

CALIFORNIA LEGISLATURE

2009–10 REGULAR SESSION

ASSEMBLY JOURNAL

RECESS JOURNAL NO. 7

ORGANIZATIONAL RECESS

Assembly Chamber, Sacramento
Friday, December 12, 2008

Pursuant to the provisions of Joint Rule 59, the following Assembly Journal for the 2009–10 Regular Session was printed while the Assembly was in Organizational Recess.

REPORTS

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

California State Auditor

2008-112
November 18, 2008

*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 Bureau of State Audits presents its audit report concerning the disposal of electronic waste (e-waste) by state agencies. This report concludes that a lack of clear communication from oversight agencies, coupled with some state employees' lack of knowledge about e-waste, contributed to state agencies improperly disposing of some electronic devices in the trash. We reviewed the disposal practices of five state agencies, and found that all five had either discarded some of their electronic devices in the trash, or indicated they had done so. The Department of Motor Vehicles and the Employment Development Department collectively discarded 26 electronic devices in the trash. These items included fax machines, speakers, calculators, and a videocassette recorder. The three remaining state agencies in our sample—the California Highway Patrol, the Department of Transportation, and the Department of Justice—did not have records

clearly indicating how they disposed of 382 electronic devices; however, they asserted that more than 350 of these items were discarded in the trash.

As a result, oversight agencies such as the Department of General Services (General Services), the California Integrated Waste Management Board (Waste Management Board), and the Department of Toxic Substances Control have an opportunity to collaboratively find ways to more effectively communicate how state agencies should manage their e-waste. Because e-waste can contain toxic metals such as lead and mercury, the improper disposal of this waste by state agencies can have adverse consequences for the environment and the public's health. It is difficult to quantify the amount of e-waste that state agencies generate and dispose of. At most, we saw that some state agencies annually report the amount of solid waste they divert from municipal landfills. Although some state agencies include information specific to e-waste in these reports, the Waste Management Board explained that e-waste is not solid waste, thus state agencies are not required to report this information.

Finally, our review found that state and local oversight of e-waste is infrequent and may not always identify instances when state agencies improperly dispose of e-waste. A state agency's decision regarding how to dispose of its e-waste is subject to review by General Services and local entities. General Services' reviews have focused on whether a state agency obtained proper approval prior to disposing of its surplus property, which can include e-waste items, and whether it disposed of these items promptly. Until recently, these reviews did not evaluate how a state agency actually disposed of its e-waste. For state agencies located within its jurisdiction, Sacramento County performs periodic inspections of those that generate hazardous waste; however, these reviews do not take place for those that only generate universal waste—a less-regulated type of hazardous waste that includes e-waste. Instead, Sacramento County will evaluate a state agency's compliance with universal waste requirements if it is also a generator of hazardous waste.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Environmental Safety and Toxic Materials.

California State Auditor

2008-103
November 20, 2008

*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 Bureau of State Audits presents its audit report concerning the California Unemployment Insurance Appeals Board's (appeals board) hiring, procurement, and administrative practices.

This report concludes that the appeals board's hiring managers were not always allowed to consider all applicants for a given position

because of a freeze on outside hires and did not consistently document their reasons for hiring a particular candidate. In addition, nearly half of the employees who responded to our survey believed that the appeals board's hiring and promotion practices were compromised by familial relationships or employee favoritism. Deficiencies in the appeals board's hiring practices may contribute to this perception among employees. In response to concerns about nepotism, the appeals board recently adopted a more restrictive policy stating that it retains the right to refuse to appoint a person to a position whose relationship to another appeals board employee has the potential for creating an adverse impact on supervision, security, or morale, or involves a potential conflict of interest. However, we believe that the appeals board cannot currently enforce its new nepotism policy against persons who are not presently employed by the appeals board because the new policy should have been submitted to the State's Office of Administrative Law for approval as a regulation. Furthermore, over roughly the past five years employees submitted few equal employment opportunity (EEO) complaints or grievances, and 40 percent of employees who responded to our survey indicated that they would have some fear of retaliation from their supervisors or upper management if they were to file either an EEO complaint or grievance.

We also found that a former board member may have violated conflict of interest laws. As required by audit standards, we referred the matter to the Sacramento County District Attorney and the California Attorney General for their consideration. Finally, certain weaknesses in the appeals board's controls over travel expenses prevent it from demonstrating the business purpose of some travel expenses and resulted in some questionable costs that may need to be recovered.

Respectfully submitted,

ELAINE M. HOWLE, CPA
State Auditor

Above report referred to the Committee on Insurance.

The following reports were presented by the Chief Clerk and ordered printed in the Journal:

**California National Guard Armories
(Pursuant to Assembly Bill 1712, Chapter 742, Statutes of 2007)**

Above transmitted report, together with letter of transmittal from Mary J. Kight, Brigadier General, Assistant Adjutant General, Military Department, Office of the Adjutant General, dated November 5, 2008, referred by the Speaker to the Committee on Veterans Affairs.

**January through March 2008 Capital Outlay
Quarterly Report
(Pursuant to Penal Code Section 7003.5)**

Above transmitted report, together with letter of transmittal from Matthew L. Cate, Secretary, Department of Corrections and Rehabilitation, dated November 4, 2008, referred by the Speaker to the Committee on Public Safety.

**UC Merced 2009 Draft Long Range Development Plan (LRDP)
and Draft Environmental Impact Statement/
Environmental Impact Report (EIS/EIR)
(Pursuant to Supplemental Report of the 2007 Budget Act, 6440-001-0001)**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated November 12, 2008, referred by the Speaker to the Committee on Higher Education.

**An Evaluation of the Districts of Choice Program
(Pursuant to Senate Bill 80, Chapter 174, Statutes of 2007)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated November 19, 2008, referred by the Speaker to the Committee on Education.

**California High School Exit Exam Litigation
Fourth Quarter Fiscal Year 2007–08
(Pursuant to 2007–08 Budget Act, Item 6110-001-0001, Provision 18)**

Above transmitted report, together with letter of transmittal from Jack O'Connell, State Superintendent of Public Instruction, Department of Education, dated November 21, 2008, referred by the Speaker to the Committee on Education.

**Fraud Deterrence and Detection Activities
(Pursuant to Unemployment Insurance Code Section 2614)**

Above transmitted report, together with letter of transmittal from Patrick W. Henning, Director, Department of Employment Development, dated November 25, 2008, referred by the Speaker to the Committee on Insurance.

**Annual Report on Sales and Use Tax
Audit and Collection Activities for Fiscal Year 2006–07 and
Audit Selection Improvements
(Pursuant to Supplemental Report of the 2002 Budget Act
Item 0860-001-0001)**

Above transmitted report, together with letter of transmittal from Ramon J. Hirsig, Executive Director, Board of Equalization, dated December 1, 2008, referred by the Speaker to the Committee on Revenue and Taxation.

**The Need for New Judgeships in the Superior Courts
(Pursuant to Government Code Section 69614(c))**

Above transmitted report, together with letter of transmittal from William C. Vickrey, Administrative Director of the Courts, Judicial Council of California, dated November 26, 2008, referred by the Speaker to the Committee on Judiciary.

**Streamlined Capital Outlay Projects Funded from
Capital Outlay Bond Funds
(Pursuant to 1998 Bond Fund (0574), 2000 Water Bond (6014),
2002 Bond Fund (6028), 2004 Bond Fund (6041),
and 2006 Bond Fund (6048))**

Above transmitted report, together with letter of transmittal from Mark G. Yudof, President, University of California, dated November 20, 2008, referred by the Speaker to the Committee on Budget.

INTRODUCTION OF ASSEMBLY BILLS

The following bills were introduced:

ASSEMBLY BILL NO. 68—Brownley. An act to add Chapter 5.3 (commencing with Section 42280) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

ASSEMBLY BILL NO. 69—Duvall. An act to repeal and add Section 66025 of the Education Code, relating to postsecondary education.

ASSEMBLY BILL NO. 70—Duvall. An act to add Section 313.5 to the Education Code, relating to English learners.

ASSEMBLY BILL NO. 71—Duvall. An act to add Section 47634 to, to repeal Sections 41311, 42243.7, 47634.1, 47634.4, 49452.8, 49501, 49536, 52244, and 52272 of, to repeal Chapter 4 (commencing with Section 400) of Part 1 of Division 1 of Title 1 of, to repeal Article 8 (commencing with Section 8150) of Chapter 1 of Part 6 of Division 1 of Title 1 of, to repeal Article 4 (commencing with Section 37252) of Chapter 2 of Part 22 of Division 3 of Title 2 of, to repeal Article 10 (commencing with Section 41850) of Chapter 5 of Part 24 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 42290) of Chapter 7 of Part 24 of Division 3 of Title 2 of, to repeal Chapter 11.3 (commencing with Section 42920) of Part 24 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 44279.1), Article 11 (commencing with Section 44380), Article 12 (commencing with Section 44390, and Article 13 (commencing with Section 44395) of Chapter 2 of Part 25 of Division 3 of Title 2 of, to repeal Article 4.5 (commencing with Section 44500), Article 4.6 (commencing with Section 44510), and Article 6 (commencing with Section 44560) of Chapter 3 of Part 25 of Division 3 of Title 2 of, to repeal Chapter 3.34 (commencing with Section 44730) and Chapter 3.36 (commencing with Section 44735) of Part 25 of Division 3 of Title 2 of, to repeal Article 3 (commencing with Section 48660) of Chapter 4 of Part 27 of Division 4 of Title 2 of, to repeal Article 11 (commencing with Section 49550) and Article 11.5 (commencing with Section 49565) of Chapter 9 of Part 27 of Division 4 of Title 2 of, to repeal Article 15 (commencing with Section 51870) of Chapter 5 of Part 28 of Division 4 of Title 2 of, to repeal Article 3.5 (commencing with Section 52055.600) of Chapter 6.1 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 6.5 (commencing with Section 52060) of Part 28 of Division 4 of Title 2 of, to repeal Article 4 (commencing with Section 52180) of Chapter 7 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 8 (commencing with Section 52200) of Part 28 of Division 4 of Title 2 of, to repeal Article 4.5 (commencing with Section 52378) and Article 7.5 (commencing with Section 52460) of Chapter 9 of Part 28 of Division 4 of Title 2 of, to repeal Article 6 (commencing with Section 52890) of Chapter 12 of Part 28 of Division 4 of Title 2 of, to repeal Chapter 12.5 (commencing with Section 52920) of Part 28 of Division 4 of Title 2 of, to repeal Article 2 (commencing with Section 54020) of Chapter 1 of Part 29 of Division 4 of Title 2 of, to repeal Article 5 (commencing with Section 54690) and Article 7.1 (commencing with Section 54740) of Chapter 9 of Part 29 of Division 4 of Title 2 of, to repeal Chapter 6 (commencing with Section 58800) of Part 31 of Division 4 of Title 2 of, to repeal Article 3 (commencing with Section 60240) of Chapter 2 of Part 33 of Division 4 of Title 2 of, and to repeal Chapter 5 (commencing with Section 99200) of Part 65 of Division 14 of Title 3 of, and to repeal and add Chapter 3.2 (commencing with Section 41500) of Part 24 of Division 3 of Title 2 of, the Education Code, relating to public school finance, and making an appropriation therefor.

ASSEMBLY BILL NO. 72—Duvall. An act to add Section 49079.5 to the Education Code, relating to pupil data.

KAREN BASS, Speaker

SUE PARKER, Assistant Chief Clerk