

CALIFORNIA LEGISLATURE
2015–16 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, February 12, 2016

**ONE HUNDRED FIFTY-SECOND SESSION DAY
FOUR HUNDRED THIRTY-NINTH 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
Friday, February 12, 2016

The Assembly met at 9 a.m.

Hon. Toni G. Atkins, Speaker of the Assembly, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Assistant Clerk David A. Bowman reading.

ROLLCALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Gordon moved a quorum call of the Assembly.

Motion carried. Time, 9:02 a.m.

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

Quorum Present

At 9:08 a.m., Speaker Atkins declared a quorum of the Assembly present.

The rollcall was completed, and the following answered to their names—72:

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

PRAYER

Upon invitation of Speaker Atkins, the following prayer was offered by Assembly Member Jim Cooper, of the 9th Assembly District:

Dear Lord, Thank You for bringing together this body of talented community servants for the purpose of uplifting our community and serving as leaders of change.

We look to You, Lord, to help us combat poverty, to eliminate the injustices of the world, and to challenge racism and hate. We look to You, Lord, to guide us as we take this month to learn about the struggles our people have faced, and how we have faced adversity.

In Your word, fourth chapter of *Philippians*, verse 13, You stated “I can do all this through him who gives me strength.” We find strength in You, Lord, when our faith is tested, and we thank You for Your eternal love.

We ask that You continue to bless the work that we are doing and guide us in our future endeavors. Thank You for Your traveling grace and allowing all those that have travelled distances to celebrate the contributions of African Americans in our great nation.

All these things we pray in Your name.—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Atkins, Assembly Member Brown 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 Mayes.

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 Calderon and Grove.

Because of illness, per diem waived for the 2015–16 Session (Assembly Journal, page 63): Assembly Member Beth Gaines.

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

Because of illness: Assembly Members Roger Hernández and Waldron.

The following Assembly Member was not excused for the day:

Not excused, and per diem waived: Assembly Member Travis Allen.

EXPLANATIONS OF ABSENCE

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

February 8, 2016

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

Dear Madame Speaker: I request to be excused from Floor Session on Friday, February 12, 2016, on legislative business to attend and speak at an event in my district. Thank you for your consideration of this request.

Sincerely,

IAN C. CALDERON, Assembly Member
Fifty-seventh District

February 4, 2016

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

Dear Speaker Atkins: I respectfully request permission to be excused from Floor Session on Friday, February 12, 2016, due to legislative business in my district. Thank you for your attention to this request. If you have any questions or need further information, please contact me or my Chief of Staff at (916) 319-2034.

Sincerely,

SHANNON L. GROVE, Assembly Member
Thirty-fourth District

REQUEST FOR PHOTOGRAPHER

Assembly Member Jones-Sawyer was granted unanimous consent that a photographer be permitted on the Floor of the Assembly.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Jones-Sawyer was 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 for the ceremony today in observance of Black History Month.

COMMUNICATIONS

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

February 10, 2016

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

RE: Appointment of Mike Gatto to California Broadband Council

Dear Mr. Wilson: Please be advised that I have appointed Assembly Member Mike Gatto to the California Broadband Council. This is a pleasure appointment starting February 10, 2016. Assembly Member Gatto will be replacing Anthony Rendon.

Sincerely,

TONI G. ATKINS
Speaker of the Assembly

February 12, 2016

E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California

RE: Appointment of Christina Wu to
Commission on Asian and Pacific Islander American Affairs

Dear Mr. Wilson: Please be advised that I have appointed Ms. Christina Wu to the Commission on Asian and Pacific Islander American Affairs. This is a term appointment starting February 12, 2016, and the expiration date is January 1, 2020. Ms. Wu will be replacing Jeffrey Kim.

Sincerely,

TONI G. ATKINS
Speaker of the Assembly

SPECIAL COMMITTEE MEETINGS

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

Select Committee on Infectious Diseases in High Risk Disadvantaged Communities, on Thursday, March 24, 2016, at 1 p.m., at Charles Drew University in Los Angeles.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 118 (McCarty)—Relative to Black History Month.

Resolution read.

Assembly Rule 112 Suspended

Assembly Member Gipson was granted unanimous consent that Assembly Rule 112 be suspended to permit him to read a paper on the Floor of the Assembly.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 118**

Assembly Member McCarty was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 118.

Additional Coauthors

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

Achadjian, Alejo, Atkins, Baker, Bigelow, Bloom, Bonilla, Bonta, Brough, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Dababneh, Daly, Dodd, Eggman, Frazier, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gomez, Gonzalez, Gordon, Gray, Hadley, Harper, Irwin, Jones, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, Medina, Melendez, Mullin, Nazarian, Obernolte, O'Donnell, Olsen, Patterson, Quirk, Rendon, Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Ting, Wagner, Wilk, Williams, and Wood.

Request for Unanimous Consent

Assembly Member McCarty was granted unanimous consent to take up Assembly Concurrent Resolution No. 118, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 118, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 118—Relative to Black History Month.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

RECESS IN RECOGNITION OF BLACK HISTORY MONTH

By unanimous consent, at 9:46 a.m., Speaker Atkins declared the Assembly recessed to permit the introduction of special guests in recognition of Black History Month.

APPOINTMENT OF SELECT COMMITTEE ON ESCORT

Speaker Atkins appointed Assembly Members Burke, Brown, Cooper, Gipson, Holden, Jones-Sawyer, McCarty, Ridley-Thomas, Thurmond, and Weber as a Select Committee on Escort to escort the honorees to the Rostrum.

**At 9:48 a.m., Speaker pro Tempore of the Assembly, Kevin Mullin,
22nd District, presiding**

RESOLUTIONS PRESENTED TO BLACK HISTORY MONTH HONOREES

The following honorees were introduced and escorted to the front of the Assembly Chamber, whereupon they were greeted by Speaker Atkins; Assembly Member Jones-Sawyer, Chair of the California Legislative Black Caucus; and Assembly Member Mayes, Republican Leader. The following honorees were then presented with a Members' Resolution:

Dr. Hazel Mahone, escorted by Assembly Member McCarty;
Cassandra H. B. Jennings, escorted by Assembly Member Cooper;
Betty Reid Soskin, escorted by Assembly Member Thurmond;
Danny Bakewell, Sr., escorted by Assembly Member Holden;
Hon. Wilma Amina Carter, and honoring the late Ratibu (William) Jacocks, escorted by Assembly Member Brown;
Tyrone C. Howard escorted by Assembly Member Ridley-Thomas;
Beverly A. King, escorted by Assembly Member Burke;
Timothy Watkins, Sr., escorted by Assembly Member Gipson;
Hon. Leon Williams, escorted by Assembly Member Weber; and
Reverend Dr. William Epps, escorted by Assembly Member Jones-Sawyer.

SPECIAL RECOGNITION

Speaker pro Tempore Mullin was joined by the Members of the Assembly in acknowledging "Sweet" Alice Harris, honoree of Senator Hall; and Hon. Rita Walters, honoree of Senator Mitchell, who are being honored in the Senate at this time and are unable to attend today's ceremony in the Assembly.

**At 10:03 a.m., Speaker of the Assembly, Toni G. Atkins,
78th District, presiding**

APPRECIATION EXPRESSED

Assembly Member Jones-Sawyer, Chair of the California Legislative Black Caucus, thanked the Members of the Assembly and special guests for their participation in today's ceremony in recognition of Black History Month.

BLACK HISTORY MONTH ANNOUNCEMENTS

Assembly Member Jones-Sawyer, Chair of the California Legislative Black Caucus made the following announcement relative to Black History Month events:

An exhibit is on display in the Capitol Rotunda recognizing this year's theme, *Unsung African American Heroes and Trailblazers in California*.

**At 10:04 a.m., Speaker pro Tempore of the Assembly, Kevin Mullin,
22nd District, presiding**

APPRECIATION EXPRESSED

Assembly Members Cooper, Williams, and Alejo acknowledged and thanked Assembly Member Jones-Sawyer, Chair of the California Legislative Black Caucus, for his leadership and work on behalf of the California Legislative Black Caucus.

SPECIAL RECOGNITION

Speaker pro Tempore Mullin, and on behalf of the Members of the Assembly, recognized and welcomed participants in the YMCA Model Legislature present in the Assembly Gallery.

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

ASSEMBLY CONCURRENT RESOLUTION NO. 127 (Baker)—Relative to Abraham Lincoln's birthday.

Resolution read.

Request for Use of Visual Aids

Assembly Member Baker was granted unanimous consent to use visual aids on the Floor.

Assembly Rule 112 Suspended

Assembly Member Baker was granted unanimous consent that Assembly Rule 112 be suspended to permit her to read a paper on the Floor of the Assembly.

**Members Made Coauthors of
Assembly Concurrent Resolution No. 127**

Assembly Member Baker was granted unanimous consent to suspend the Rules to permit Members to be listed as additional coauthors of Assembly Concurrent Resolution No. 127.

Additional Coauthors

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

Achadjian, Alejo, Atkins, Bigelow, Bloom, Bonilla, Bonta, Brough, Brown, Burke, Campos, Chang, Chau, Chávez, Chiu, Chu, Cooley, Cooper, Daly, Eggman, Frazier, Gallagher, Cristina Garcia, Eduardo Garcia, Gatto, Gipson, Gomez, Gonzalez, Gordon, Gray, Hadley, Harper, Holden, Irwin, Jones, Jones-Sawyer, Kim, Lackey, Levine, Linder, Lopez, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Melendez, Mullin, Nazarian, Obernolte, Olsen, Patterson, Quirk, Ridley-Thomas, Rodriguez, Salas, Santiago, Steinorth, Mark Stone, Thurmond, Ting, Wagner, Weber, Wilk, Williams, and Wood.

Request for Unanimous Consent

Assembly Member Baker was granted unanimous consent to take up Assembly Concurrent Resolution No. 127, as amended, without reference to print or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 127, as Amended

ASSEMBLY CONCURRENT RESOLUTION NO. 127—Relative to Abraham Lincoln's birthday.

Resolution read, as amended, and adopted.

Resolution ordered reprinted and transmitted to the Senate.

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 Ulysses Terry and Eddie Cole of Compton.

ANNOUNCEMENTS

Speaker pro Tempore Mullin announced the following session schedule:

Monday, February 15, 2016, Presidents Day Holiday;
Tuesday, February 16, 2016, Floor Session, 12 noon;
Wednesday, February 17, 2016, Check-in Session, 7 a.m.–3 p.m.;
Thursday, February 18, 2016, Floor Session, 9 a.m.

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 the next legislative day.

MOTION TO ADJOURN

At 10:19 a.m., Assembly Member Holden moved that the Assembly do now adjourn.

Assembly Member Olsen seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 10:19 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. 1925—Chang. An act to add Section 12946.5 to the Water Code, relating to water resources.

ASSEMBLY BILL NO. 1926—Cooper. An act to amend Section 1777.5 of the Labor Code, relating to public works.

ASSEMBLY BILL NO. 1927—Lackey. An act to amend Section 853.9 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 1928—Campos. An act to amend Section 25401.9 of the Public Resources Code, relating to water.

ASSEMBLY BILL NO. 1929—Brough. An act to amend Section 17052 of the Revenue and Taxation Code, relating to taxation.

ASSEMBLY BILL NO. 1930—Lackey. An act to add and repeal Section 12335 of the Welfare and Institutions Code, relating to public social services.

ASSEMBLY BILL NO. 1931—Rodriguez. An act to amend Section 1798.200 of the Health and Safety Code, relating to public health.

ASSEMBLY BILL NO. 1932—Oberholte. An act to amend Section 42005 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1933—Travis Allen. An act to amend Section 1100 of the Financial Code, relating to banking.

ASSEMBLY BILL NO. 1934—Santiago. An act to amend Section 65915 of the Government Code, relating to housing.

ASSEMBLY BILL NO. 1935—Kim. An act to amend Section 52065 of the Education Code, relating to school accountability.

ASSEMBLY BILL NO. 1936—Chávez. An act to amend Section 68074 of the Education Code, relating to public postsecondary education.

ASSEMBLY BILL NO. 1937—Gomez. An act to add Section 25500.7 to the Public Resources Code, relating to thermal powerplants.

ASSEMBLY BILL NO. 1938—Baker (Coauthors: Chávez and Lackey) (Coauthors: Senators Anderson and Vidak). An act to amend Section 30959 of the Streets and Highways Code, relating to toll facilities.

ASSEMBLY BILL NO. 1939—Patterson. An act to add Section 312.3 to the Business and Professions Code, relating to professions.

ASSEMBLY BILL NO. 1940—Cooper. An act relating to peace officers.

ASSEMBLY BILL NO. 1941—Lopez. An act to amend Sections 14998.2 and 14998.4 of the Government Code, relating to the California Film Commission.

ASSEMBLY BILL NO. 1942—Cristina Garcia. An act to add Section 2810.7 to the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1943—Linder (Coauthor: Senator Roth). An act to amend Section 21113 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1944—Jones. An act to add and repeal Section 17132.10 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

ASSEMBLY BILL NO. 1945—Mark Stone. An act to amend Section 786 of the Welfare and Institutions Code, relating to juveniles.

ASSEMBLY BILL NO. 1946—Hadley. An act to amend Section 12811 of the Vehicle Code, relating to driver's licenses.

ASSEMBLY BILL NO. 1947—Chiu. An act to amend Section 1218.1 of the Health and Safety Code, relating to health facilities.

ASSEMBLY BILL NO. 1948—Wagner. An act to amend Section 226.7 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 1949—Baker. An act to amend Sections 301, 302, and 303 of the Business and Professions Code, relating to consumers.

ASSEMBLY BILL NO. 1950—Maienschein. An act to amend Section 2538.49 of, and to add Section 2539.3 to, the Business and Professions Code, relating to hearing aids.

ASSEMBLY BILL NO. 1951—Salas. An act to amend Section 26 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 1952—Gordon (Principal coauthor: Patterson). An act to amend Section 16180, 16182, 16183, 16184, 16186.5, 16200, 16202, and 27282 of the Government Code, and to amend Sections 2514, 2781, 20503, 20505, 20585, 20586, 20621, 20627, 20640.3, and 20641 of the Revenue and Taxation Code, relating to taxation, and making an appropriation therefor.

ASSEMBLY BILL NO. 1953—Weber. An act to amend Section 8332 of the Government Code, to amend Sections 148.6, 832.18, 13010.5, 13012, and 13012.5 of the Penal Code, and to amend Section 41603 of the Vehicle Code, relating to public safety.

ASSEMBLY BILL NO. 1954—Burke. An act to add Section 1367.31 to the Health and Safety Code, and to add Section 10123.202 to the Insurance Code, relating to health care coverage.

ASSEMBLY BILL NO. 1955—Wilk. An act to add Section 12102.3 to the Public Contract Code, relating to public contracts.

ASSEMBLY BILL NO. 1956—Wilk. An act to amend Section 22948.6 of the Business and Professions Code, relating to network security.

ASSEMBLY BILL NO. 1957—Quirk. An act relating to public records.

ASSEMBLY BILL NO. 1958—Wood. An act to add Section 4556 to the Public Resources Code, relating to oak woodlands.

ASSEMBLY BILL NO. 1959—Rodriguez. An act to amend Section 245 of the Penal Code, relating to crimes.

ASSEMBLY BILL NO. 1960—Lackey. An act to amend Section 471 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1961—Baker. An act to amend Section 69437 of the Education Code, relating to student financial aid.

ASSEMBLY BILL NO. 1962—Dodd. An act to amend Section 1369 of the Penal Code, relating to criminal procedure.

ASSEMBLY BILL NO. 1963—Calderon. An act to amend Section 6000 of the Civil Code, relating to common interest developments.

ASSEMBLY BILL NO. 1964—Bloom. An act to amend Sections 5205.5 and 21655.9 of the Vehicle Code, relating to vehicles.

ASSEMBLY BILL NO. 1965—Cooper (Coauthors: Alejo, Cooley, Dodd, and McCarty). An act to add Section 44127 to the Health and Safety Code, relating to vehicular air pollution.

ASSEMBLY BILL NO. 1966—Travis Allen. An act to amend Section 2802 of the Public Utilities Code, relating to energy.

ASSEMBLY BILL NO. 1967—Beth Gaines. An act to add Section 65863.14 to the Government Code, relating to zoning ordinances.

The following resolution was offered:

HOUSE RESOLUTION NO. 37—O'Donnell (Coauthors: Bloom, Burke, Frazier, Gray, Irwin, Lackey, Low, Mathis, and Wilk). Relative to California Aerospace Days.

INTRODUCTION OF GUESTS

Speaker pro Tempore Mullin of the 22nd Assembly District, introduced students and parent leaders from Innovate Public Schools in Redwood City.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Holden, the Assembly adjourned until 12 noon, Tuesday, February 16, 2016, out of respect to the memory of Ulysses Terry and Eddie Cole on motion of Assembly Member Gipson.

TONI G. ATKINS, Speaker

AMY LEACH, Minute Clerk