

CALIFORNIA LEGISLATURE  
2011–12 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

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**Wednesday, May 25, 2011**

**EIGHTIETH SESSION DAY**

**ONE HUNDRED SEVENTY-FIRST CALENDAR DAY**

**AT SACRAMENTO, CALIFORNIA**



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**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  
Wednesday, May 25, 2011

The Assembly met at 7 a.m.

Hon. Chris Norby, Assembly Member, 72nd 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—73:

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

Quorum present.

**At 2:27 p.m., Hon. Bonnie Lowenthal, 54th 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 Blumenfield and Carter.*

*On personal business, and waiving per diem: Assembly Members Fletcher, Furutani, and Jones.*

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

*Because of illness: Assembly Member Hueso.*

**EXPLANATIONS OF ABSENCE**

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

May 23, 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 on Wednesday, May 25, 2011, due to legislative business in my district. Thank you for your consideration of this request. Please contact me or Irene Villarruz of my staff should you have any questions.

Sincerely,

**BOB BLUMENFIELD, Assembly Member  
Fortieth District**

(NOTE: For letter explaining the absence of Assembly Member Carter on this day, on legislative business, pursuant to the Assembly Rules, see the Assembly Journal for May 24, 2011.)

**REPORTS**

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

California State Auditor

2010-118  
May 24, 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 covering the operations of the California Prison Industry Authority (CALPIA).

This report concludes that although one of its primary responsibilities is to offer inmates the opportunity to develop effective work habits and occupational skills, CALPIA cannot determine the impact it makes on post-release inmate employability because it lacks reliable data. Specifically, both CALPIA and a consultant it hired were unable to match the social security number of parolees from the California Department of Corrections and Rehabilitation's (Corrections) Offender Based Information System to employment data from the Employment Development Department. We attempted to measure CALPIA's impact using a different source—Corrections' CalParole Tracking System—but could not because we found more than 33,000 instances of erroneous parolee employer information in this system. Our audit also revealed that while CALPIA created a set of comprehensive performance indicators for the entire organization, its opportunity to track its performance is limited because it only recently finalized a tracking matrix in March 2011. Moreover, several of these indicators are either vague or not measurable.

We also noted that CALPIA could improve the accuracy of its annual reports to the Legislature. Although we found that the recidivism rate for parolees who worked for CALPIA were consistently lower than the rates of the general prison population, CALPIA overstated by \$546,000 the savings it asserts result from the lower recidivism rate. Further, CALPIA did not acknowledge that factors other than participating in one of its work programs may have contributed to the lower recidivism rates among its parolees.

CALPIA's closure of more enterprise locations than it has opened has resulted in a decline of work opportunities for inmates. Since 2004 it has established two new enterprises and reactivated or expanded four others; however, during the same time period it closed, deactivated, or reduced the capacity of six other enterprises at 10 locations, resulting in a net loss of 441 inmate positions. Finally, although CALPIA's five largest state agency customers paid more for certain CALPIA products, overall they saved an estimated \$3.1 million during fiscal year 2009–10 when purchasing the 11 products and services that we evaluated.

Respectfully submitted,

ELAINE M. HOWLE, CPA  
State Auditor

Above report referred to the Committee on Public Safety.

#### ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, May 25, 2011

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

Assembly Bill No. 35

Assembly Bill No. 452

Assembly Bill No. 1083

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills ordered returned to second reading file.

Assembly Chamber, May 25, 2011

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

Assembly Bill No. 81

Assembly Bill No. 204

Assembly Bill No. 289

Assembly Bill No. 303

Assembly Bill No. 703

Assembly Bill No. 1007

Assembly Bill No. 1195

Assembly Bill No. 1339

Assembly Bill No. 1428

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above bills re-referred to committee.

#### RESOLUTIONS

The following resolution was offered:

**ASSEMBLY CONCURRENT RESOLUTION NO. 63—Mansoor and Solorio (Coauthor: Senator Correa).** Relative to Veterans of the Republic of Vietnam Armed Forces Day.

**AUTHOR'S AMENDMENTS**  
**Committee on Revenue and Taxation**

May 25, 2011

Mr. Speaker: The Chair of your Committee on Revenue and Taxation reports:  
Assembly Bill No. 304

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

PEREA, Chair

**ASSEMBLY BILL NO. 304**—An act to add and repeal Sections 17053.81 and 23623.2 of 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.

**Committee on Transportation**

May 25, 2011

Mr. Speaker: The Chair of your Committee on Transportation reports:  
Senate Bill No. 341

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

LOWENTHAL, Chair

**SENATE BILL NO. 341**—An act to amend Section 27000 of the Vehicle Code, relating to vehicles.

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**  
**ASSEMBLY BILLS RETURNED TO SECOND READING FILE**  
**PURSUANT TO THE RULES**

Pursuant to the Assembly Rules, the following Assembly bills were this day on the second reading file:

Assembly Bills Nos. 35 and 1083, ordered to third reading.

Assembly Bill No. 452, ordered to the Consent Calendar.

**UNFINISHED BUSINESS**  
**MOTIONS TO RECONSIDER BILLS CONTINUED**

By unanimous consent, the motions to reconsider the votes on Assembly Bills Nos. 64 and 834, and Senate Bill No. 77 were continued until the next legislative day.

**ADJOURNMENT**

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, May 26, 2011.

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JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE  
ASSEMBLY ON MAY 25, 2011**

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

**AB RN**  
304 1117503

**SB RN**  
341 1118578

**Daily Total: 2**  
**Cumulative Total: 1403**

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