

CALIFORNIA LEGISLATURE
2007-08 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

Friday, January 5, 2007
FOURTH SESSION DAY
THIRTY-THIRD 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.

(Please Direct Any Inquiries and Report Any Omissions or Errors to
Sue Parker, Minute Clerk: Phone 319-2360)

PROCEEDINGS OF THE ASSEMBLY

IN ASSEMBLY

Assembly Chamber, Sacramento
Friday, January 5, 2007

The Assembly met at 9:05 a.m.
Hon. Sally J. Lieber, Speaker pro Tempore of the Assembly,
presiding.
Chief Clerk E. Dotson Wilson at the Desk.
Assistant Clerk Elizabeth Potter reading.

ROLL CALL

The roll was called.

Quorum Call of the Assembly

Assembly Member Beall moved a quorum call of the Assembly.
Motion carried.
The Speaker pro Tempore directed the Sergeant at Arms to close the
doors, and to bring in the absent Members.

Quorum Present

At 9:13 a.m., Speaker pro Tempore Lieber declared a quorum of the
Assembly present.

The roll call was completed, and the following answered to their
names—76:

Adams	DeSaulnier	Karnette	Price
Aghazarian	DeVore	Keene	Richardson
Alarcón	Duvall	Krekorian	Runner
Anderson	Dymally	La Malfa	Ruskin
Arambula	Emmerson	Laird	Salas
Bass	Eng	Leno	Saldaña
Beall	Evans	Levine	Silva
Benoit	Feuer	Lieber	Smyth
Berg	Fuller	Lieu	Solorio
Berryhill	Gaines	Ma	Soto
Blakeslee	Galgiani	Maze	Spitzer
Brownley	Garcia	Mendoza	Strickland
Caballero	Garrick	Mullin	Swanson
Carter	Hayashi	Nakanishi	Torrico
Cook	Hernandez	Nava	Tran
Coto	Horton	Niello	Villines
Davis	Huffman	Parra	Walters
De La Torre	Jeffries	Plescia	Wolk
De León	Jones	Portantino	Mr. Speaker

PRAYER

Upon invitation of Speaker pro Tempore Lieber, the following prayer was offered by Assembly Chaplain Father Constantine C. Pappademos:

Lord, Help us to stand for righteousness, to live above reproach and to walk in holiness. In these first days of the new year, help us also, Lord, to look forward, not backward; to move to the next level of obedience to You and to look to our next challenge with faith. Let us learn from the setbacks we may have experienced in the past, and like Joshua of old, hear God saying, “Be strong and of good courage; do not be afraid, nor be dismayed, for the Lord your God is with you wherever you go.” (Joshua 1:9)—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker pro Tempore Lieber, Assembly Member Salas then led the Assembly in the pledge of allegiance to the Flag.

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Assembly Member Bass, seconded by Assembly Member Blakeslee.

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 and Huff.

On personal business, and waiving per diem: Assembly Members Hancock and Houston.

EXPLANATIONS OF ABSENCE

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

January 4, 2007

*The Honorable Fabian Núñez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California*

Dear Speaker Núñez: I respectfully request to be excused from Session tomorrow, Friday, January 5, 2007, for legislative business.

Thank you for your consideration of this request.

Sincerely,

CHARLES M. CALDERON, Assembly Member
Fifty-eighth District

December 19, 2006

*The Honorable Fabian Núñez, Speaker
State Capitol, Room 219
Sacramento, California*

Dear Mr. Speaker: I write you today to respectfully request permission to be excused from Floor Session on Friday, January 5, 2007, in order to attend meetings in my district. Should you require further information, please contact my Legislative Director, Faith Conley.

Sincerely,

BOB HUFF, Assembly Member
Sixtieth District

COMMUNICATIONS

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

January 4, 2007

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

RE: Appointment of Gene Mullin, Loni Hancock and Jean Fuller to State Allocation Board

Dear Mr. Wilson: Please be advised I have appointed Assemblymembers Gene Mullin, Loni Hancock and Jean Fuller to the State Allocation Board for January 10, 2007 only.

Sincerely,

FABIAN NUÑEZ
Speaker of the Assembly

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

January 5, 2007

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

Dear Mr. Wilson: Please be advised that the following has been donated to the Assembly and received and processed by the Assembly Committee on Rules pursuant to Fair Political Practices Commission Regulation 18944.2 (Title 2, California Code of Regulations):

Source:	City of Los Angeles
Value:	\$50 a month/\$600 a year per parking pass
Purpose:	Airport parking (and shuttle service at LAX only) for Assembly Members traveling on Assembly business to and from Los Angeles International Airport.

Person for Whom Assemblymember Karen Bass
Donations Used: Assemblymember Mike Feuer
 Assemblymember Mervyn Dymally
 Assemblymember Betty Karnette
 Assemblymember Julia Brownley

Please cause this letter to be printed in the Assembly Journal in accordance with HR 37.

Sincerely,

JON WALDIE
Chief Administrative Officer
California State Assembly

Proposed Initiatives

The following communication was presented by the Chief Clerk from:

Patricia Galván, Initiative Coordinator, Department of Justice, Office of the Attorney General, Sacramento, dated December 26, 2006, transmitting copies of the title, summary, and text of the following proposed initiatives, pursuant to Section 9007, Elections Code:

**Temporary Facilities for Inmates from Overcrowded County Jails.
Limitation on Temporary Disability Benefits for County Inmates.
Initiative Statute. SA 06-0037**

Referred by the Speaker to the Committees on Public Safety and Insurance.

REPORTS

The following reports were presented by the Chief Clerk:

**Board of Vocational Nursing and Psychiatric Technicians Report
(Pursuant to Business and Professions Code
Division 2, Chapter 1, Article 11, Section 800)**

Above transmitted report, together with letter of transmittal from Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer, Board of Vocational Nursing and Psychiatric Technicians, dated December 14, 2006, referred by the Speaker to the Committee on Business and Professions.

**Report on Revocable Transfer on Death Deed
(Pursuant to Assembly Bill 12, Chapter 422, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Brian Hebert, Executive Secretary, California Law Revision Commission, dated December 29, 2006, referred by the Speaker to the Committee on Judiciary.

**San Jacinto River Watershed Sanitary Survey Update and
Canyon Lake Reservoir Senate Bill 979 Compliance Report
(Pursuant to Senate Bill 979, Chapter 139, Statutes of 2005)**

Above transmitted report, together with letter of transmittal from Sarah M. Garber, Principal Environmental Scientist, Elsinore Valley Municipal Water District, dated December 28, 2006, referred by the Speaker to the Committee on Environmental Safety and Toxic Material.

ASSEMBLY RULE 118 SUSPENDED—PRIVILEGES OF THE FLOOR

Assembly Member Duvall was granted unanimous consent that Assembly Rule 118 be suspended granting the privileges of the Floor and permitting a guest to sit at his desk in the Assembly Chamber.

**CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 1
BY UNANIMOUS CONSENT**

Assembly Member De La Torre was granted unanimous consent to take up Senate Concurrent Resolution No. 1 without reference to file, for purpose of consideration.

SENATE CONCURRENT RESOLUTION NO. 1 (Scott)—Relative to the adoption of the Joint Rules of the Senate and Assembly for the 2007–08 Regular Session.

Resolution read, presented by Assembly Member De La Torre, and adopted by the following vote:

AYES—75

Adams	DeSaulnier	Keene	Richardson
Aghazarian	DeVore	Krekorian	Runner
Alarcón	Duvall	La Malfa	Ruskin
Anderson	Dymally	Laird	Salas
Arambula	Emmerson	Leno	Saldaña
Bass	Eng	Levine	Silva
Beall	Evans	Lieber	Smyth
Benoit	Feuer	Lieu	Solorio
Berg	Gaines	Ma	Soto
Berryhill	Galgiani	Maze	Spitzer
Blakeslee	Garcia	Mendoza	Strickland
Brownley	Garrick	Mullin	Swanson
Caballero	Hayashi	Nakanishi	Torrico
Carter	Hernandez	Nava	Tran
Cook	Horton	Niello	Villines
Coto	Huffman	Parra	Walters
Davis	Jeffries	Plescia	Wolk
De La Torre	Jones	Portantino	Mr. Speaker
de León	Karnette	Price	

NOES—None

Resolution ordered transmitted to the Senate.

ANNOUNCEMENTS

Speaker pro Tempore Lieber announced the following session schedule:

Monday, January 8, 2007, Check-in Session, 7 a.m.–3 p.m.;

Tuesday, January 9, 2007, Floor Session, 4:30 p.m.;

Wednesday, January 10, 2007, Check-in Session, 7 a.m.–3 p.m.;

Thursday, January 11, 2007, Check-in Session, 7 a.m.–3 p.m.;

Friday, January 12, 2007, Floor Session, 9:30 a.m.

ADJOURN IN MEMORY

Assembly Members Ma and Mullin were granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of San Francisco police officer Bryan Tuvera, of San Francisco.

(Assembly Rule 45.5 suspended.)

ADJOURN IN MEMORY

Assembly Member Blakeslee was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Jan Simas, of San Luis Obispo.

Assembly Member Parra was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Stephen E. Wall Jr., of Lamont.

Assembly Member Adams was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Army Spec. Elias Elias, of Glendora and Army Spec. Nicholas P. Steinbacher, of La Crescenta.

Assembly Member Berg was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of Dr. Jerold Phelps, of Garberville.

Assembly Member Leno was granted unanimous consent that when the Assembly adjourns on this day it do so out of respect to the memory of David Jones, of San Francisco.

VOTE ADDS

The following Assembly Members were granted unanimous consent to record their votes on the following item:

Senate Concurrent Resolution No. 1: Anderson and Dymally—Aye.

MOTION TO ADJOURN

At 9:30 a.m., Assembly Member Bass moved that the Assembly do now adjourn.

Assembly Member Blakeslee seconded the motion.

Motion carried.

QUORUM CALL OF THE ASSEMBLY DISPENSED WITH

At 9:31 a.m., Speaker pro Tempore Lieber declared the quorum call of the Assembly dispensed with.

**INTRODUCTION AND FIRST READING OF
ASSEMBLY BILLS**

The following bills were introduced and read the first time:

ASSEMBLY BILL NO. 109—Nunez. An act to add Section 38599.5 to the Health and Safety Code, relating to air pollution.

ASSEMBLY BILL NO. 110—Laird (Coauthors: Berg, Evans, Hancock, Jones, and Leno) (Coauthors: Senators Kehoe and Kuehl). An act to amend Section 121349.3 of, and to add Chapter 1.5 (commencing with Section 120780) to Part 4 of Division 105 of, the Health and Safety Code, relating to the use of state HIV prevention and education funds for distribution of needles and syringes.

ADJOURNMENT

At 3 p.m., pursuant to the motion by Assembly Member Bass, the Assembly adjourned until 7 a.m., Monday, January 8, 2007, out of respect to the memory of San Francisco Police Officer Bryan Tuvera, on motion of Assembly Members Ma and Mullin; out of respect to the memory of Jan Simas, on motion of Assembly Member Blakeslee; out of respect to the memory of Stephen E. Wall Jr., on motion of Assembly Member Parra; out of respect to the memory of Army Spec. Elias Elias and Army Spec. Nicholas P. Steinbacher, on motion of Assembly Member Adams; out of respect to the memory of Dr. Jerold Phelps, on motion of Assembly Member Berg; and out of respect to the memory of David Jones, on motion of Assembly Member Leno.

FABIAN NUÑEZ, Speaker

SUE PARKER, Minute Clerk

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