

CALIFORNIA LEGISLATURE
2021–22 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 3, 2022

ONE HUNDRED FORTY-FIRST SESSION DAY

FOUR HUNDRED TWENTY-FOURTH 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
Thursday, February 3, 2022

The Assembly met at 9 a.m.
Hon. Christopher M. Ward, Assembly Member, 78th District,
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 Maienschein moved a quorum call of the Assembly.

Motion carried. Time, 9:01 a.m.

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

Quorum Present

At 9:13 a.m., Acting Speaker Ward declared a quorum of the Assembly present.

The rollcall was completed, and the following answered to their names—71:

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

PRAYER

Upon invitation of Acting Speaker Ward, the following prayer was offered by Chaplain Imam Mohammad Yasir Khan:

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

Almighty God, Guide us all and bless the Members of this State Assembly. You are their Counselor and Guide. Give them satisfaction in their work, for You are the joy of those who are faith-filled, and the glory of the humble. May all their deliberations give rise to understanding and further the cause of equal justice. May their determinations be honored and respected.

In You we place our trust, for we believe You have called us to serve this State. By Your divine inspiration we will reach the destiny You have in mind for us.—*Ameen*.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Acting Speaker Ward, Assembly Member Davies 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:

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

Because of illness: Assembly Member Gray.

Because of a death in his family: Assembly Member Ting.

On paternity leave: Assembly Member Mayes.

REPORTS

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

California State Auditor

2021-109
February 3, 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: As directed by the Joint Legislative Audit Committee, my office conducted an audit of the San Diego County Sheriff's Department (Sheriff's Department) to determine the reasons for in-custody deaths of incarcerated individuals and identify the steps it took to address these deaths. The following report details our conclusion that the Sheriff's Department has failed to adequately prevent and respond to the deaths of individuals in its custody.

From 2006 through 2020, 185 people died in San Diego County's jails—one of the highest totals among counties in the State. The high rate of deaths in San Diego County's jails compared to other counties raises concerns about underlying systemic issues with the Sheriff's Department's policies and practices. In fact, our review identified deficiencies with how the Sheriff's Department provides care for and protects incarcerated individuals, which likely contributed to in-custody deaths. These deficiencies related to its provision of medical and mental health care and its performance of visual checks to ensure the safety and health of individuals in its custody.

Furthermore, the Sheriff's Department has not consistently taken meaningful action when such deaths have occurred. The department's reviews of in-custody deaths have been insufficient and have not consistently led to significant corrective action. In addition, the Citizens' Law Enforcement Review Board (CLERB)—a citizen-governed board approved by San Diego County voters to restore public confidence in county law enforcement—has failed to provide effective, independent oversight of in-custody deaths. CLERB also failed to investigate nearly one-third of the deaths of incarcerated individuals in the past 15 years, which means that dozens of deaths have not been subject to a key form of review outside of the Sheriff's Department.

In light of the ongoing risk to inmate safety, the Sheriff's Department's inadequate response to deaths, and the lack of effective independent oversight, we believe that the Legislature must take action to ensure that the Sheriff's Department implements meaningful changes.

Respectfully submitted,

MICHAEL S. TILDEN, CPA
Acting California State Auditor

Above report referred to the Committee on Public Safety.

REFERRAL OF BILLS TO COMMITTEE

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

Assembly

<i>Bill No.</i>	<i>Committee</i>
1681	Ins. and Jud.
1682	Pub. S.
1683	Hum. S. and B. & F.
1684	Aging & L.T.C.
1685	Trans. and H. & C.D.
1687	E.M.
1688	Pub. S.
1689	Agri. and P. & C.P.
1691	P.E. & R. and Higher Ed.
1692	M. & V.A.
1693	Elections
1694	Ins.
1697	Rev. & Tax.
1698	Pub. S.
1699	Trans. and Pub. S.
1700	Pub. S.
1701	Higher Ed.
1702	Rev. & Tax.
1703	Ed.
1704	Health and B. & P.
1705	Higher Ed.
1706	Pub. S.
1707	Rev. & Tax.
1708	Rev. & Tax.
1709	Rev. & Tax. and E.M.
1711	P. & C.P.
1712	Higher Ed.
1713	Trans.
1714	P.E. & R. and Jud.
1715	M. & V.A.
1716	Jud.
1717	L. & E.
1718	Ed.
1719	H. & C.D. and Ed.
1720	Hum. S.
1721	E.M.
1722	P.E. & R.
1724	E.S. & T.M.
1725	Pub. S. and B. & P.
1726	Jud.

Assembly Concurrent

<i>Resolution No.</i>	<i>Committee</i>
126	Trans.
128	Rls.
129	Rls.
130	Trans.

House
Resolution No. _____ *Committee*
83 ----- Rls.
84 ----- Rls.

Senate Concurrent
Resolution No. _____ *Committee*
63 ----- Rls.

GOVERNOR'S VETOES STRICKEN FROM FILE

Assembly Member Reyes was granted unanimous consent that the Governor's item vetoes of Assembly Bills Nos. 616, 123, 1074, 1207, 70, 416, 1021, 1403, 1444, 1461, 279, 339, 446, 1070, 105, 122, 226, 369, 412, 603, 783, 1035, 1147, 1215, 1238, 1302, 1487, and 1542 be stricken from file.

**REQUEST FOR UNANIMOUS CONSENT TO SUSPEND
 ASSEMBLY RULE 96**

Assembly Member Reyes requested unanimous consent that Assembly Rule 96 be suspended for the purpose of withdrawing Senate Bills Nos. 113, 114, 115, 116, and 117 from the Committee on Budget, and be placed on the third reading file for the purpose of consideration.

Assembly Member Flora withheld unanimous consent.

Motion to Suspend Assembly Rule 96

Assembly Member Reyes moved that Assembly Rule 96 be suspended for the purpose of withdrawing Senate Bills Nos. 113, 114, 115, 116, and 117 from the Committee on Budget, and be placed on the third reading file for the purpose of consideration.

Assembly Member Mia Bonta seconded the motion.

Motion to suspend Assembly Rule 96 carried by the following vote:

AYES—51

Aguiar-Curry	Daly	Low	Rivas, R.
Arambula	Friedman	McCarty	Rodriguez
Bauer-Kahan	Gabriel	Medina	Rubio
Bennett	Garcia, C.	Mullin	Salas
Berman	Garcia, E.	Muratsuchi	Santiago
Bloom	Gipson	Nazarian	Stone
Boerner Horvath	Grayson	O'Donnell	Villapudua
Bonta, M.	Holden	Petrie-Norris	Ward
Bryan	Irwin	Quirk	Weber, A.
Calderon	Jones-Sawyer	Quirk-Silva	Wicks
Carrillo	Kalra	Ramos	Wood
Cervantes	Lee	Reyes	Mr. Speaker
Cooley	Levine	Rivas, L.	

NOES—18

Choi	Flora	Mathis	Valladares
Cooper	Fong	Nguyen	Voepel
Cunningham	Gallagher	Patterson	Waldron
Dahle	Kiley	Seyarto	
Davies	Lackey	Smith	

DESK HELD OPEN

Acting Speaker Ward was granted unanimous consent that the Assembly Desk be held open, for the purpose of receiving and processing amendments from the Committee on Budget.

CONSIDERATION OF DAILY FILE**CONSIDERATION OF CONSENT CALENDAR**

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

Consent Calendar—Assembly Resolutions

ASSEMBLY CONCURRENT RESOLUTION NO. 124 (Fong)—Relative to National Passenger Safety Week.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 124**

By unanimous consent, the following Members were permitted to be listed as additional coauthors of Assembly Concurrent Resolution No. 124.

Additional Coauthors

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

Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Friedman, Gabriel, Gallagher, Eduardo Garcia, Gipson, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Rendon, Reyes, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, and Wood.

Resolution read, as revised, adopted, and ordered transmitted to the Senate.

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

HOUSE RESOLUTION NO. 80 (Kalra)—Relative to Lunar New Year.**Members Made Coauthors of
House Resolution No. 80**

By unanimous consent, the following Members were permitted to be listed as additional coauthors of House Resolution No. 80.

Additional Coauthors

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

Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Friedman, Gabriel, Gallagher, Eduardo Garcia, Gipson, Grayson, Holden, Irwin, Jones-Sawyer, Kiley, Lackey, Levine, Maienschein, Mathis, McCarty, Medina, Mullin, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Rendon, Reyes, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, and Wood.

Resolution read, as revised, and adopted.

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

HOUSE RESOLUTION NO. 82 (Kiley)—Relative to School Choice Week.**Members Made Coauthors of
House Resolution No. 82**

By unanimous consent, the following Members were permitted to be listed as additional coauthors of House Resolution No. 82.

Additional Coauthors

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

Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Friedman, Gabriel, Gallagher, Eduardo Garcia, Gipson, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Levine, Low, Maienschein, Mathis, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Rendon, Reyes, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, and Wood.

Resolution read, as revised, and adopted.

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

Consent Calendar Rollcall

The roll was called, and the preceding resolutions on the Consent Calendar adopted by the following vote:

AYES—70

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

NOES—None**SPECIAL PRESENTATION**

Assembly Member Kalra of the Asian Pacific Islander Legislative Caucus presented symbolic gifts to the Members of the Assembly to mark the Lunar New Year, the year of the tiger.

**At 9:24 a.m., Assistant Speaker pro Tempore of the Assembly,
Mia Bonta, 18th District, presiding**

ANNOUNCEMENTS

Assistant Speaker pro Tempore Mia Bonta of the 18th Assembly District, and on behalf of the California Legislative Women's Caucus, announced that today is annual Capitol Goes Red day to raise awareness of cardiovascular disease in women.

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 Officer Ty Lenehan, Elk Grove Police Department, resident of Rescue.

(Assembly Rule 45.5 suspended.)

CONSIDERATION OF DAILY FILE (RESUMED)**UNFINISHED BUSINESS****MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motion to reconsider the vote on Senate Bill No. 731 was continued until the next legislative day.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:26 a.m., without objection, Assistant Speaker pro Tempore Mia Bonta declared the quorum call of the Assembly dispensed with.

ADJOURN IN MEMORY

Assembly Member Nazarian was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Richard Close of Sherman Oaks.

(Assembly Rule 45.5 suspended.)

COMMITTEE MEETING ANNOUNCEMENTS

Assistant Speaker pro Tempore Mia Bonta announced that the Joint Legislative Committee on Emergency Management would meet today, at 1 p.m., in the Senate Chamber.

SPECIAL RECOGNITION

The Members of the Assembly joined Assistant Speaker pro Tempore Mia Bonta in extending best wishes to Assembly Members Eduardo Garcia and Luz Rivas upon the occasion of their upcoming birthdays.

ANNOUNCEMENTS

Assistant Speaker pro Tempore Mia Bonta announced the following session schedule:

Friday, February 4, 2022, No session;

Monday, February 7, 2022, 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):

Reyes Motion to Suspend the Rules: Cooley, Eduardo Garcia, Medina, and Rodriguez—Aye.

Consent Calendar: Chen, Eduardo Garcia, McCarty, Medina, and Rodriguez—Aye.

MOTION TO ADJOURN

At 9:32 a.m., Assembly Member Reyes moved that the Assembly do now adjourn.

Assembly Member Davies 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. 1772—Smith. An act to amend Section 212.5 of the Penal Code, relating to robbery.

ASSEMBLY BILL NO. 1773—Patterson (Coauthors: Choi, Gallagher, Mathis, and Smith) (Coauthors: Senators Grove, Jones, and Nielsen). An act to amend Section 16148 of the Government Code, relating to agricultural land, and making an appropriation therefor.

ASSEMBLY BILL NO. 1774—Seyarto (Coauthors: Chen, Fong, and Gallagher) (Coauthors: Senators Grove and Nielsen). An act to add Section 21168.6.10 to the Public Resources Code, relating to environmental quality.

ASSEMBLY BILL NO. 1775—Ward. An act relating to occupational safety.

ASSEMBLY BILL NO. 1776—Gallagher (Coauthor: Senator Nielsen). An act to amend Sections 927.2, 927.6, 927.7, and 927.11 of the Government Code, relating to resource conservation districts.

ASSEMBLY BILL NO. 1777—Aguiar-Curry. An act to add Section 41601.6 to the Education Code, relating to migrant education.

ASSEMBLY BILL NO. 1778—Cristina Garcia. An act to add Section 165.5 to the Streets and Highways Code, relating to transportation.

ASSEMBLY BILL NO. 1779—Mathis. An act to amend Section 18705 of the Business and Professions Code, relating to business.

ASSEMBLY BILL NO. 1780—Chen. An act to amend Sections 20, 600, and 601 of the Corporations Code, relating to corporations, and declaring the urgency thereof, to take effect immediately.

ASSEMBLY BILL NO. 1781—Blanca Rubio. An act to add Chapter 12 (commencing with Section 122390) to Part 6 of Division 105 of the Health and Safety Code, relating to public health.

ASSEMBLY BILL NO. 1782—Jones-Sawyer. An act to amend Section 4025 of the Penal Code, relating to jails.

ASSEMBLY BILL NO. 1783—Levine. An act to amend Section 8543.1 of the Government Code, relating to state government.

ASSEMBLY BILL NO. 1784—Smith. An act to amend Section 79774 of the Water Code, relating to water.

ASSEMBLY BILL NO. 1785—Davies (Coauthors: Gallagher, Kiley, Lackey, Mathis, Nguyen, Seyarto, Smith, and Voepel) (Coauthor: Senator Dahle). An act to add Section 49.1 to the Civil Code, and to add Article 2 (commencing with Section 51110) to Chapter 1.5 of Part 28 of Division 4 of Title 2 of the Education Code, relating to parental rights.

ASSEMBLY BILL NO. 1786—Davies. An act to amend Section 46600 of the Education Code, relating to pupil attendance.

ASSEMBLY BILL NO. 1787—Quirk. An act to amend Section 105206 of the Health and Safety Code, relating to pesticides.

ASSEMBLY BILL NO. 1788—Cunningham and Valladares (Coauthor: Lackey). An act to add Section 52.65 to the Civil Code, relating to sex trafficking.

ASSEMBLY BILL NO. 1789—Bennett. An act to amend Section 5019.53 of, and to add Chapter 1.5 (commencing with Section 575) to, and to add Chapter 1.8 (commencing with Section 590) to, Division 1 of, and to add Chapter 4.7 (commencing with Section 14417) to Division 12 of, the Public Resources Code, relating to outdoor recreation, and making an appropriation therefor.

ASSEMBLY BILL NO. 1790—Cervantes. An act to amend Section 1347 of the Penal Code, relating to criminal law.

ASSEMBLY BILL NO. 1791—Nazarian. An act to amend Section 65959.2 of the Government Code, relating to land use.

ASSEMBLY BILL NO. 1792—Smith. An act to amend Section 1170.82 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 1793—Quirk. An act to amend Section 25141 of the Health and Safety Code, relating to hazardous waste.

ASSEMBLY BILL NO. 1794—Gipson. An act to amend Section 8616.5 of the Family Code, and to amend Sections 294, 366.3, and 16002 of, and to add Section 366.30 to, the Welfare and Institutions Code, relating to child welfare.

REPORTS OF STANDING COMMITTEES

Committee on Rules

Date of Hearing: February 3, 2022

Mr. Speaker: Your Committee on Rules reports:

Assembly Concurrent Resolution No. 128

With the recommendation: Be adopted.

COOLEY, Chair

Above resolution ordered to third reading.

Date of Hearing: February 3, 2022

Mr. Speaker: Your Committee on Rules reports:

House Resolution No. 84

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.

Date of Hearing: February 3, 2022

Mr. Speaker: Your Committee on Rules reports:

Senate Concurrent Resolution No. 62

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.

ADJOURNMENT

At 5 p.m., pursuant to the motion by Assembly Member Reyes, the Assembly adjourned until 1 p.m., Monday, February 7, 2022, out of respect to the memory of Officer Ty Lenehan, Elk Grove Police Department, on motion of Assembly Member Cooper; and out of respect to the memory of Richard Close on motion of Assembly Member Nazarian.

ANTHONY RENDON, Speaker

TAMMY WEIS, Assistant Minute Clerk

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