

CALIFORNIA LEGISLATURE
2011–12 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Wednesday, July 13, 2011

ONE HUNDRED NINTH SESSION DAY

TWO HUNDRED TWENTIETH 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
Wednesday, July 13, 2011

The Assembly met at 7 a.m.

Hon. Jim Beall, Assembly Member, 24th 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—72:

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

Quorum present.

At 1:58 p.m., Hon. Steven Bradford, 51st 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 Ammiano and Huffman.

On personal business, and waiving per diem: Assembly Members Fletcher, Furutani, Grove, and Mitchell.

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

Because of illness in her family: Assembly Member Beth Gaines.

EXPLANATIONS OF ABSENCE

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

July 13, 2011

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

Dear Speaker Pérez: I write to request permission to be excused from Check-in Session on Wednesday, July 13, 2011 on legislative business. I have a legislative matter that I must attend to in my district. Thank you for your assistance in this matter. If you have any questions or need more information, please contact Lourdes Machado, at (916) 319-2013.

Sincerely,

TOM AMMIANO, Assembly Member
Thirteenth District

July 11, 2011

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

Dear Mr. Speaker: I respectfully request permission to be excused from Check-in Session on legislative business on July 13, 2011. I have been invited to be a speaker at a district event. Thank you for your assistance. Please contact my office should any questions arise.

Sincerely,

JARED HUFFMAN, Assembly Member
Sixth District

COMMUNICATIONS

The following communication was presented by the Speaker, and ordered printed in the Journal:

July 13, 2011

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

Dear Dotson: Please be advised that I have appointed Assemblymember Roger Dickinson to replace Assemblymember Mike Gatto on the Assembly Appropriations Committee for today's hearing only.

Sincerely,

JOHN A. PÉREZ
Speaker of the Assembly

REPORTS

The following letters of transmittal were presented by the Chief Clerk and ordered printed in the Journal:

California State Auditor

2010-116
July 12, 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 state's Sex Offender Commitment Program (program), which targets a narrow subpopulation of sex offenders (offenders)—those who represent the highest risk to public safety because of mental disorders. Our analysis shows that between 2007 and 2010 less than 1 percent of the offenders whom the Department of Mental Health (Mental Health) evaluated as sexually violent predators (SVPs) met the criteria necessary for commitment.

Our report concludes that the Department of Corrections and Rehabilitation (Corrections) and Mental Health's processes for identifying and evaluating SVPs are not as efficient as they could be and at times have resulted in the State performing unnecessary work. The current inefficiencies in the process for identifying and evaluating potential SVPs stems in part from Corrections' interpretation of state law. These inefficiencies were compounded by recent changes made by voters through the passage of Jessica's Law in 2006. Specifically, Jessica's Law added more crimes to the list of sexually violent offenses and reduced the required number of victims to be considered for the SVP designation from two to one, and as a result many more offenders became potentially eligible for commitment. Additionally, Corrections refers all offenders convicted of specified criminal offenses enumerated in law but does not consider whether an offender committed a predatory offense or other factors that make the person likely to be an SVP, both of which are required by state law. As a result, the number of referrals Mental Health received dramatically increased from 1,850 in 2006 to 8,871 in 2007, the first full year Jessica's Law was in effect. In addition, in 2008 and 2009 Corrections referred 7,338 and 6,765 offenders, respectively. However, despite the increased number of referrals it received, Mental Health recommended to the district attorneys or the county counsels responsible for handling SVP cases about the same number of offenders in 2009 as it did in 2005, before the voters passed Jessica's Law. In addition, the courts ultimately committed only a small percentage of those offenders. Further, we noted that 45 percent of Corrections' referrals involved offenders whom Mental Health previously screened or evaluated and had found not to meet SVP criteria. Corrections' process did not consider the results of previous referrals or the nature of parole violations when re-referring offenders, which is allowable under the law.

Our review also found that Mental Health primarily used contracted evaluators to perform its evaluations—which state law expressly permits through the end of 2011. Mental Health indicated that it has had difficulty attracting qualified evaluators to its employment and hopes to remedy the situation by establishing a new position with higher pay that is more competitive with the contractors. However, it has not kept the Legislature up to date regarding its efforts to hire staff to perform evaluations, as state law requires, nor has it reported the impact of Jessica’s Law on the program.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Public Safety.

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 13, 2011

Mr. Speaker: Pursuant to your instructions, the Chief Clerk has examined:
Assembly Concurrent Resolution No. 68

And reports the same correctly engrossed.

E. DOTSON WILSON, Chief Clerk

Above resolution re-referred to committee.

AUTHOR’S AMENDMENTS
Committee on Appropriations

July 13, 2011

Mr. Speaker: The Chair of your Committee on Appropriations reports:
Senate Bill No. 744
Senate Bill No. 836

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

FUENTES, Chair

SENATE BILL NO. 744—An act to amend Section 12531 of, and to add and repeal Chapter 17 (commencing with Section 13850) of Division 5 of, the Business and Professions Code, relating to water submeters.

Bill read second time.

SENATE BILL NO. 836—An act to add Section 911 to the Public Utilities Code, relating to energy.

Bill read second time.

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

REPORTS OF STANDING COMMITTEES
Committee on Appropriations

Date of Hearing: July 13, 2011

Mr. Speaker: Your Committee on Appropriations reports:

- | | |
|---------------------|---------------------|
| Senate Bill No. 41 | Senate Bill No. 514 |
| Senate Bill No. 201 | Senate Bill No. 585 |
| Senate Bill No. 325 | Senate Bill No. 835 |
| Senate Bill No. 510 | Senate Bill No. 897 |

With the recommendation: Do pass.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: July 13, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 10
Senate Bill No. 126
Senate Bill No. 146
Senate Bill No. 303
Senate Bill No. 363
Senate Bill No. 374
Senate Bill No. 380
Senate Bill No. 419

Senate Bill No. 495
Senate Bill No. 503
Senate Bill No. 506
Senate Bill No. 512
Senate Bill No. 532
Senate Bill No. 562
Senate Bill No. 595

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: July 13, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 601
Senate Bill No. 607
Senate Bill No. 664

Senate Bill No. 674
Senate Bill No. 711
Senate Bill No. 935

With the recommendation: Do pass.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bills be placed on the Consent Calendar.

FUENTES, Chair

Above bills ordered to second reading.

Date of Hearing: July 13, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 451

With amendments with the recommendation: Amend, and do pass, as amended.

FUENTES, Chair

Above bill ordered to second reading.

Date of Hearing: July 13, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Senate Bill No. 933

With the recommendation: Do pass, as amended.

Pursuant to the provisions of Joint Rules Nos. 22.1, 22.2, and 22.3, the committee recommends that the above bill be placed on the Consent Calendar.

FUENTES, Chair

Above bill ordered to second reading.

Date of Hearing: July 13, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Senate Concurrent Resolution No. 6

With the recommendation: Be adopted.

FUENTES, Chair

Above resolution ordered to third reading.

Date of Hearing: July 13, 2011

Mr. Speaker: Your Committee on Appropriations reports:

Assembly Joint Resolution No. 1

With amendments with the recommendation: Amend, and be adopted as amended.

FUENTES, Chair

Above resolution ordered to second reading.

**CONSIDERATION OF DAILY FILE
SENATE BILLS RETURNED TO SECOND READING FILE
PURSUANT TO THE RULES**

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

Senate Bills Nos. 441, 614, and 568, ordered to third reading.

SECOND READING OF SENATE BILLS

SENATE BILL NO. 436—An act to amend Section 65965 of, and to add, repeal, and add Sections 65966, 65967, and 65968 of, the Government Code, relating to land use.

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

SENATE BILL NO. 468—An act to add Sections 103 and 149.10 to the Streets and Highways Code, relating to transportation.

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

SENATE BILL NO. 26—An act to add Section 4576 to the Penal Code, relating to prisons.

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

SENATE BILL NO. 682—An act to add Sections 3011 and 3016 to the Public Resources Code, relating to public resources.

Bill read second time; amendments proposed by the Committee on Environmental Safety and Toxic Materials read and adopted; bill ordered reprinted and to be re-referred to the Committee on Natural Resources.

SENATE BILL NO. 861—An act to add Section 10490 to the Public Contract Code, relating to public contracts.

Bill read second time; amendments proposed by the Committee on Jobs, Economic Development, and the Economy read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 225—An act to add Section 44559.10 to the Health and Safety Code, relating to the California Pollution Control Financing Authority.

Bill read second time; amendments proposed by the Committee on Jobs, Economic Development, and the Economy read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 132—An act to amend Sections 17211 and 17251 of, and to add Section 17070.31 to, the Education Code, and to amend Section 13102 of the Government Code, relating to school facilities.

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

SENATE BILL NO. 140—An act to add and repeal Sections 60209, 60227.5, and 60605.86 of the Education Code, relating to pupil instruction.

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

SENATE BILL NO. 161—An act to add and repeal Section 49414.7 of the Education Code, relating to pupil health.

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

SENATE BILL NO. 302—An act to add Section 60054 to, and to add and repeal Section 60053 of, the Education Code, relating to instructional materials.

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

SENATE BILL NO. 500—An act to amend Sections 54690 and 54694 of, and to add Section 54697.5 to, the Education Code, relating to partnership academies.

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

SENATE BILL NO. 537—An act to amend Sections 500, 500.1, 501, 502, 502.1, 502.2, 502.5, 503, 504, 506, 507, 508, 509, 510, 511, 511.5, 512, 513, 514, 515, 516, 516.1, 517, 518, 519, 520, 520.1, 530, and 531 of, to add Sections 502.3 and 532 to, and to repeal and add Section 505 of, the Military and Veterans Code, relating to the military.

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

SENATE BILL NO. 547—An act to amend and repeal Sections 52052 and 52052.1 of, and to add Sections 52052.8, 52052.81, 52052.82, 52052.83, and 52052.84 to, the Education Code, relating to school accountability.

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

SENATE BILL NO. 611—An act to add Section 66205.6 to the Education Code, relating to instructional strategies.

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

SENATE BILL NO. 612—An act to amend Sections 99200, 99200.5, 99201, 99202, and 99203 of, and to repeal Section 99206 of, the Education Code, relating to instructional strategies.

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

SENATE BILL NO. 645—An act to amend Sections 17183, 17199.1, 17199.3, 47607, and 47614.5 of the Education Code, relating to charter schools.

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

SENATE BILL NO. 650—An act to add and repeal Section 76003 of, and to add and repeal Article 1.5 (commencing with Section 48810) of Chapter 5 of Part 27 of Division 4 of Title 2 of, the Education Code, relating to the College Promise Partnership Act.

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

SENATE BILL NO. 753—An act to amend Section 313 of the Education Code, relating to pupils.

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

SENATE BILL NO. 461—An act to amend Section 51420 of the Education Code, relating to high school equivalency certificates.

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

SENATE BILL NO. 754—An act to amend Section 60810 of the Education Code, relating to pupil assessment.

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

SENATE BILL NO. 163—An act to amend Sections 6001.2, 6005, 6006, 6007, 6008.1, 6008.4, 6010, 6011, 6013.6, 6015, 6016, 6018, 6019, 6020, 6021, 6024, 6033, 6036, 6037, 6040, 6042, 6046.7, 6069, 6070, 6076, 6076.5, 6079.5, 6086, 6086.5, 6086.14, 6140, 6140.05, 6140.5, 6161, 6168, 6169, 6170, 6190.1, 6200, 6201, 6203, 6204, 6206, 6222, 6225, 6226, 6231, and 6238 of, and to add Sections 6001.1, 6009.7, 6012, 6013.2, 6013.3, 6026.7, and 6140.12, to, to repeal Sections 6012.5, 6013.4, 6014, and 6017 of, and to repeal and add Section 6013.1 of, the Business and Professions Code, relating to attorneys.

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

SENATE BILL NO. 684—An act to add Section 11658.5 to the Insurance Code, relating to workers' compensation insurance.

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

SENATE BILL NO. 642—An act to amend Sections 3050.7 and 11713.3 of the Vehicle Code, relating to vehicles.

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

SENATE BILL NO. 550—An act to amend Sections 21800, 21804, 21805, and 21806 of, to add Section 21807 to, and to repeal and add Sections 21801, 21802, and 21803 of, the Business and Professions Code, relating to business.

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

SENATE BILL NO. 179—An act to amend Section 3000 of the Penal Code, and to amend Section 6601 of the Welfare and Institutions Code, relating to sex offenders.

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

SENATE BILL NO. 460—An act to amend Sections 13996.4, 13996.45, and 13996.6 of the Government Code, relating to international trade.

Bill read second time; amendments proposed by the Committee on Jobs, Economic Development, and the Economy read and adopted; bill ordered reprinted and to be re-referred to the Committee on Appropriations.

SENATE BILL NO. 477—An act relating to the Inglewood Unified School District, and making an appropriation therefor.

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

SENATE BILL NO. 600—An act to amend Section 20111.5 of, and to add Section 20111.6 to, the Public Contract Code, relating to public contracts.

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

ENGROSSMENT AND ENROLLMENT REPORTS

Assembly Chamber, July 13, 2011

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

Assembly Concurrent Resolution No. 15

Assembly Concurrent Resolution No. 41

And reports the same correctly enrolled, and presented to the Secretary of State on the 13th day of July, 2011, at 11:15 a.m.

E. DOTSON WILSON, Chief Clerk

ADJOURNMENT

At 3 p.m., the Assembly adjourned until 9 a.m., Thursday, July 14, 2011.

JOHN A. PÉREZ, Speaker

AMY LEACH, Minute Clerk

**AMENDMENTS CONSIDERED BY THE
ASSEMBLY ON JULY 13, 2011**

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

SB	RN	
26	1122766	
132	1122992	
140	1122982	
161	1123018	
163	1123232	
179	1122854	
225	1122812	
302	1122983	
436	1123216	
460	1122874	
461	1123020	
468	1122786	
477	1123042	
500	1122999	
537	1122989	
547	1123019	
550	1123251	
600	1123282	
611	1122965	
612	1123035	
642	1122973	
645	1123005	
650	1123036	
682	1123011	
684	1122949	
744	1122475	
753	1122979	
754	1123039	
836	1122759	
861	1123268	
Daily Total:		30
Cumulative Total:		1995