

CALIFORNIA LEGISLATURE
2015–16 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Thursday, February 12, 2015
TWENTY-FIFTH SESSION DAY
SEVENTY-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 12, 2015

The Assembly met at 7 a.m.
Hon. Shannon L. Grove, Assembly Member, 34th 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—68:

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

Quorum present.

At 11:22 a.m., Hon. David Hadley, 66th 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 Members Travis Allen, Bonilla, Burke, Dahle, Melendez, Nazarian, and Obernolte.

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

Because of illness: Assembly Members Bigelow, Brough, and Dodd.

Because of illness in his family: Assembly Member Daly.

EXPLANATIONS OF ABSENCE

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

February 11, 2015

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

Dear Madame Speaker: This letter is to respectfully request to be excused from Check-in Session on Thursday, February 12, 2015, for legislative business to join the Republican Caucus and attend a tour of the Lyft facility.

Sincerely,

TRAVIS ALLEN, Assembly Member
Seventy-second District

February 11, 2015

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

Dear Madame Speaker: I am respectfully requesting an excused absence from Check-in Session for Thursday, February 12, 2015. I will be meeting with constituents and may not make it back to Sacramento by 3:00 p.m. Please contact me or my Chief of Staff, Luis Quiñonez, at (916) 319-2014, if you need additional information regarding this request.

Sincerely,

SUSAN A. BONILLA, Assembly Member
Fourteenth District

February 3, 2015

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

Dear Speaker Atkins: I am respectfully requesting to be excused from Check-in Session on Thursday, February 12, 2015, due to legislative business taking place in my district. Your attention to this matter is appreciated.

Sincerely,

AUTUMN R. BURKE, Assembly Member
Sixty-second District

February 11, 2015

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

Dear Speaker Atkins: I am respectfully requesting that I be excused from Check-in Session on Thursday, February 12, 2015, as I am in my district on legislative business and may not be able to return to the State Capitol in time. Thank you in advance for considering my request.

Sincerely,

BRIAN DAHLE, Assembly Member
 First District

February 12, 2015

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 Check-in Session on Thursday, February 12, 2015, for legislative business, as I will be out of town touring Assembly Member Levine's District to get a better idea of his district challenges as they contrast to mine. If you have any questions, please give Debbie Collins a call at (916) 319-2046.

Sincerely,

ADRIN NAZARIAN, Assembly Member
 Forty-sixth District

February 12, 2015

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 Check-in Session on Thursday, February 12, 2015, due to attending a legislative business tour and discussion at Lyft in San Francisco. Thank you for your consideration of this request.

Sincerely,

JAY OBERNOLTE, Assembly Member
 Thirty-third District

(NOTE: For letter explaining the absence of Assembly Member Melendez on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for February 11, 2015.)

SPECIAL COMMITTEE MEETINGS

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

Privacy and Consumer Protection, on Tuesday, February 24, 2015, at 1:30 p.m., in Room 444;

Business and Professions, on Tuesday, February 24, 2015, at 9 a.m., in Room 447;

Business and Professions, to convene jointly with the Senate Committee on Business, Professions and Economic Development, on Wednesday, March 18, 2015, at 9 a.m., in Room 4202; and to reconvene at 2 p.m., in Room 4203.

REPORTS

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

California State Auditor

2014-116
February 12, 2015

*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 how the California Department of Consumer Affairs (Consumer Affairs) planned, developed, and implemented BreEZe—an information technology (IT) system Consumer Affairs envisioned would support all of the primary functions and responsibilities of 37 of its 40 boards, bureaus, committees, and a commission (regulatory entities). This report concludes that the BreEZe project has been plagued with performance problems, significant delays, and escalating costs, which based on a January 2015 estimate were \$96 million—more than triple the original cost estimate—for implementation of a system at only half of the regulatory entities originally planned for BreEZe. As of that date, only 10 regulatory entities had transitioned to BreEZe, eight more intend to transition to it in March 2016, and it is unknown whether or when the remaining 19 will transition to the system.

Although doing so is critical to the successful development of IT systems, Consumer Affairs failed to adequately plan, staff, and manage the project for developing BreEZe. For example, while an up-to-date assessment of business needs is essential to developing adequate system requirements, Consumer Affairs failed to properly perform such an assessment for the regulatory entities when developing the system requirements for BreEZe, which specify what the system should do. Instead, Consumer Affairs relied on requirements from earlier projects that were abandoned and incorrectly assumed that the entities could use similar business processes to, for example, process license applications.

Further, although staff of the California Department of Technology (CalTech) in its oversight role raised nearly 180 significant and persistent concerns about the BreEZe project in monthly reports

between December 2010 and September 2014 in areas including project management, staffing, system requirements, and vendor performance, it allowed the project to continue without significant intervention. We believe the volume and significance of these concerns should have prompted both CalTech and Consumer Affairs to analyze fully the costs and benefits of suspending or terminating the project versus proceeding.

Additionally, during the procurement process for the BreEZe project, the California Department of General Services (General Services) and Consumer Affairs approved revisions to the BreEZe contracts' terms and conditions proposed by the vendor, Accenture LLP, which transferred significant risk to the State. For example, the revised language limited Consumer Affairs' ability to terminate the contracts and eliminated protections Consumer Affairs otherwise would have had against the possibility of intellectual property rights violations. We question the prudence of some of the decisions General Services and Consumer Affairs made regarding the terms and conditions, as they substantially increased Consumer Affairs' financial risks related to these contracts.

Finally, despite assertions by the Board of Registered Nursing (BRN) that it was exceeding maximum time frames for processing certain license applications since implementing BreEZe, we found little evidence that it tracks the information needed to support such claims. In addition, we interviewed executive officers of the 10 regulatory entities that have implemented BreEZe and most told us that they are generally dissatisfied with their BreEZe experience because it did not meet their expectations in a variety of ways, and eight including BRN reported that the system has decreased their operational efficiency.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Business and Professions.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, February 12, 2015

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

Assembly Bill No. 28

Assembly Bill No. 51

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

INTRODUCTION AND FIRST READING OF ASSEMBLY BILLS

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 294—Lackey and Steinorth. An act to add Part 0.5 (commencing with Section 135) to Division 1 of the Health and Safety Code, and to add Division 3.5 (commencing with Section 3500) to the Welfare and Institutions Code, relating to health and human services.

ASSEMBLY BILL NO. 295—Gipson. An act to add Section 3507.15 to the Government Code, relating to public employment.

ASSEMBLY BILL NO. 296—Dodd (Coauthor: Waldron). An act to amend Section 12246 of the Business and Professions Code, relating to weights and measures.

ASSEMBLY BILL NO. 297—Lackey. An act to amend Section 3042 of the Family Code, relating to child custody.

ASSEMBLY BILL NO. 298—Gonzalez. An act to amend Section 12000 of the Fish and Game Code, relating to fish and wildlife.

ASSEMBLY BILL NO. 299—Brown. An act to add Article 7 (commencing with Section 116090.5) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to public health.

ASSEMBLY BILL NO. 300—Alejo (Coauthor: Mark Stone) (Coauthor: Senator Monning). An act to add Chapter 10 (commencing with Section 31420) to Division 21 of the Public Resources Code, relating to coastal wildlife protection.

ASSEMBLY BILL NO. 301—Bigelow. An act to amend Section 4213.1 of the Public Resources Code, relating to fire prevention.

ASSEMBLY BILL NO. 302—Cristina Garcia. An act relating to pupil services.

ASSEMBLY BILL NO. 303—Gonzalez. An act to amend Section 1203.2 of the Penal Code, relating to supervised persons.

ASSEMBLY BILL NO. 304—Gonzalez. An act to amend Section 233 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 305—Gonzalez. An act to amend Section 1174 of the Labor Code, relating to employment.

ASSEMBLY BILL NO. 306—Hadley. An act to amend Section 35700 of the Education Code, relating to school districts.

ASSEMBLY BILL NO. 307—Mathis. An act relating to water.

ASSEMBLY BILL NO. 308—Mathis. An act relating to water.

ASSEMBLY BILL NO. 309—Mathis. An act relating to education.

ASSEMBLY BILL NO. 310—Mathis. An act to amend Section 10231.2 of the Insurance Code, relating to long-term care insurance.

ASSEMBLY BILL NO. 311—Gallagher (Principal coauthor: Senator Vidak). An act to add Section 21168.6.7 to the Public Resources Code, relating to environmental quality.

ASSEMBLY BILL NO. 312—Jones (Coauthors: Travis Allen, Chang, Waldron, and Wilk). An act to amend Section 17533.7 of the Business and Professions Code, relating to advertising.

ASSEMBLY BILL NO. 313—Atkins. An act to amend Sections 53398.52, 53398.56, 53398.57, 53398.62, 53398.63, 53398.66, 53398.67, 53398.68, 53398.69, and 53398.75 of, and to repeal and add Section 53398.74 of, the Government Code, relating to enhanced infrastructure financing districts.

ASSEMBLY BILL NO. 314—Waldron. An act to amend Section 1813 of the Probate Code, relating to conservatorship.

ASSEMBLY BILL NO. 315—Bigelow. An act to amend Section 4051 of the Food and Agricultural Code, relating to district agricultural associations: powers and duties.

AUTHOR'S AMENDMENTS
Committee on Transportation

February 12, 2015

Mme. Speaker: The Chair of your Committee on Transportation reports:

Assembly Bill No. 14

With author's amendments with the recommendation: Amend, and re-refer to the committee.

FRAZIER, Chair

ASSEMBLY BILL NO. 14—An act to add and repeal Title 24 (commencing with Section 110050) of the Government Code, relating to unmanned aircraft.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

Committee on Revenue and Taxation

February 12, 2015

Mme. Speaker: The Chair of your Committee on Revenue and Taxation reports:

Assembly Bill No. 43

With author's amendments with the recommendation: Amend, and re-refer to the committee.

TING, Chair

ASSEMBLY BILL NO. 43—An act to add Section 17052.1 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

Author's amendments, presented pursuant to Assembly Rules, read and adopted; bill ordered reprinted, and to be re-referred to the committee.

REPORTS OF STANDING COMMITTEES
Committee on Water, Parks and Wildlife

Date of Hearing: February 10, 2015

Mme. Speaker: Your Committee on Water, Parks and Wildlife reports:

Assembly Joint Resolution No. 4

With the recommendation: Be adopted.

LEVINE, Chair

Above resolution ordered to third reading.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Friday, February 13, 2015.

TONI G. ATKINS, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON FEBRUARY 12, 2015**

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

AB RN

14 1505104

43 1508863

Daily Total: 2

Cumulative Total: 10

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