

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Tuesday, May 24, 2011

SEVENTY-NINTH SESSION DAY

ONE HUNDRED SEVENTIETH CALENDAR DAY

AT SACRAMENTO, CALIFORNIA



NOTE: Official record of roll call votes; all amendments considered by the Assembly on this day are on file with the Chief Clerk of the Assembly and available on request. A list of all measures amended and on which amendments were offered is shown on the final page of this day's Assembly Journal.

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Tuesday, May 24, 2011

The Assembly met at 7 a.m.

Hon. Brian Jones, Assembly Member, 77th District, presiding.

Chief Clerk E. Dotson Wilson at the Desk.

Reading Clerk Timothy Morland reading.

ROLL CALL

The following were placed upon the morning roll call—75:

Achadjian	Davis	Hill	Norby
Alejo	Dickinson	Huber	Olsen
Allen	Donnelly	Hueso	Pan
Ammiano	Eng	Huffman	Perea
Atkins	Fong	Jeffries	Pérez, V. Manuel
Beall	Fuentes	Jones	Portantino
Berryhill	Furutani	Knight	Silva
Block	Gaines	Lara	Skinner
Blumenfield	Galgiani	Logue	Smyth
Bonilla	Garrick	Lowenthal	Solorio
Bradford	Gatto	Ma	Swanson
Brownley	Gordon	Mansoor	Torres
Buchanan	Grove	Mendoza	Valadao
Butler	Hagman	Miller	Wagner
Campos	Halderman	Mitchell	Wieckowski
Cedillo	Hall	Monning	Williams
Chesbro	Harkey	Morrell	Yamada
Conway	Hayashi	Nestande	Mr. Speaker
Cook	Hernández	Nielsen	

Quorum present.

At 2:47 p.m., Hon. Mary Hayashi, 18th 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 Calderon, Carter, and Feuer.

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

On active duty military deployment, and waiving per diem (Assembly Journal, page 452): Assembly Member Gorell.

EXPLANATIONS OF ABSENCE

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

May 20, 2011

The Honorable John A. Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Speaker Pérez: I respectfully request to be excused from Check-in Session, Tuesday, May 24, 2011 due to legislative business in my district. Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member
Fifty-eighth District

May 19, 2011

The Honorable John A. Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I hereby request to be excused from Check-in Session on Tuesday, May 24 and Wednesday, May 25, due to legislative business in my district. Should you have any questions, please do not hesitate to contact me, or Robbin Lewis-Coaxum of my staff, at 319-2062. Thank you.

Sincerely,

WILMER AMINA CARTER, Assembly Member
Sixty-second District

May 12, 2011

The Honorable John A. Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California

Dear Mr. Speaker: I would like to request permission to be excused from Check-in Session on Tuesday, May 24, 2011, on legislative business, to attend the Los Angeles County Bar Association event. Thank you for your attention to this matter. If you have any questions, please feel free to contact me at (916) 319-2042.

Sincerely,

MIKE FEUER, Assembly Member
Forty-second District

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 24, 2011

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

Assembly Bill No. 527

Assembly Bill No. 771

Assembly Bill No. 720

Assembly Bill No. 1248

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered to third reading file.

Assembly Chamber, May 24, 2011

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

Assembly Bill No. 841

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bill re-referred to committee.

Assembly Chamber, May 24, 2011

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

Assembly Concurrent Resolution No. 59

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution ordered on file.

Assembly Chamber, May 24, 2011

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

Assembly Constitutional Amendment No. 11

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

REPORTS

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

California State Auditor

2010-117
May 19, 2011

*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 the Department of Water Resources (Water Resources) and the Department of Finance's (Finance) administration and oversight of general obligation bonds.

This report concludes that Water Resources demonstrated effective oversight of general obligation bonds, but it could improve in certain areas. During our review of a sample of 10 projects, we noted that Water Resources made appropriate decisions when awarding bond funds and making payments for project activities. However, for two of the 10 projects, Water Resources could not demonstrate that it performed site visits or took other steps to ensure the projects achieved their expected outcomes. We also found that Water Resources lacks a documented review process to ensure information posted to the Bond Accountability Web site is correct. Our review of the Web site revealed instances where Water Resources posted inaccurate award information for certain projects and in some cases did not post any information at all.

We also found that Finance should do more to ensure transparency and accountability for bond spending related to the general obligation bonds approved by voters in November 2006 to fund the State's Strategic Growth Plan. The former governor's executive order from January 2007 required Finance to establish a Bond Accountability Web

site that was to include information on the amounts spent on each bond-funded project. However, Finance's approach to establishing the Web site required departments to post information on the amounts awarded and not the amounts spent. By not providing the public with periodic information on the amounts spent for each project—to then compare against amounts awarded—the public lacks a way to measure each project's progress towards completion. In addition, Finance lacks a tracking process to ensure that state departments update the Bond Accountability Web site and describe the expected or realized benefits of bond-funded projects in terms the public can readily understand. Finally, we noted that the executive order requires state agencies to either contract with Finance for audits of bond expenditures or make alternative arrangements for audits with Finance's approval. However, as of late April 2011, Finance had issued audit reports on only three of the state agencies administering the general obligation bonds that support the State's Strategic Growth Plan, and none were of Water Resources.

Sincerely,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Water, Parks and Wildlife.

AUTHOR'S AMENDMENTS
Committee on Elections and Redistricting

May 24, 2011

Mr. Speaker: The Chair of your Committee on Elections and Redistricting reports:
Senate Bill No. 199

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

FONG, Chair

SENATE BILL NO. 199—An act to amend Sections 3017 and 15320 of the Elections Code, relating to vote by mail ballots.

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 Public Safety

May 24, 2011

Mr. Speaker: The Chair of your Committee on Public Safety reports:
Senate Bill No. 390

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

AMMIANO, Chair

SENATE BILL NO. 390—An act to amend Sections 241 and 243 of the Penal Code, relating to crimes.

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.

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

ASSEMBLY BILL NO. 452—An act to amend Section 637.7 of the Penal Code, relating to privacy.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be returned to the second reading file, and to be placed upon the Consent Calendar.

ASSEMBLY BILL NO. 35—An act to add Section 3884.05 to the Food and Agricultural Code, relating to state property.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 1083—An act to amend Sections 1357, 1357.03, 1357.05, 1357.06, 1357.07, 1357.12, and 1357.14 of, and to amend, repeal, and add Sections 1357.15, 1357.50, 1357.51, and 1357.52 of, the Health and Safety Code, and to amend Sections 10700, 10705, 10706, 10707, 10708, 10709, 10714, and 10716 of, and to amend, repeal, and add Sections 10198.6, 10198.7, 10198.9, and 10717 of, the Insurance Code, relating to health care coverage.

Bill read second time; amendments proposed by the Committee on Appropriations read and adopted; bill ordered reprinted and to be returned to the second reading file.

ASSEMBLY BILL NO. 81—An act to add and repeal Section 6357.8 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 204—An act to add Section 6378.2 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 289—An act to amend Section 6363.3 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 303—An act to add and repeal Section 6377 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 703—An act to amend Section 214.02 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1007—An act to add Section 6397 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1195—An act to repeal and amend Sections 17053.80 and 23623 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1339—An act to add and repeal Sections 17053.88 and 23688 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ASSEMBLY BILL NO. 1428—An act to add Sections 17207.7 and 24347.6 to the Revenue and Taxation Code, relating to disaster relief, and declaring the urgency thereof, to take effect immediately.

Bill read second time; amendments proposed by the Committee on Revenue and Taxation read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 7 a.m., Wednesday, May 25, 2011.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON May 24, 2011**

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

AB	RN
35	1118270
81	1118191
204	1118466
289	1118196
303	1118183
452	1118386
703	1118187
1007	1118195
1083	1118314
1195	1118487
1339	1118408
1428	1118194

SB	RN
199	1118494
390	1117113

Daily Total:	14
Cumulative Total:	1401

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