts with encouragement. Give us wisdom for the work that is before us. Calm our attitudes; bless us with strength to do the work of this new day.—Ameen.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Mullin, Assembly Member Bigelow 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 Reyes, 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:

Because of a death in his family, per diem waived for the 2021–22 Session (Assembly Journal, page 76): Assembly Member Cooper.

Because of illness: Assembly Member Megan Dahle.

Because of illness in her family: Assembly Member Cristina Garcia.

On medical leave: Assembly Member Frazier.

COMMUNICATIONS

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

January 26, 2021

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

Dear Speaker Rendon: Due to my impending appointment by Governor Gavin Newsom to serve as the Secretary of State of California, I respectfully submit my resignation from the California State Assembly effective Thursday, January 28. I plan to take the Oath of Office for Secretary of State on Friday, January 29, 2021.

Sincerely,

SHIRLEY N. WEBER, Ph.D., Assembly Member Seventy-ninth District

January 28, 2021

Sue Parker

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

Dear Ms. Parker: Please be advised that I have made appointments to the following committees for the 2021–22 Regular Session:

Banking and Finance

I have appointed Assemblymember Cottie Petrie-Norris to replace Assemblymember Shirley Weber on the Assembly Banking and Finance Committee.

Budget

I have appointed Assemblymember Laura Friedman to replace Assemblymember Shirley Weber on the Assembly Budget Committee.

Budget Subcommittee No. 3 on Climate Crisis, Resources, Energy, and Transportation

I have appointed Assemblymember Laura Friedman to replace Assemblymember Cristina Garcia on the Budget Subcommittee No. 3 on Climate Crisis, Resources, Energy, and Transportation.

Budget Subcommittee No. 5 on Public Safety

I have appointed Assemblymember Cristina Garcia to replace Assemblymember Shirley Weber as Chair of the Assembly Budget Subcommittee No. 5 on Public Safety.

Budget Subcommittee No. 6 on Budget Process, Oversight, and Program Evaluation

I have appointed Assemblymember Cristina Garcia to replace Assemblymember Shirley Weber on the Assembly Budget Subcommittee No. 6 on Budget Process, Oversight, and Program Evaluation.

Education

I have appointed Assemblymember Sharon Quirk-Silva to replace Assemblymember Shirley Weber on the Assembly Education Committee.

Elections

I have appointed Assemblymember Blanca Rubio to replace Assemblymember Shirley Weber on the Assembly Elections Committee.

Higher Education

I have removed Assemblymember Shirley Weber from the Assembly Higher Education Committee, creating a Democratic vacancy.

Jobs, Economic Development, and the Economy

I have appointed Assemblymember Cottie Petrie-Norris to replace Assemblymember Sharon Quirk-Silva on the Assembly Jobs, Economic Development, and the Economy Committee. Joint Legislative Budget

I have appointed Assemblymember Cristina Garcia to replace Assemblymember Shirley Weber on the Joint Legislative Budget Committee.

Joint Legislative Committee on Climate Change Policies

I have appointed Assemblymember Al Muratsuchi to replace Assemblymember Cristina Garcia as Chair of the Joint Committee on Climate Change Policies.

Sincerely,

ANTHONY RENDON Speaker of the Assembly

January 28, 2021

Sue Parker

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

Dear Ms. Parker: Please be advised that I have removed Assemblymember Shirley Weber from the Select Committee on Police Reform for the 2021–22 Regular Session.

Sincerely,

ANTHONY RENDON Speaker of the Assembly

January 28, 2021

Sue Parker

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

Dear Ms. Parker: Please be advised that I have made the following changes to my leadership team for the 2021–22 Session:

Assistant Majority Leader on Policy and Research

I have appointed Assemblymember Tasha Boerner Horvath to replace Assemblymember Al Muratsuchi as Assistant Majority Leader on Policy and Research.

Assistant Majority Whip

I have removed Assemblymember Tasha Boerner Horvath as Assistant Majority Whip.

Sincerely,

ANTHONY RENDON Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Judiciary, to convene jointly with the Senate Committee on Judiciary, on Tuesday, February 23, 2021, at 1:30 p.m., in Room 4202;

Accountability and Administrative Review, to convene jointly with Emergency Management, on Wednesday, February 3, 2021, at 2 p.m., in Room 4202;

Joint Legislative Audit Committee, to convene jointly with Committee on Insurance, on Wednesday, February 3, 2021, at 10 a.m., in Room 4202:

Joint Legislative Audit Committee, on Monday, February 1, 2021, upon adjournment of Floor Session, in the Assembly Chamber.

REPORTS

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

California State Auditor

2020-628.2 January 28, 2021

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 authorized by state law, my office presents the results of our high risk audit concerning the Employment Development Department's (EDD) management of federal funds related to the COVID-19 pandemic. EDD administers California's unemployment insurance (UI) program and received a significant amount of federal funding in response to the COVID-19 pandemic and related federal expansion of UI benefits. The following report details our conclusion that significant weaknesses in EDD's approach to fraud prevention have led to billions of dollars in improper benefit payments.

EDD did not take substantive action to bolster its fraud detection efforts for its UI program until months into the pandemic, resulting in payments of about \$10.4 billion for claims that it has since determined may be fraudulent because it cannot verify the claimants' identities. Specifically, EDD waited about four months to automate a key anti-fraud measure, took incomplete action against claims filed from suspicious addresses, and removed a key safeguard against improper payments without fully understanding the significance of the safeguard.

Further, EDD's lack of preparation left it unable to manage two important fraud-related situations that arose during its 2020 pandemic response. In September 2020, because of fraud concerns, EDD directed Bank of America to freeze 344,000 debit cards (accounts) that it used to provide benefit payments to claimants. However, EDD did not have a plan in place to ensure that it could unfreeze those accounts found to belong to legitimate claimants, and it has been slow to acknowledge its role in freezing these accounts. EDD was also unprepared to prevent payment of fraudulent claims filed under the names of incarcerated individuals, the total of which is an estimated \$810 million. Because it had not developed the capacity to regularly match data from its claims

system with data from state and local correctional facilities, EDD did not detect fraudulent claims until after it had paid them.

EDD has put its UI program at higher risk for such fraudulent payments by relying on uninformed and disjointed techniques to prevent and detect impostor fraud. For example, EDD has not established a centralized unit that is responsible for managing its fraud prevention and detection efforts, and it does not monitor or assess its numerous fraud prevention and detection tools to determine whether they are successful. Consequently, EDD may be using ineffective fraud prevention and detection techniques, which can delay payments to legitimate claimants while it puts their claims through additional and unmerited review.

Respectfully submitted,

ELAINE M. HOWLE, CPA California State Auditor

Above report referred to the Committee on Labor and Employment.

REFERRAL OF BILLS TO COMMITTEE

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

Assembly	
Bill No.	Committee
74	Ins.
128	
129	Budget
130	Budget
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132	Budget
133	Budget
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164			_	_	_	_	_	_	_	_	_	Budget Budget
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HOUSE RESOLUTION NO. 13 PLACED ON FILE BY UNANIMOUS CONSENT

Assembly Member Reyes was granted unanimous consent that House Resolution No. 13 be placed on the third reading file.

ADJOURN IN MEMORY

Assembly Member Gipson was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Charles "Tio Carlos" Prinzen of Wilmington.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Members Eduardo Garcia and Ramos were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Joseph Benitez, former Chairman of the Cabazon Band of Cahuilla Indians, resident of Cabazon Band of Mission Indians Reservation.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Jones-Sawyer was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Leslie Hagan-Morgan of Los Angeles.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Petrie-Norris was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Linda Nearing of Laguna Woods.

(Assembly Rule 45.5 suspended.)

SPECIAL RECOGNITION

The Members of the Assembly joined Speaker pro Tempore Mullin in extending best wishes to Assembly Member Ramos upon the occasion of his birthday tomorrow.

CONSIDERATION OF DAILY FILE THIRD READING OF SENATE BILLS

SENATE BILL NO. 89 (Skinner)—An act to amend the Budget Act of 2020 (Chapters 6 and 7 of the Statutes of 2020) by adding Items 2240-002-0890 and 2240-102-0890 to, and amending Section 39.00 of, that act, relating to the state budget, and making an appropriation therefor, to take effect immediately, budget bill.

Bill presented by Assembly Member Reyes.

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

AYES-75

Aguiar-Curry	Daly	Lee	Rivas, L.
Arambula	Davies	Levine	Rivas, R.
Bauer-Kahan	Flora	Low	Rodriguez
Bennett	Fong	Maienschein	Rubio
Berman	Friedman	Mathis	Salas
Bigelow	Gabriel	Mayes	Santiago
Bloom	Gallagher	McCarty	Smith
Boerner Horvath	Garcia, E.	Medina	Stone
Bonta	Gipson	Mullin	Ting
Burke	Gonzalez	Muratsuchi	Valladares
Calderon	Gray	Nazarian	Villapudua
Carrillo	Grayson	Nguyen	Voepel
Cervantes	Holden	O'Donnell	Waldron
Chau	Irwin	Patterson	Ward
Chen	Jones-Sawyer	Petrie-Norris	Weber
Chiu	Kalra	Quirk	Wicks
Choi	Kamlager	Quirk-Silva	Wood
Cooley	Kiley	Ramos	Mr. Speaker
Cunningham	Lackey	Reyes	*

NOES—None

Bill ordered transmitted to the Senate immediately.

SENATE BILL NO. 91 (Committee on Budget and Fiscal Review)—An act to amend Sections 789.4, 1942.5, and 3273.1 of, to add Sections 1785.20.4, 1788.66, and 1942.9 to, and to add and repeal Section 1788.65 of, the Civil Code, to amend Sections 116.223, 1161.2, 1161.2.5, 1179.01, 1179.02, 1179.03, 1179.03.5, 1179.04, 1179.05, and 1179.07 of, to amend the heading of Chapter 5 (commencing with Section 1179.01) of Title 3 of Part 3 of, to add Section 1179.04.5 to, and to add and repeal Chapter 11 (commencing with Section 871.10) of Title 10 of Part of, the Code of Civil Procedure, to amend Section 925.6 of the Government Code, and to add Chapter 17 (commencing with Section 50897) to Part 2 of Division 31 of the Health and Safety Code, relating to tenancy, and making an appropriation therefor, to take effect immediately, bill related to the budget.

Bill presented by Assembly Member Reyes.

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

AYES—72

NOES-1

Kiley

Bill ordered transmitted to the Senate immediately.

ANNOUNCEMENTS

Speaker pro Tempore Mullin announced the following session schedule:

Friday, January 29, 2021, No session;

Monday, February 1, 2021, Floor Session, 1 p.m.

VOTE ADDS

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

Senate Bill No. 89: Bauer-Kahan, Chiu, Gallagher, Patterson, Ting, and Weber—Aye.

Senate Bill No. 91: Weber—Aye.

MOTION TO ADJOURN

At 10:45 a.m., Assembly Member Reyes moved that the Assembly do now adjourn.

Assembly Member Waldron seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:56 a.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. 337—Medina (Coauthor: Senator Hurtado). An act to amend Section 71000 of the Education Code, relating to community colleges.

ASSEMBLY BILL NO. 338—Ramos (Principal coauthors: Mathis and McCarty) (Principal coauthor: Senator Hertzberg) (Coauthors: Arambula, Carrillo, Cooper, Cristina Garcia, Eduardo Garcia, Lorena Gonzalez, Medina, Luz Rivas, Robert Rivas, Rodriguez, and Blanca Rubio) (Coauthors: Senators Allen and Limón). An act to amend Section 9105.5 of, to add Section 14634 to, and to repeal Section 13082 of, the Government Code, relating to the State Capitol.

ASSEMBLY BILL NO. 339—Lee and Cristina Garcia. An act to amend Sections 9027, 54953, 54954.2, 54954.3, 11122.5, 11123, 11125.7 of, and to add Sections 9027.1 and 9028.1 to, the Government Code, relating to state and local government.

ASSEMBLY BILL NO. 340—Ward. An act to amend Section 69980 of the Education Code, relating to student financial aid.

ASSEMBLY BILL NO. 341—Boerner Horvath (Coauthors: Davies, Friedman, Cristina Garcia, Lorena Gonzalez, Petrie-Norris, Luz Rivas, Villapudua, and Wicks) (Coauthors: Senators Bates, Gonzalez, Leyva, and Limón). An act to amend Section 782 of the Evidence Code, relating to evidence.

ASSEMBLY BILL NO. 342—Gipson. An act to add Section 1367.668 to the Health and Safety Code, and to add Section 10123.2074 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 343—Fong. An act to add Article 5 (commencing with Section 8549) to Chapter 6.5 of Division 1 of Title 2 of the Government Code, relating to public records, and making an appropriation therefor.

ASSEMBLY BILL NO. 344—Flora. An act to amend Section 12301.24 of the Welfare and Institutions Code, relating to in-home supportive services.

ASSEMBLY BILL NO. 345—Quirk-Silva. An act to amend Sections 65852.2 and 65852.26 of the Government Code, relating to land use.

ASSEMBLY BILL NO. 346—Seyarto. An act to amend Section 1798.29 of the Civil Code, relating to privacy.

ASSEMBLY BILL NO. 347—Arambula (Coauthor: Senator Wiener). An act to amend Sections 1367.241 and 1367.244 of, and to add Section 1367.206 to, the Health and Safety Code, and to amend Sections 10123.191, 10123.197, and 10123.201 of the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 348—Villapudua (Coauthors: Carrillo, Mathis, and Patterson) (Coauthor: Senator Jones). An act to add Section 50408.5 to the Health and Safety Code, relating to housing.

ASSEMBLY BILL NO. 349—Holden. An act to amend Section 10140 of the Public Contract Code, and to amend Section 2032 of, and to add Section 2032.7 to, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

ASSEMBLY BILL NO. 350—Villapudua. An act to add Section 567 to the Food and Agricultural Code, relating to agriculture.

ASSEMBLY BILL NO. 351—Cristina Garcia. An act to amend Section 19912 of the Business and Professions Code, relating to gambling.

ASSEMBLY BILL NO. 352—Robert Rivas. An act to amend Sections 10201, 10202, 10212, 10213, 10223, 10224, 10230, 10235, 10237, 10239, 10246, 10251, 10252, 10255, and 10262 of, to amend the heading of Division 10.2 (commencing with Section 10200) of, to amend the heading of Chapter 2 (commencing with Section 10230) of Division 10.2 of, to add Sections 10213.5, 10215.3, 10215.5, 10221.5, 10223.5, and 10231.3 of, to repeal Sections 10234 and 10244 of, and to repeal Chapter 5 (commencing with Section 10270) of Division 10.2 of, the Public Resources Code, relating to agricultural land.

ASSEMBLY BILL NO. 353—O'Donnell. An act to amend Section 6217.8 of the Public Resources Code, relating to oil revenue, and making an appropriation therefor.

ASSEMBLY BILL NO. 354—Cooper. An act to amend Section 769.5 of the Public Utilities Code, relating to public utilities.

ASSEMBLY BILL NO. 355—Cooper. An act to amend Section 717 of the Public Utilities Code, relating to energy.

REPORTS OF STANDING COMMITTEES Committee on Rules

Date of Hearing: January 28, 2021

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 11

Assembly Concurrent Resolution No. 14

House Resolution No. 5

House Resolution No. 9

House Resolution No. 11

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolutions be placed on the Consent Calendar.

COOLEY, Chair

Above resolutions ordered to Consent Calendar.

Date of Hearing: January 28, 2021

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 12

House Resolution No. 14

House Resolution No. 15

With the recommendation: Be adopted.

COOLEY, Chair

Above resolutions ordered to third reading.

Date of Hearing: January 28, 2021

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 6

With the recommendation: Be adopted.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above resolution be placed on the Consent Calendar.

COOLEY, Chair

Above resolution ordered to Consent Calendar.

MESSAGES FROM THE SENATE

Senate Chamber, January 28, 2021

Mr. Speaker: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 89 Senate Bill No. 91

> ERIKA CONTRERAS, Secretary of the Senate By Bernadette McNulty, Assistant Secretary

> > Senate Chamber, January 28, 2021

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

Senate Bill No. 29

ERIKA CONTRERAS, 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. 29—An act to amend Sections 3000.5 and 3019.7 of the Elections Code, relating to elections, and declaring the urgency thereof, to take effect immediately.

MESSAGES FROM THE SENATE

January 28, 2021

Sue Parker

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

Dear Sue: The Senate this day confirmed the following appointment: The Honorable Shirley N. Weber, Ph.D., Secretary of State Sincerely,

ERIKA CONTRERAS Secretary of the Senate

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Reyes, the Assembly adjourned until 1 p.m., Monday, February 1, 2021, out of respect to the memory of Charles "Tio Carlos" Prinzen on motion of Assembly Member Gipson; out of respect to the memory of Chairman Joseph Benitez on motion of Assembly Members Eduardo Garcia and Ramos; out of respect to the memory of Leslie Hagan-Morgan on motion of Assembly Member Jones-Sawyer; and out of respect to the memory of Linda Nearing on motion of Assembly Member Petrie-Norris.

ANTHONY RENDON, Speaker

AMY LEACH, Minute Clerk